



An tSeirbhís Chúirteanna  
Courts Service

# TUARASCÁIL BHLIANTÚIL ANNUAL REPORT 2018





## 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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*Waterford Courthouse*

# AT A GLANCE



COURT FUNDS  
**€1.929b**  
 MANAGED



eFILING IN THE  
 SUPREME COURT

**2,083**  
 TRAINING  
 DAYS

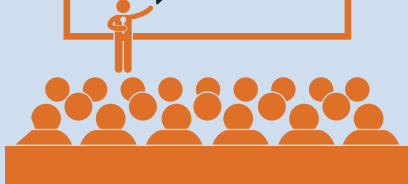


**1,097**  
 STAFF

**3,000** 

VIDEO LINKS  
 BETWEEN COURTS  
 AND PRISONS

**4,000**



SECOND LEVEL STUDENTS  
 VISIT CRIMINAL COURTS  
 OF JUSTICE



**3,000,000**  
 VISITS TO WEBSITE

**4**



NEW  
 BUILDINGS  
 COMPLETED

BANKRUPTCY  
 & LICENSING  
 REGISTRIES  
 ONLINE



## GLOSSARY OF TERMS

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

**Barring order** – an order preventing the person against whom the order is made (the respondent) from entering the family home or using or threatening violence against the person who applied for the order (the applicant) or other family members.

**Care order** – an order placing a child in the care of TUSLA (the Child and Family Agency) until he or she reaches the age of eighteen or a shorter period as determined by the court.

**Certified list** – a list of cases certified by counsel as being ready for hearing.

**Civil bill** – a document used to commence a civil case in the Circuit Court, it gives details of the parties to the case and details of the claim being made.

**Claim notice** – a document used to commence a civil case in the District Court, it gives details of the parties to the case and details of the claim being made.

**Debt relief notice** – one of three debt resolution mechanisms introduced by the Personal Insolvency Act 2012 to help mortgage-holders and others with unsustainable debt to reach agreements with their creditors. It allows for the write-off of qualifying debt up to €20,000, subject to a three-year supervision period.

**Debt settlement arrangement** – one of three debt resolution mechanisms introduced by the Personal Insolvency Act 2012 to help mortgage-holders and others with unsustainable debt to reach agreements with their creditors. It applies to the agreed settlement of unsecured debts, usually over a period of five years.

**Defence** – a document delivered by the defendant to the plaintiff in response to a civil bill in the Circuit Court or a plenary summons in the High Court.

**Defendant** – a person against whom an action is brought; a person charged with a criminal offence.

**Emergency care order** – an order placing a child under the care of TUSLA for a maximum period of eight days if the court considers that there is a serious risk to the health or welfare of a child.

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

**Indictable offence** – an offence which, if committed by an adult, is triable on indictment.

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

**Interim barring order** – an immediate order, requiring the person against whom the order is made (the respondent) 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 TUSLA.

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

**Judicial review** – a legal remedy available in situations where a body or tribunal is alleged to have acted in excess of legal authority or contrary to its duty.

**Judicial separation** – a decree granted by the court relieving spouses to a marriage of the obligation to cohabit.

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

**Liquidated debt** – a claim for a specified amount of money.

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

**National Development Finance Agency** – The NDFA is an integrated finance, procurement and project delivery model established within the National Treasury Management Agency to bring a unified commercial approach to the procurement and project management of new public sector projects, including Public Private Partnerships.



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

**Personal insolvency arrangement** – one of three debt resolution mechanisms introduced by the Personal Insolvency Act 2012 to help mortgage-holders and others with unsustainable debt to reach agreements with their creditors. It applies to the agreed settlement and/or restructuring of secured debts up to a total of €3 million (as well as unsecured debts) over a period of six years.

**Petition** – document used to commence certain civil proceedings in the High Court (for example application to wind up a company, have a person adjudicated bankrupt).

**Plaintiff** – a person who brings a legal action against another.

**Plenary summons** – document used to commence certain civil proceedings (for example, claims for non-specific damages, libel, nuisance) in the High Court where pleadings and oral evidence are required.

**Protection order** – an interim order, granted when an application for a safety/barring order has been made, prohibiting the person against whom the order is made (the respondent) from committing further acts of violence or threatening violence.

**Safety order** – an order prohibiting the person against whom the order is made (the respondent) from committing further acts of violence or threatening to do so. It does not prevent the respondent from entering the family home.

**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 (for example, equity claims, mortgage enforcement, administration of trusts) in the High Court to be heard on affidavit (- not oral evidence).

**Specific performance** – an order of a court which requires a party to perform a specific act, usually what is stated in a contract for example, contracts for the sale, purchase or lease of land. It is an alternative to awarding damages and is a discretionary equitable remedy.

**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 (for example, 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 TUSLA 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.

## FOREWORD BY THE CHIEF JUSTICE AND CHAIRPERSON OF THE BOARD



Managing the courts and supporting the judiciary presents a challenge for the Courts Service every year. It cannot be measured by the number of civil cases issued or the number of offences presented to our criminal courts.

The caseload may vary – up or down – but the need for skilled staff and facilities to support the courts is constant. Litigation gets ever more complex and litigant expectations continue to increase. In our digital age, where people are used to round-the-clock online access to services, the courts must deal with the twin challenge of facilitating such access while at the same time ensuring that the court process is secure and that cases are allocated the time and consideration they require.

The allocation of additional, and vital, resources in recent years has enabled the Courts Service to advance many projects which have been under consideration for a long time. Much effort was concentrated during 2018 on identifying and planning for those changes which we have all known for some time are sorely needed. Projects including electronic filing of documents, online access to court registers, and systems to enable online payment will hopefully lead to a significant improvement in the way in which we all work and deliver services to the community.

The judiciary continues to develop more streamlined ways for the courts to operate. This includes ongoing review of how we manage court lists, issue of practice directions to improve efficiencies, and participation on court rules committees and groups such as that reviewing our civil law. In a changing world, we must ensure that the courts of Ireland continue to maintain our reputation for competency and efficiency as we deal with over 400,000 criminal, and 200,000 civil matters annually.

Last year I highlighted how legislative proposals impact on the work both of the courts and the Courts Service. In 2018 we established a protocol for communication with government departments with an emphasis on highlighting how legislative proposals affecting court jurisdiction and/or operations impact the Courts Service. This will be of particular benefit in the development of our ICT Strategy where competing demands, some prompted by legislative requirements, can intervene to divert us away from our stated course with the consequent need to re-organise planned projects.

We announced last year that we would be investing in a new ICT platform to allow the filing of appeals to the Supreme Court as a starting point for future online filing in general. It would not have been enough to just replicate online what we were doing on paper so we reviewed our processes and used practice directions and rules to allow for more efficacy in our procedures. In the Court of Appeal, a new one stage process in the allocation of dates for the hearing of civil appeals streamlines the administrative process and is more cost effective for parties. The increased involvement of High Court registrars in quasi-judicial work together with new practice directions delivered improved efficiencies in that jurisdiction. And the Court Office Review Implementation is delivering real change to the operation of Circuit Court and District Court offices around the country.

My involvement as Chief Justice and as Chairperson of the Courts Service Board gives me particular insight into the work of the courts and the array of people, internal and external, that keep it operating. In particular, I have an overview of changes which bring real improvement in the courtroom and for those who use our courts. I thank my judicial colleagues for their work and for their support for the work of the Courts Service. I acknowledge the continued efforts of the staff to ensure that courts around the country are always open for business and their support for modernisation initiatives promoted by the Chief Executive and his Senior Management Team and approved by the Board. The legal profession and other groups and agencies provide us with vital support for which I thank them. I am also grateful to the Minister for Justice & Equality and his staff and the Department of Public Expenditure and Reform for their ongoing support.

I commend this report to you as an insight into a great enterprise of effort and public service - an overview of change for good reason and administration for the common good.

  
Frank Clarke

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# 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.

Ancillary powers of the Service include the power to acquire, hold and dispose of land, enter into contracts, make proposals to the Minister for Justice and Equality in relation to matters (including reform and development and distribution of jurisdiction and business among the courts) and designate court venues.

The Service is responsible for the management of all aspects of court activities (with the exception of judicial functions which are a matter exclusively for the judiciary). This is achieved through offices supporting the Supreme Court, Court of Appeal, High Court, Circuit Court, and District Court, and support directorates established as part of the management structure for the Service.

The Service is governed by a Board consisting of a chairperson and 17 other members. The Courts Service Act 1998, as amended by the Court of Appeal Act 2014, provides that the chairperson of the Board will be the Chief Justice and that the Board should contain judicial representatives from each court, a staff representative, a representative of the Minister for Justice and Equality and representatives from the legal professions, trade unions and business world.

The Board considers and determines policy in relation to the Service and oversees the implementation of that policy by the Chief Executive Officer. The Courts Service Act provides that the Board in the performance of its functions must have regard to

- the need to secure the most beneficial, effective and efficient use of the resources of the Service and
- any policy or objective of the Government or a Minister of the Government insofar as it may affect or relate to the functions of the Service.

The Act also provides that the Board may establish committees to advise it in relation to the performance of its functions and may appoint committee members who are not members of the Board but have a specialist knowledge and experience related to the purposes of the committee. The acts of any committee established by the Board are subject to confirmation by the Board unless the Board dispenses with the necessity for such confirmation.

The committees of the Board in 2018 were:

### STANDING COMMITTEES

- Finance Committee
- Audit and Risk Committee
- Family Law Court Development Committee
- Building Committee

# BOARD OF THE COURTS SERVICE



**Mr. Justice Frank Clarke**  
*Chairperson, Chief Justice*



**Mr. Justice George Birmingham**  
*President of the Court of Appeal*



**Mr. Justice Peter Kelly**  
*President of the High Court*



**Ms. Justice Elizabeth Dunne**  
*elected by the judges of the Supreme Court*



**Mr. Justice Michael Pearat**  
*elected by the judges of the Court of Appeal*



**Mr. Justice Seamus Noonan**  
*elected by the judges of the High Court*



**Mr. Justice Raymond Groarke**  
*President of the Circuit Court*



**Judge Doirbhile Flanagan**  
*elected by the judges of the Circuit Court*



**Judge Rosemary Horgan**  
*President of the District Court*



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



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



**Mr. Micheál P. O'Higgins**  
*nominated by the Bar of Ireland*



**Mr. Michael Quinlan**  
*nominated by the President of the Law Society of Ireland*



**Mr. Damien Downey**  
*elected by the staff of the Courts Service*



**Ms. Carol Baxter**  
*an officer of the Minister, nominated by the Minister*



**Ms. Karen Kiernan**  
*(nominated by the Minister)*



**Ms. Patricia King**  
*nominated by the Irish Congress of Trade Unions*



**Ms. Deirdre Kiely**  
*(nominated by the Minister)*

Mr. Justice Seamus Noonan replaced Mr. Justice Patrick McCarthy on 5th October 2018

Mr. Micheál P. O'Higgins replaced Mr. Paul McGarry on 4th September 2018

Mr. Michael Quinlan replaced Mr. James McCourt 8th October 2018

Ms. Karen Kiernan was appointed to the Board on 12th July 2018

Ms. Deirdre Kiely was appointed to the Board on 12th July 2018.

## STANDING COMMITTEES OF THE BOARD

### Finance Committee

The Hon. Mr. Justice Frank Clarke – Chairperson  
 The Hon. Mr. Justice George Birmingham  
 The Hon. Mr. Justice Peter Kelly  
 The Hon. Mr. Justice Raymond Groarke  
 Her Honour Judge Rosemary Horgan  
 Mr. Brendan Ryan  
 Ms. Carol Baxter  
 Ms. Deirdre Kiely

### Audit and Risk Committee

The Hon. Mr. Justice Michael Peart – Chairperson  
 Her Honour Judge Elma Sheahan, nominee of the President of the Circuit Court  
 Judge Michael Coghlan, nominee of the President of the District Court  
 Ms. Carol Baxter  
 Ms. Deirdre Kiely  
 Ms. Patricia Barker – external member

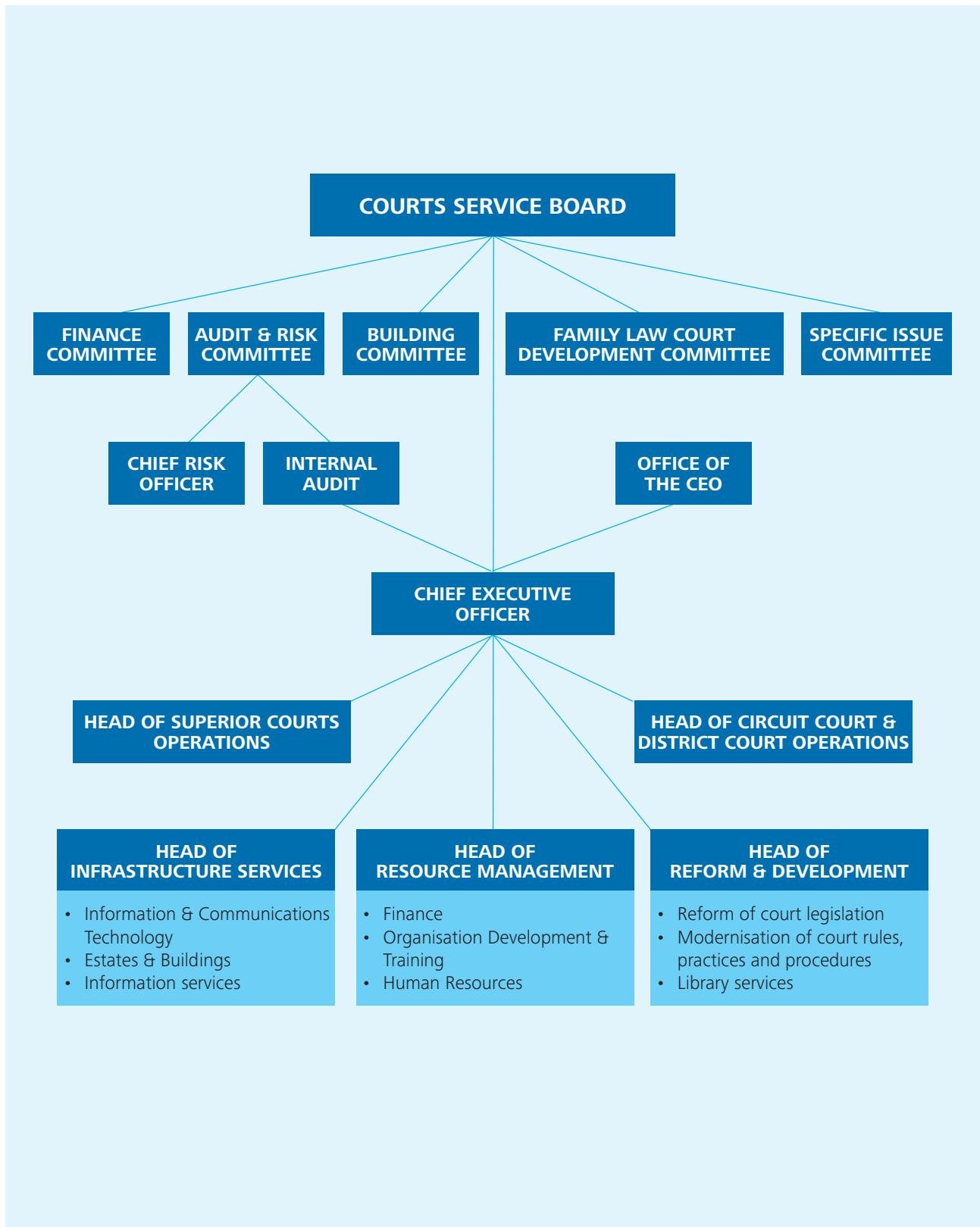
### Building Committee

The Hon. Mr. Justice Patrick McCarthy – Chairperson  
 The Hon. Mr. Justice Seamus Noonan  
 His Honour Judge Martin Nolan, nominee of the President of the Circuit Court  
 Judge Marie Quirke, nominee of the President of the District Court  
 Mr. Brendan Ryan  
 Ms. Patricia King  
 Mr. Peter Mullan, Head of Circuit Court and District Court Operations, Courts Service  
 Mr. Paul Burns, Head of Infrastructure Services, Courts Service  
 Mr. Ciaran O'Connor, Office of Public Works  
 Mr. Brian Kennedy S.C., the Bar of Ireland \*  
 Mr. Michael Quinlan  
 \* Mr. Jack Nicholas, nominated to act as an alternate to Mr. Brian Kennedy

### Family Law Court Development Committee

The Hon. Mr. Justice Michael White, judge of the High Court – Chairperson  
 Her Honour Judge Petria McDonnell, judge of the Circuit Court  
 Her Honour Judge Dóirbhíle Flanagan  
 Judge Gerard Furlong, judge of the District Court  
 Judge John O'Connor, judge of the District Court  
 Mr. Seán Ó hUallacháin, nominee of the Chairman of the Bar Council  
 Mr. Keith Walsh, nominee of the President of the Law Society  
 Mr. John McDaid, Chief Executive of the Legal Aid Board  
 Ms. Rita Considine, nominee of the County Registrars Association  
 Ms. Geraldine Hurley, Head of Superior Courts Operations, Courts Service  
 Mr. Peter Mullan, Head of Circuit Court and District Court Operations, Courts Service  
 Ms. Emer Darcy, Chief Clerk of the Dublin Circuit and District Civil Courts  
 Mr. Damien Downey  
 Ms. Karen Kiernan  
 \*Ms. Catherine Forde to act as an alternate to Mr. Seán Ó hUallacháin

# 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.

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



**Mr. Brendan Ryan**  
*Chief Executive Officer*



**Mr. Noel Rubotham**  
*Head of Reform and Development Directorate*



**Mr. Sean Quigley**  
*Head of Resource Management Directorate*



**Ms. Geraldine Hurley**  
*Head of Superior Courts Operations Directorate*



**Mr. Paul Burns**  
*Head of Infrastructure Services Directorate*



**Mr. Peter Mullan\***  
*Head of Circuit and District Courts Operations Directorate*

\* replaced John Coyle in April 2018

The Service is a largely decentralised organisation with administrative responsibility for courthouses and court venues throughout Ireland.

In Dublin, court offices support the work of the Supreme Court, Court of Appeal, High Court, Dublin Circuit Court and Dublin Metropolitan District Court in the Four Courts, Criminal Courts of Justice, Dolphin House, Swords, Dún Laoghaire and Cloverhill. Outside of Dublin, 25 court offices support the work of the both the Circuit Court and the District Court, and eight offices support the work of the District Court only.

There are regional administrative support offices in Naas, Dundalk, Cork and Castlebar.

## Regional Managers



**Mr. Eamonn Kiely**  
*Manager,  
Southern Regional Office*  
**Administrative area:**  
*Counties Cork, Limerick,  
Tipperary and Kerry.*



**Ms. Marianne Cassidy**  
*Manager,  
Eastern Regional Office*  
**Administrative area:**  
*Counties Kildare, Wicklow,  
Carlow, Kilkenny, Wexford, Laois  
and Waterford.*



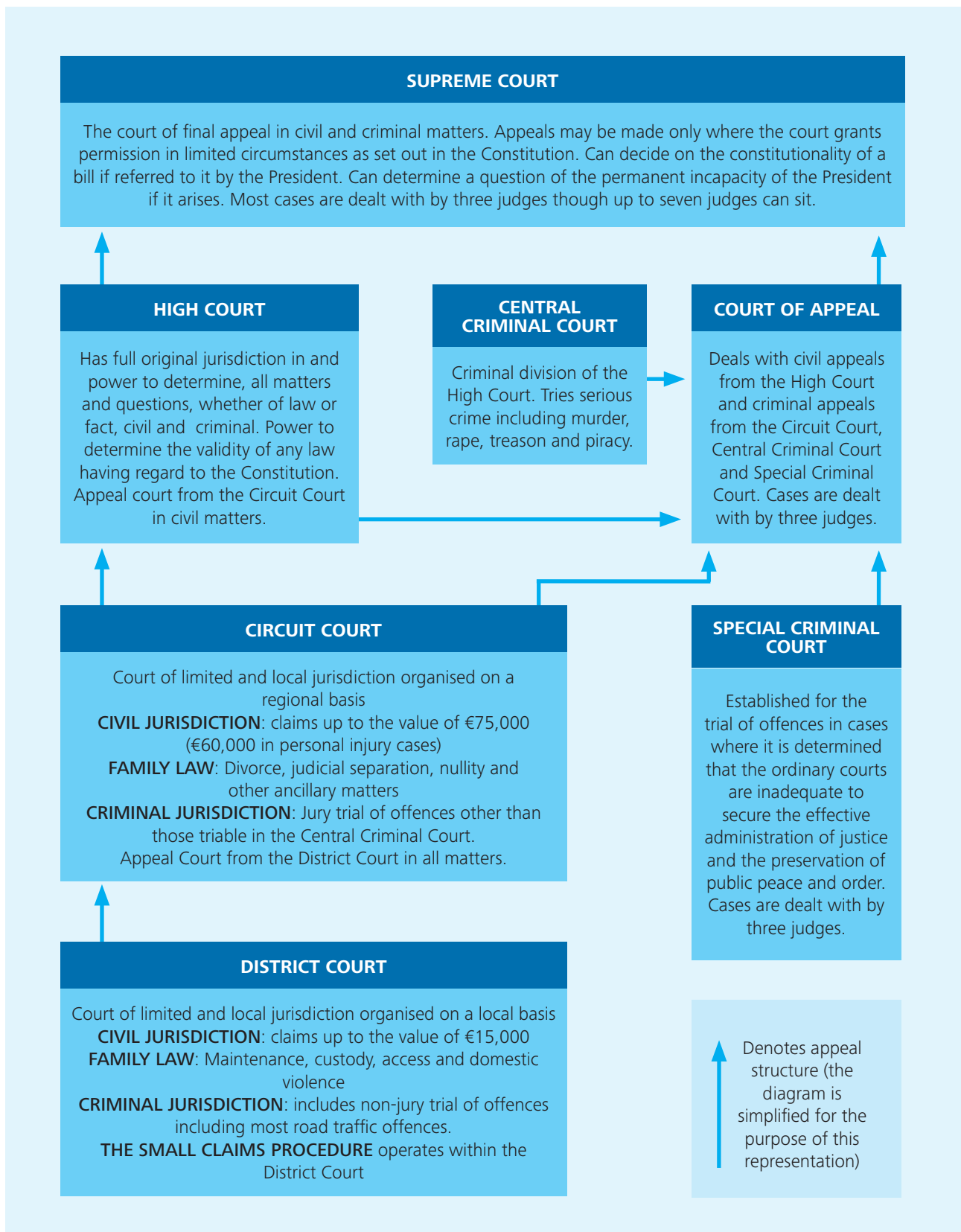
**Mr. Brendan McDonald**  
*Manager,  
Western Regional Office*  
**Administrative area:**  
*Counties Mayo, Galway, Clare,  
Sligo, Roscommon, Donegal and  
Leitrim.*



**Mr. Shay Keary**  
*Manager,  
North Midlands Regional Office*  
**Administrative area:**  
*Counties Louth, Meath, Monaghan,  
Westmeath, Offaly, Longford and  
Cavan.*



# STRUCTURE OF THE COURTS





*Mullingar Courthouse*

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## CHAPTER 2 THE YEAR IN REVIEW

# INTRODUCTION BY THE CHIEF EXECUTIVE OFFICER



We undertake our work in an ever-changing environment where challenges, both internal and external, require us to constantly reassess how we deliver our services.

During 2018 we considered how we could drive our programme of modernisation and reform more effectively. We started a process that will ultimately provide a long term vision of what we want to achieve. It will mean significant change and reform and include examination of matters including how we recruit and retain our staff, how we manage major programmes and how we plan for future needs. This approach is critical if we are to manage our work and our resources effectively and efficiently.

We must constantly re-evaluate our approach to what we do, how we do it, and how we fund it. During the year we continued to develop a change programme, linked to a staff learning and development strategy. We examined our senior management structure and commenced work on a new ICT strategy and a human resources strategy. Our most recent strategic plan identifies our objectives and charts the course we are taking to achieve them in the three years to 2020. The projects to receive attention in 2018 were identified in our corporate plan for the year.

Our plans reflect our commitment to support the objectives of the Public Sector Reform Programme with its emphasis on cross agency co-operation and the development of digital services. At the request of the Civil Service Management Board we participated in an organisational review to assess our capacity and capability to achieve our objectives. The resulting report acknowledged the challenges we faced in the years following the economic downturn and commends our commitment and resilience in ensuring that court sittings and services were maintained. It recognised our success in improving court buildings and our efforts to develop policies and strategies to

modernise our human resources and learning and development function. We concluded an action plan towards the end of the year to implement the recommendations in the report.

Of major importance in the development of our strategies is awareness of matters, particularly legislative proposals, likely to impact on the work of the courts and/or the Service. We established a protocol for communication between government departments promoting legislative proposals affecting court jurisdiction and/or operations and the Service. This will be of particular benefit in the development of our ICT Strategy where, competing demands, some prompted by legislative requirements, can intervene to divert us away from our stated course with the consequent need to reorganise planned projects.

To deliver on our strategies we need to be properly resourced. Delivery of our mandates depends on the provision of necessary funding and resourcing from central government. In this regard, we are competing with demands from all public sector organisations as part of the government budgetary process. It was therefore encouraging that our budgetary situation continued to improve. Our budget in 2018 was €131.575m, an increase in real terms of 13% (excluding capital carryover) and when account is taken of the once-off allocation of €23.8m in 2017 for an upfront VAT payment in relation to our capital building project. Our budget saw a payroll increase of €2.161m (4%), additional funding for courthouse maintenance of €1m (4%) and an additional €0.845m for ICT.

We worked to improve our ICT capability, both on the infrastructure side and on the development side and commenced work on

improving our website. We have long acknowledged that our change initiative needs to focus on the delivery of services online and embrace all that technology offers. After a period of under-investment in technology, there has been a welcome increase in more recent years. And while we have made progress in standardising processes and upgrading ICT systems, much remains to be done in this area. Prioritising and progressing ICT projects while maintaining existing systems and operations is an ongoing challenge.

We completed work on several court buildings bringing to a conclusion the most extensive court building project in the history of the State. The official openings of courthouses in Letterkenny, Wexford, Limerick, Cork, Waterford and Mullingar provided modern facilities for court users while making a further valuable contribution to the heritage of our country. We continue to negotiate for the development of a much needed Family Law Court complex in Dublin and to plan to provide those county towns that have yet to benefit with improved facilities.

Our most valuable resource continues to be our staff. With changing demands and an ageing workforce we need to ensure the ongoing availability of professional and technical expertise, including legal expertise, in both operational and support areas. Our learning and development programme is a vital part of our future planning and includes improved induction training for those who joined us from many areas of the public and private sector. Following targeted recruitment campaigns, we welcomed over 40 new judicial assistants over the course of the year to provide legal research services and assistance for the judiciary. We also recruited staff for specialised areas of our work including management of court funds, human resources, legal researcher managers and ICT.

I am very grateful to the staff of the Service for their continued willingness to embrace new initiatives which, though designed to improve efficiencies, can often add to their daily workload. Their commitment to delivering excellent service is exemplary. I acknowledge the ongoing support of the Chief Justice, other members of the Courts Service Board and other members of the judiciary for our work. We collaborate with agencies across the justice sector including An Garda Síochána,

Prison Service, Probation Service, Law Society of Ireland, Bar of Ireland and many support groups. I thank them for joining with us to improve services for all who use our court system. We are also indebted to the Minister for Justice and Equality and the staff of his Department for their co-operation across many areas.

As we head into our 20th year I am proud of all that the Service has achieved and am confident that we are well placed to deliver an increasingly modern service for all who use our courts.



Brendan Ryan

## DEVELOPMENTS DURING 2018

### ***Change Programme***

The Change Programme, developed for the three years to 2020, assists the achievement of the strategic objectives of the Service. The implementation of the programme, which is aligned with public service reform plans, depends on having a co-ordinated and focused approach to the implementation of change projects and the realisation of the benefits from them.

To deliver on the Change Programme, the Service requires a long term vision supported by appropriate strategies and road maps. Work commenced during the year to formulate this vision and the strategy as to how it will be implemented, including the resourcing required, the benefits for court users and the timescale involved. A new Change Governance model, including a Change Board, was put in place in preparation for the new strategy and to provide for more effective decision making and prioritisation of projects.

The work of the Change Programme Office is pivotal to the success of the Change Programme. The Service completed a review of the office during the year to ensure that it can continue to play an important role in supporting and guiding the change aspect of major projects in conjunction with individual project sponsors.

*“We are on a journey to better understand customer needs, deliver more productive and efficient services, improve access to information, develop a skilled and engaged workforce and support leadership development and succession planning”.*

Brendan Ryan, Chief Executive Officer

### ***Strategic Plan 2017-2020***

The Strategic Plan was developed and adopted by the Board following an extensive consultation exercise with internal and external users. It takes account of a range of other strategic documents including the Change Programme, Learning and Development Strategy, Workforce Plan and ICT Strategy. The plan identifies strategic priorities for the organisation in the three years to 2020. Work continued to deliver on these strategies with the key objectives for the year set out in the Corporate Plan 2018.

# STRATEGIC PRIORITY 1

## SUPPORTING THE JUDICIARY

JUDICIARY: 2014 – 2018 AT 31 DECEMBER (WITH MAXIMUM NUMBERS ALLOWED)					
	2014	2015	2016	2017	2018
Supreme Court	10 (10)	10(10)	9 (10)	8 (10)	8 (10)
Court of Appeal	10 (10)	9(10)	10 (10)	10 (10)	10 (10)
High Court	34 (36)	36 (40)	40 (40)	38 (40)	38 (40)
Circuit Court	44 (46)	43 (46)	44 (46)	40 (46)	41 (46)
District Court	63 (64)	63 (64)	62 (64)	64 (64)	63 (64)
<b>Total</b>	<b>163 (166)</b>	<b>161 (170)</b>	<b>165 (170)</b>	<b>160 (170)</b>	<b>160 (170)</b>

A central part of the work of the Service is the provision of support for court sittings and the creation of a system where the necessary resources and assistance are in place for the judiciary to administer justice. Support for the judiciary is provided across many different areas including court sittings, research, library facilities, provision of courtroom technology and general support.

During 2018 the Service provided support for the judges of all court jurisdictions.

### Court hearings

The Service continued to work with the presidents of the various courts to support initiatives aimed at ensuring the effective and expeditious disposal of cases. These include improved case management procedures and practice directions to improve matters such as the standard of documentation lodged in court offices, etiquette in the courtroom and procedures relevant to cases for hearing.

#### Supreme Court

The Chief Justice and other judges of the court reviewed the appeal process in conjunction with practitioners and the Office of the Supreme Court during the year. The outcome of the review will see the introduction of revised rules and a new practice direction in January 2019. Work was also ongoing to develop an online filing system for applications for leave to appeal to the court. *(For additional information about the work of the Supreme Court, including statistics, see page 99).*

#### Court of Appeal: Civil

Appeals are allocated a hearing date at the first listing of an appeal following the introduction of a new procedure in October 2018. This replaced the previous two stage procedure - which saw the court give directions regarding written submissions and adjourn the case to a

list to fix a hearing date – and reduced the administrative work and time of the court. It is also more cost-effective for the parties.

Urgent appeals, such as Hague Convention/child abduction and refugee asylum cases continued to be accommodated having regard to the degree of urgency demonstrated. Civil appeals with a custody/criminal element continued to be case-managed in the criminal list together with other urgent appeals from the civil list. *(For additional information about the work of the Court of Appeal (civil), including statistics, see page 93).*

#### Court of Appeal: Criminal

Hearing dates continued to be allocated during the subsequent legal term to the majority of cases included in the list to fix dates held once a term. Criminal appeals continued to be actively managed by the president of the court to ensure cases were dealt with as efficiently as possible. Urgent civil appeals continued to be accommodated without impacting on the five month waiting time for criminal appeals. *(For additional information about the work of the Court of Appeal (criminal), including statistics, see page 96).*

#### High Court

Court registrars continued to assume a pro-active role in the management of court lists and deal with certain other matters. Areas of business include management of personal injury, non-jury and judicial review lists, international service of documents and enforcement of European maintenance and debt.

The President of the High Court issued a number of practice directions during the year. Of particular significance was the introduction of a list in the High Court dedicated to the case management and hearing of judicial review cases in respect of permissions or decisions concerning strategic infrastructure developments.

A further practice direction provides for parties in the chancery and non-jury lists to inform the court, when certifying a case as ready for trial, that there are no outstanding issues and to provide an accurate indication as to the duration of the trial. An additional measure, with a view to efficient use of court and parties' time, provides that expert witnesses who have not exchanged reports and met in advance of the application for a hearing date must provide an explanation to the court.

Waiting times for hearing dates in the High Court were generally maintained or improved compared with 2017. A number of initiatives in respect of the asylum list led to the elimination of waiting times for pre-leave applications and a reduction in the number of active cases from 772 to 122.

### Circuit Court and District Court

Sittings of the Circuit Court and District Court continued to be held as scheduled during the year. Waiting times were kept under ongoing review with the Presidents of the Circuit Court and District Court. In the Circuit Court, criminal business continued to be given priority to ensure the earliest trial date for those in custody, with separate sittings for crime in the majority of circuits.

The Service continued to liaise with the presidents in relation to the holding of additional sittings. Support for these sittings was prioritised in the allocation of staff.

*Delays in the hearing of cases can occur for a number of reasons, many of which are outside the control of the courts and the Service, for example, the unavailability of a witness or vital evidence or because the parties and/or legal practitioners are not ready to proceed on allocated dates. This gives rise to adjournments which can have a major impact on the time taken to complete the hearing of a case and on the number of cases which can be disposed of in a court sitting.*

### Drug Treatment Court

The Drug Treatment Court (DTC) continued to provide a restorative justice alternative to a custodial sentence for persons with drug addiction who have pleaded guilty before, or have been convicted by, the District Court for minor, non-violent criminal charges connected to their addiction.

There were 95 participants referred to the DTC programme in 2018. The programme comprises

three stages – bronze, silver and gold. Six participants graduated at the gold level during the year. This indicates that they have completed all stages of the programme, are not using any non-prescribed drugs and are either working or enrolled on a course. At year end, there were 26 participants on the bronze phase, 11 on the silver phase and 10 on the gold phase.

Dublin Gaelic footballer Philly Mc Mahon visited the DTC on 19th September to observe proceedings as part of a documentary broadcast on RTE television in October. He was also the guest speaker at the Drug Court Graduation that same day. He interviewed the DTC judge about the ethos and approach of the court and spoke with one of the participants about his efforts to succeed at the programme.



### Research assistance

The availability of high quality research assistance is critical for the efficient use of judicial time. The Service continued to provide assistance in a variety of forms to members of the judiciary during the year.

At the end of the year, 76 judicial assistants were employed by the Service. These assistants, generally recent law graduates, are assigned to the Judicial Research Office (JRO), or to work directly with judges of the Supreme Court, Court of Appeal, High Court and Circuit Court. Judges appointed to these courts after 2011 are assigned a judicial assistant to work with them directly. They are employed on three year fixed term contracts. Judicial assistants carry out a range of functions including research, summarising evidence and submissions offered in court, proof-reading judgments and assisting the judge with other work including preparation of conference papers.

The JRO also undertakes research, preparation of material



for publication on the judges' intranet and preparation and updating of handbooks for judges across all jurisdictions.

Work continued on the implementation of the recommendations of the Review Group on Judicial Assistants approved by the Board in 2017, in the areas of recruitment, induction training, retention and in management and supervisory arrangements for this growing cohort of staff of the Service. Following targeted recruitment, over 40 new judicial assistants took up posts with the Service during the year. Work also continued on the development of an integrated research and library service for the judiciary.

### Library and research facilities

The Judges' Library continued to provide a service to judges, judicial assistants and researchers and to the staff of the Service. Library resources include subscriptions to a range of online databases and to core journals, law reports and legislation, in addition to legal text books.

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

A quarterly newsletter including details of new acquisitions, information on articles in periodicals and updates on other services to users is provided to judges. An online catalogue of library stock is also available to judges and work continued on the further development of the Library's e-library system.

### Additional support

#### Judicial Support Unit

The Judicial Support Unit continued to provide a one stop shop for issues of concern to all judges. Areas managed by the Unit include judicial travel (both domestic and foreign), validation of travel claims, payment processing for judicial attire, protocol arrangements and liaison as appropriate between the judiciary and other sections of the Service, and the judiciary and other government departments.

The unit continued to facilitate judicial and administrative visitors from Ireland and abroad and organised tailored

visits which included opportunities to meet judges and staff of the Service. Visitors from abroad came from Austria, China, Croatia, Germany, India, Japan, United States of America and Ukraine.

Events co-ordinated by the Unit during the year included individual conferences for judges of the District Court, Circuit Court, and Superior Courts, a joint conference for judges of all jurisdictions and a bi-lateral conference with the senior judiciary of Northern Ireland.

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

### Internship programmes

The Service continued to support an internship programme for third level students which is sponsored by the Chief Justice. During the month of June, students from seven universities interned with judges of the Supreme Court, Court of Appeal and High Court. As part of the programme they observed court proceedings, and conducted legal research to assist with case preparation. They attended lectures organised by a judicial committee and visited a number of court buildings in Dublin including the Four Courts, Criminal Courts of Justice and Green Street. They also observed a sitting of the Drug Treatment Court.

The President of the District Court also hosted two interns from the University of Tulsa College of Law Oklahoma USA in June.



*"It was a pleasure to welcome outstanding law students from Ireland, the United States, Wales and South Africa for this summer internship programme. Many thanks to the participating judges and Courts Service staff for devoting significant time and effort to ensure that the programme was a success".*

Chief Justice Mr. Justice Frank Clarke

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

### **Analysing use of technology**

The Service commenced a review of judicial ICT requirements ('a customer journey project') in April. The aim of the project is to map the existing judicial ICT experience and recommend enhancements to optimise ICT services to the judiciary. The project, which commenced with members of the Supreme Court and Court of Appeal and continued with judges of the High Court, Circuit Court and District Court, culminated in a report to the ICT Governing Committee in September. A proof of concept to verify the suitability of the technology proposed was launched at year end.

### **Judicial intranet**

The Service re-designed the Judges' Intranet site during the year to provide better, access, workflow and search facilities. The site will also be used to provide access to case documentation commencing with documents relating to applications for leave to appeal to the Supreme Court.

### **Additional supports**

Staff from the ICT Unit and the ICT managed service providers, continued to attend at judicial conferences during the year to provide additional information and support to the judiciary regarding the provision and use of equipment and to respond to particular technical issues. Other supports include an ICT helpdesk and deskside support service for judicial requests. Newly appointed judges availed of training on the use of ICT equipment with additional training made available to all judges on request.

## STRATEGIC PRIORITY 2

### PROVIDING HIGH QUALITY SERVICE TO COURT USERS

A core part of the mission of the Service is the provision of services to court users. The offices of the Service are involved either directly or indirectly in providing services to a wide range of court users, including the legal profession, other public bodies, non-governmental agencies and members of the public.

#### Reviewing services

A major review in 2017 of the Circuit and District Combined Office structure included recommendations to improve and better support the service delivery framework and operational model in provincial court offices. The Senior Management Team and the Board approved the implementation of the recommendations on a phased basis in early 2018.

The first 18-month phase, called the Court Office Review Implementation (CORI) Phase 1, focusses on taking work out of court offices and enhancing the support available to them through the implementation of eight projects:

- centralising of jury summons administration (printing, posting and enveloping)
- centralising of service of foreign documents
- electronic transfer of non-Garda summons
- developing clear and consistent parameters for customer service
- introducing a new management structure, including job rotation
- supporting succession planning
- supporting technical training, and
- developing a more reactive and transparent resource allocation model.

Work to deliver on these projects commenced during the year. At year end planning was almost complete for the establishment of an office in Castlebar to deal centrally with the service of foreign documents under EU regulations and the administration of jury summonses using the printing and enveloping facilities of the Revenue Commissioners.

*“The centralisation of tasks will result in significant efficiencies with economy of scale being achieved, consistency in service delivery, automation of tasks currently carried out manually and the redeployment of court staff to other customer service tasks”.*

Brendan Ryan, Chief Executive Officer

A new management structure was piloted in a number of offices in 2018 with arrangements in place to extend it to all provincial court offices in 2019. At year end work was also underway to develop a new customer charter together with clearer and consistent parameters for customer service delivery in combined court offices.

#### Support and other groups

The Service continues to consult with user groups in the development of policies and initiatives on a formal and informal basis. These groups also provide valuable feedback and input into the ongoing work of the Service. Meetings afford the Service the opportunity to update users on developments including ICT and building works. The groups comprise members of An Garda Síochána, Probation Service, Prison Service, Bar of Ireland, Law Society, Office of the Director of Public Prosecutions, Office of the Chief State Solicitor and a variety of support and interest groups.

User group meetings involving all of the main State organisations together with representatives of the Bar of Ireland and the Law Society were held on three occasions in the Criminal Courts of Justice during the year. Meetings were also held in other locations including Cavan, Clare, Donegal, Galway, Longford, Mullingar, Sligo, Trim, Tullamore, Waterford and Wexford.

Meetings were also held with users of Dublin District Court childcare courts and Dublin Circuit Family Law Court. The Service continued to engage with various groups supporting users of the family courts including Treoir, One Family, Women’s Aid, Saoirse Women’s Refuge and AMEN. Discussions concerning common issues continued on an ongoing basis with other government departments, including the Department of Employment Affairs and Social Protection, Department of Children and Youth Affairs and Department of Foreign Affairs.

A user group for the High Court, Court of Appeal (civil) and the Supreme Court continued to discuss issues of common concern and to raise queries on factors affecting service delivery in those jurisdictions. The group, which includes representatives of the Law Society, Bar of Ireland, Chief State Solicitor’s Office and Director of Public Prosecutions met on three occasions in 2018.

## Victim support

### Arrangements for victims

Major building projects completed since the establishment of the Service include dedicated facilities for victims. The facilities in the Criminal Courts of Justice include a specific area for the use of witnesses and victims attending trials. The Service works in co-operation with V-SAC (Victim Support at Court) and An Garda Síochána to ensure the ongoing effectiveness of this area. Facilities are also available for underage vulnerable victims of crime to give evidence to court via video link.

Dedicated facilities of a standard comparable to those in the Criminal Courts of Justice are available in Drogheda, Letterkenny and Wexford. They were also provided in Waterford, Limerick, Cork, and Mullingar as part of the major court building project completed during the year. Similar facilities but on a less extensive scale are available in other court buildings including Castlebar, Cork, Ennis, Galway, Kilkenny, Monaghan, Naas, Sligo, Tralee and Tullamore. There are special rooms for victims in over 50 courthouses around the country.

V-SAC provided support to victims and vulnerable witnesses in 187 trials in the Criminal Courts of Justice during the year. The organisation supported over 1,000 victims of crime and held over 4,800 contact meetings with victims.

### Support for litigants in possession cases

The Service continued to support Abhaile, a scheme to help homeowners find a resolution to their home mortgage arrears. The scheme is co-ordinated by the Department of Justice and Equality and the Department of Social Protection. It is implemented by the Money Advice and Budgeting Service (MABS) working with the Insolvency Service of Ireland, the Legal Aid Board and the Citizens Information Board. The Service facilitates staff of MABS and duty solicitors who may be in attendance at Circuit Court hearings either before the County Registrar or a judge of the Circuit Court.

### Children First legislation

Protocols were put in place to meet the obligations of the Service under the Children First legislation. The Service developed a Child Safeguarding Statement and established a committee to support, review and advise on child safety procedures.

## Customer complaints

The Customer Complaints Co-ordination Office, supported by Directorate Customer Complaints Liaison Officers, continued to manage customer service complaints. Conduct or decisions in relation to court business are matters for the judiciary and are therefore not dealt with under the complaints procedure.

There were 62 valid customer complaints received during 2018 all of which were processed and completed in accordance with the complaints procedure.

*“We make every effort to ensure that the services we provided to our customers fully meet their needs and expectations and are delivered in a friendly, courteous and efficient manner”.*

Brendan Ryan, Chief Executive Officer

## Family Mediation and Support Services

### Mediation services

The Service continued to work with the Legal Aid Board to increase access to mediation services in family law offices of the District Court. Parties contemplating proceedings in relation to access, custody or guardianship matters are initially invited to attend mediation information sessions. A formal mediation process is then offered to parties willing to engage with legal advice which is available on site *via* the Legal Aid Board.

A project in Dublin District Family Court in Dolphin House resulted in an increase in the number of information sessions per mediator per week. A similar service continued to be provided in Clonmel, Cork, Dundalk, Ennis, Naas, Nenagh and Limerick. Efforts continued to extend the service to other court office locations around the country.

OUTCOME OF MEDIATION SERVICE			
Office	Information sessions (Party 1)	Couples proceeded to meditation (Party 1 and Party 2)	Agreements reached
Clonmel	23	10	7
Cork	15	9	9
Dolphin House	929	372	234
Dundalk	22	22	6
Ennis	65	44	34
Kilkenny	66	38	29
Limerick	136	34	15
Naas	79	37	22
Nenagh	13	10	9
<b>Total</b>	<b>1,348</b>	<b>576</b>	<b>365</b>

### Support services

A support and referral service for women continued in Dublin District Family Court in Dolphin House during the year. The service is available to all women using the court for applications under the domestic violence legislation in particular, but also for important ancillary matters including the protection of children. It is also available to women who present in the office indicating that domestic violence is an issue for them. AMEN also continued to provide an outreach service for male victims of domestic violence in Dolphin House.

The Service engaged with COSC, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, to prepare for the commencement of the Domestic Violence Act 2018.

### Delivery of court business through the Irish language

The Service continued to enhance services available in Irish in line with the schemes prepared since the commencement of the Official Languages Act 2003.

*Irish language services have been developed in information, translation, public tours, ICT systems, email, phone reception, speaking competence and in training programmes. The website of the Service and publications, including rules of court and court fees, are available in Irish. The Service continues to bear translation and interpretation costs to enable Irish speaking court users conduct cases in Irish, in appropriate cases.*

Staff availed of classroom-based and online courses provided by Gaelchultúr, the Civil Service Irish language training provider during the year. Courses included

courses for certificates in professional Irish and courses in written Irish.

### Interpretation services

There was a 26% increase in the number of requests for interpretations services with a consequential increase in expenditure during the year.

#### FUNDING FOR INTERPRETATION SERVICES

2018	€1,332,820
2017	€996,559
2016	€1,038,000
2015	€912,000

#### LANGUAGE REQUESTS

	2018	2017	2016
Polish	2,587	2,155	2,420
Romanian	1,541	1,306	1,449
Lithuanian	1,182	1,079	1,081
Russian	905	819	797
Latvian	312	284	240
Mandarin	205	149	243
Portuguese	430	357	232
Czech	176	164	194
French	126	141	97
Arabic	276	167	183
Other	1,330	1,176	1,079
<b>Total</b>	<b>9,070</b>	<b>7,797</b>	<b>8,015</b>

The Service continues to provide sign language interpreters for defendants and witnesses who are deaf or hard of hearing in trials and hearings of cases as required.

## STRATEGIC PRIORITY 3

### DEVELOP AND SUPPORT OUR PEOPLE

The Service relies on a professional workforce of well trained, dedicated and innovative employees to support the operational and strategic objectives of managing the courts, supporting the judiciary and serving the evolving needs of court users.

At year end the Service had 1,097 staff (representing 1,048.8 full time equivalents). There were 147 new entrants and 33 retirements with a total of 111 staff leaving during the year. The Service ran open competitions for appointments to specialised posts in a number of areas including legal research, court funds, human resources, ICT, executive legal officers and judicial assistants.

#### Developing staff

The provision of additional resources in recent years has enabled the Service place a renewed focus on the development of staff across the organisation. It is critical that court going staff are equipped with the requisite technical and legal knowledge to discharge their responsibilities effectively, and that managers and staff are trained to deal with the challenges and issues they face.

The Service continues to promote a learning culture that is dynamic and flexible, integrating formal and informal learning including coaching and mentoring. It also supports the use of a blended learning approach combining traditional classroom and more accessible eLearning methods. This approach, commenced in the Learning and Development Strategy 2016-2018 (L&D), will continue into the new learning and development strategy. Work on the new strategy commenced during the year.

Over 2,000 training days were delivered during the year, an increase of 12% on 2017 and 5.75% over the target set by the Service. It also represented 2.05 training days per staff member, an increase of 13% on 2017.

#### Technical training

A new two-day Court Registrar Induction Programme informed participants of the basic rules, etiquette and procedures required to carry out their role. The programme, rolled out on a pilot basis, included both interactive and practical elements in a courtroom environment.

Work on a manual outlining criminal court procedures was completed with specific training provided in

respect of section 99 of the Criminal Justice Act 2006. Information sessions to inform staff of the legislative changes arising from the enactment of the Domestic Violence Act 2018 were also delivered.

#### Development programmes

Programmes to develop leadership and management skills are an important part of the L&D Strategy. The Service continued to build on the existing learning provision with the development and delivery of a number of new programmes.

Programmes delivered during the year included a pilot three-day development programme for executive officers; an executive leadership programme; and a management development academy. In addition, work commenced on the development of a clerical officer programme and a customer service programme.

The Service continued to provide ongoing support in the development of staff coaching skills with particular emphasis on embedding these skills into management and leadership programmes. A contract for the provision of coaching services will be awarded in early 2019.

A pilot mentoring initiative continued with experienced senior staff assigned to engage with staff of lower grades to encourage and develop areas of their work.

Senior staff of the Service participated in the first IPA Criminal Justice Leadership Programme during the year. The Programme, sponsored by the Department of Justice and Equality and the Criminal Justice Strategic Committee, fosters cooperation across the justice sector. It focuses on practical ways to collaborate in a cross-organisation manner and bring ideas to fruition.

Other training initiatives included health and safety, conflict resolution, train the trainer, and procurement. Staff attended various external workshops and seminars in areas such as human resources, procurement, project management, internal audit, and ICT.

#### eLearning opportunities

The Service continued to promote online learning opportunities as a means of expanding the training choices available for staff. Training in the use of the new eLicensing system and the provisions of the new Data Protection legislation was provided via the online learning management system, L&D Connect. The system celebrated a year in operation in October with over 800 staff accessing courses in that period.

The Service also availed of draw-down training programmes under the Civil Service L&D shared service centre, One-Learning, established under the Civil Service Renewal Plan.

### Staff conferences

The Service continued to organise conferences to enable staff and management consider matters relevant to the work of the organisation and to plan for future needs. A conference for senior managers was held in September. A conference for managers of offices dealing with the work of the Circuit Court and District Court was held in October.

### Well-being policy

The Service underlined its commitment to providing a safe and healthy working environment with the development of a Well-being Policy during the year. Implementation of the policy includes consideration of well-being initiatives underway around the country and ongoing support for initiatives already in place. These include flexible working arrangements, family-friendly policies, the Cycle to Work Scheme, the Employee Assistance Service and health and safety training.

Health and well-being events proved successful with staff attending awareness talks on breast cancer, alcohol health, and suicide during the year.



### Refund of fees

Many staff accessed the refund of fees scheme during the year. The scheme supported 34 staff to gain qualifications in areas relevant to the business of the Service including public management, law, project management, leadership and strategy, human resources and governance.

### 'Young Ireland' programme

For the second year, the Service sponsored delegates to attend the 'Young Ireland' programme. This joint venture with the 'Young Scotland' programme aims to improve communication skills, networking, broaden horizons and develop confidence in staff who are in the early stages of their careers.



### Promoting careers in the Courts Service

Staff of the Human Resources Unit attended third level career fairs in January and February to encourage students to consider a career in the Service. Staff also visited second level schools in October and November to encourage students to consider the Public Service when deciding on career and college options.

*"We have lots to offer students including the opportunity to work with judges and gain invaluable insight into the operation of our court system".*

Denise Cole, Head of Human Resources

### Workforce planning

Workforce planning is a continual process used to align the business and strategic needs and priorities of the organisation with those of the workforce to ensure that the organisation is equipped to meet its legislative, service and organisational objectives.

The Workforce Plan of the Service for the period 2017-2019 is part of the ongoing development of the response of the Service to organisational and workforce needs. This process commenced with the Learning and Development Strategy and will involve the development of further HR strategies and policy documents to address and support issues such as internal mobility, succession planning, professional development and recruitment.

*“The age profile of the staff – almost 34% are aged over 55 years - demands that we plan for the future not only in terms of the foreseeable loss of institutional knowledge but in view of the unforeseeable demands arising from the complex and uncertain environment in which we operate”.*

Brendan Ryan, Chief Executive Officer

### **Performance management**

The Performance Management and Development System (PMDS) continues to provide valuable support to all staff and managers in the management and improvement of individual performance. In particular, it provides staff with a planned structure for clarifying their role and reviewing their performance. PMDS includes the completion of a goal setting stage at the beginning of the year, and two review stages – a mid-year review stage and an end of year review stage with staff recording and processing forms via ePMDS.

### **Fostering staff engagement**

The Service continued to engage with staff representatives and develop the role of partnership during the year. There was ongoing dialogue with staff unions and associations through structured conciliation and arbitration meetings and liaison on specific issues. In addition, the Partnership Committee discussed a range of matters including financial updates, staff appointments, customer service, progress on staff learning and development, and induction for new staff.

### **Disability**

The Service complies with the Disability Act 2005 on the employment of people with disabilities. In excess of 3% of employees of the Service have a disability. They continue to be supported by a designated Disability Liaison Officer.

### **Employee assistance**

The Civil Service Employee Assistance Service (CSEAS) is a regionalised service which provides services and support to civil servants by promoting well-being, resilience and organisational effectiveness. It also supplements the work of human resource units and managers. Staff of the Service continued to avail of the Services of the CSEAS for advice, support and information on personal and work related matters during 2018.

### **Protected Disclosures**

The Protected Disclosures Policy confirms the commitment of the Service to fostering a supportive culture and work environment. This ensures that any member of staff is encouraged and supported to raise, without fear of adverse treatment, any issue regarding wrongdoing or potential wrongdoing in the workplace and any matter that may impact adversely on the ability of the Service to carry out its functions. In 2018 the Service received no reports under the Protected Disclosures Act 2014.



## STRATEGIC PRIORITY 4

### IMPROVE PROCESSES AND CASE MANAGEMENT

The Service remains committed to working with the judiciary and other stakeholders to support improved access to justice through case management, collaboration and reform.

#### Reform and review initiatives

Progress was made in respect of a number of areas which are the subject of reform and review including the new legal costs adjudicator regime, the operation of probate services, development of an eLicensing system and an online system for applying for leave to appeal to the Supreme Court.

#### Implementation of new legal costs adjudicator regime

A steering group comprising representatives of the Service and of the Department of Justice and Equality continued to plan for the new legal costs adjudication regime to be introduced in accordance with the Legal Service Regulation Act 2015.

A separate internal project board continued to oversee progress on the transition to the new regime. Work continued on the development of improved office accommodation and an ICT system to facilitate online filing of bills of costs, an updated case management system and an online register of determinations.

Competitions to fill the positions of Chief Legal Cost Adjudicator and Legal Cost Adjudicator were published by the Public Appointments Service in November in accordance with the provisions of the new Act.

#### Review of probate services

The Probate Office Review assessed the current probate service in terms of its rules, legislation and structures with a view to improving delivery to the next of kin of deceased persons. The Review Group, comprising representatives of the Service, the Office of the Revenue Commissioners and the Department of Justice and Equality, also assessed opportunities for the further utilisation of ICT to provide probate services using modern online service delivery models.

Implementation of the recommendations of the Review commenced during the year following the approval of the Board. They included improvements to existing business processes which at year end resulted in reduced waiting times for probate applications of four weeks for solicitor applications and 13 weeks for personal applications. The development of an eProbate system

was progressed with approval for the establishment of a project board to commence work on a more detailed business plan and design of an online system.

*“The eProbate Project has the potential to be one of the early flagship projects central to the digital services strategy of the Service which will deliver online services for citizens and for the legal profession”.*

Brendan Ryan, Chief Executive Officer

#### E-licensing system

The Service continued to develop an online system for the management and administration of licensing applications to the Circuit Court and District Court. The system will provide for e-filing of applications including e-payment of fees, and an eRegister.

The roll out to 29 court offices was completed by year end. Work on an electronic register to facilitate online searching was almost complete. The online application facility was piloted with four firms of solicitors to coincide with the Annual Licensing Courts in September.

#### Application for leave to appeal in the Supreme Court

The project to provide for online applications for leave to appeal to the Supreme Court continued with the development of the ICT solution required and work on the revision of court rules to accommodate the new regime. The Board for the project, chaired by the Head of Superior Courts Operations Directorate and including a judge of the Supreme Court, continued to engage with external stakeholders to ensure maximum use of the system.

#### Bankruptcy Conversion Project

The Service completed the first phase of a project in compliance with the State's obligations under EU Regulation 2015/848. This involved the provision of an electronic bankruptcy register to replace the existing manual register in October. A further phase of the project will involve integration of the register into the overall EU Insolvency Register to be maintained by the EU Justice Portal.

#### Court rules and procedures, practices and legislation

The programme to modernise and improve court rules and procedures, practices and, where appropriate, legislation, continued. The Service continued to play a critical role in the development of procedural and legislative reforms to the processing and hearing of court

cases, case management initiatives and other reforms.

The Service also continued to support and participate in the three court rules committees (see chapter 6) and prepared secondary legislation reforming, updating or otherwise amending the court rules for the various jurisdictions (Superior Courts, Circuit Court and District Court).

In addition, the programme to modernise and simplify court rules and forms, practice and terminology continued. The Service prepared amendments to reform litigation procedure, facilitate the operation of new primary legislation, respond to developments in jurisprudence and implement EU judicial co-operation and mutual assistance instruments, as well as other EU instruments having implications for court procedure. Details of amendments prepared by the Service and adopted by the various rules committees are in chapter 6.

Work continued on the preparation of a consolidated version of the District Court Rules and forms regulating the procedure in criminal proceedings.

The Service also continued to assess the potential impact on available resources of new legislative initiatives, particularly those affecting the range and type of criminal proceedings and civil actions which come before the courts. Such assessment also includes procedural changes, such as those affecting jurisdiction or the manner in which remedies may be sought. Legislative provisions with particular significance for the Service during 2018 are detailed in chapter 7.

### **Cross agency initiatives**

The Service continues to work with the Department of Justice and Equality, other justice agencies and practitioners to promote and support the effective administration of justice including reform initiatives.

In this regard, the Service continued to participate in a number of key strategic justice sector committees. They include the Criminal Justice Strategic Committee, Working Group on Juries, Working Group on Fixed Charge Penalty System, Data Needs and Interoperability Working Group, Victims of Crime Group, Video Conferencing Working Group, VFM Review of Prisoner Escorts, and Review of Protections for Vulnerable Witnesses in the investigation and prosecution of sexual offences. The Service is also represented on the high level group established to review the Fines Act and

the Department of Justice and Equality Capital Projects Governance Committee.

### **Criminal Justice Operational Hub**

The Service is also participating in a project to develop a hub for the electronic sharing of information across the Justice sector in order to improve the quality and timeliness of information available and reduce duplicate data entry. At year end proposals were being prepared on the feasibility of electronic lodgment of charge sheets with the courts, the sharing of court lists with the Prison Service and the provision of all court outcomes to the hub.

### **Civil Justice Review Group**

The Service also continues to be represented on the Civil Justice Review Group, established by the Department of Justice and Equality to review and reform the administration of civil justice in the State. The group, chaired by the President of the High Court, includes judicial representatives of all jurisdictions and representatives of the Department of Justice and Equality, Department of An Taoiseach, Department of Public Expenditure and Reform, Office of the Attorney General, Bar of Ireland and Law Society of Ireland.

### **Unified Patent Court**

The Service continues to be represented on the interdepartmental committee established to undertake preparatory work in relation to the establishment of a Unified Patent Court (UPC) in accordance with an international agreement signed by the State. The Service has agreed in principle to provide facilities for a local division of the UPC, which the Government announced would be established in Ireland, in the event that the agreement is ratified by a referendum, a date for which has not been set.

### **The European Commission for the Evaluation of the Efficiency of Justice (CEPEJ)**

This committee of the Council of Europe is charged with promoting improvements in the administration of justice in member states of the Council. The Service was represented at the plenary meeting of the Commission during the year and continued to liaise with the Department of Justice and Equality on the provision of annual caseload and other court related statistics to CEPEJ. The statistics are included in the CEPEJ biennial report on European Judicial Systems and in the EU

Commission's EU Justice Scoreboard mentioned below. The 7th biennial report was published in 2018.

The Service continues to engage in improving the capacity of its case processing systems to provide a wider range of case flow data for its own needs as well as for EU publications.

### **EU Justice Scoreboard**

The Service participates with the Department of Justice and Equality in meetings on national justice systems hosted by the European Commission's Directorate-General for Justice and Consumers. This assists in developing the EU Justice Scoreboard and promotes the exchange of best practices on the effectiveness of justice systems, including on the collection of data. The Scoreboard is an annually published comparative information tool which provides data on the quality, independence and efficiency of justice systems in all EU Member States.

### **Assisted Decision Making (Capacity) Act 2015**

The Service continued to work with the Department of Health and the Department of Justice and Equality in relation to the establishment of the Assisted Decision Making Support Service and the transition to the new regime. A working group, chaired by the Head of Circuit Court and District Court Operations Directorate, was established during the year to prepare for the implementation of the Act in the Circuit Court and High Court. The group includes other senior representatives from the Service including the Registrar of Wards of Court and the General Solicitor for Minors and Wards of Court, the Director of the Decision Support Service and a representative from the Department of Justice and Equality.

Draft rules of court to facilitate the operation of the new capacity regime have been prepared with the Reform and Development Directorate of the Service continuing to consult with the Director of the Decision Support Service and relevant court offices on the matter. The Reform and Development Directorate continued to participate on the Technical Expert Group for advising the National Disability Authority on developing non-health codes of practice under the legislation.

### **Insurance Compensation Fund**

The Insurance Compensation Fund was established under the Insurance Act 1964 to make arrangements

to meet certain liabilities of insolvent insurers. The Fund was maintained and administered under the control of the President of the High Court acting through the Accountant of the Courts of Justice until the commencement of the Insurance (Amendment) Act 2018 in July which provides for the transfer of the administration of the Fund to the Central Bank of Ireland.

## STRATEGIC PRIORITY 5

### IMPROVE COURT ACCOMMODATION AND FACILITIES

The development and maintenance of quality buildings with appropriate facilities for all court users is an important part of the work of the Service. State investment in recent years has improved courthouse facilities around the country. Further investment is required to improve and replace courthouse infrastructure in a number of areas including facilities for family law in Dublin and in courthouses in five county towns: Portlaoise, Galway, Tralee, Wicklow and Roscommon.

#### Implementation of the Capital Building Programme

##### Regional courthouse projects – Courts Public Private Partnership (PPP) Bundle

The project to construct/refurbish seven regional courthouses concluded with the completion of works in Limerick, Cork, Waterford and Mullingar during the year. Part of the Government's Infrastructure and Capital Investment Plan 2016-2021, it was the largest courthouse building project undertaken in the history of the State, outside of Dublin.

*The seven courthouse project delivered over 36,000 square meters of accommodation including thirty-one courtrooms, all relevant support facilities including consultation rooms, victim support facilities, holding cells, judges' chambers and court offices.*

The project saw the construction of four new courthouses in Drogheda, Letterkenny, Limerick, and Wexford; and substantial refurbishment and extension works to existing courthouses in Mullingar, Waterford, and Cork. The courthouses were delivered as public private partnership projects. Finance was arranged through the National Development Finance Agency with payments to be made by the Service over a period of 25 years. The completed courthouses are fully accessible and include additional facilities for vulnerable witnesses and victims of crime. The public private partnership contract includes the provision of a range of facilities including management and maintenance services at each location.

##### National Development Plan 2018-2027

A number of proposed courthouse developments were included in the Government's National Development Plan 2018-2027 published in February 2018. These include the following:

- further new or refurbished courthouses in regional cities and county towns where facilities remain substandard (including Galway city, Wicklow town, Portlaoise, Tralee and Roscommon) and further provincial locations such as An Clochán Liath (Dungloe) to serve as the Gaeltacht court for the region, and Tuam
- Family Law and Children Court Complex in Dublin followed by the redevelopment of the Four Courts as a campus for civil courts
- Construction of standard county town type court facilities at a number of locations in county Dublin and also in north Kildare, Bray and Navan
- Regional family law centres
- A nationwide condition survey of all court buildings in the estate to be undertaken to determine their condition and identify works in relation to any issues identified and to meet ongoing maintenance requirements.

The precise allocation and timing of additional funding over the ten-year period of the National Development Plan remains to be fully determined. The outcome of further detailed planning and analysis of costs will determine the prioritisation of projects.

In preparation for further development works, the Service continued plans to provide improved accommodation with the emphasis on the acquisition of sites. The acquisition of Roscommon courthouse from Roscommon County Council was finalised during the year and the Service continued to actively seek new sites in Portlaoise, Tralee and Galway.

##### Dublin projects: Family Law and Children Court complex

The Family Law and Children Court complex referred to in the National Development Plan will include a new Supreme Court facility and accommodation for court offices. The Government's Infrastructure and Capital Investment Plan also provides for this important project.

The complex will be located on a site bounded by Church Street and Hammond Lane in Dublin in close proximity to the Four Courts. It will allow for the necessary replacement of the existing child and family law facilities in Dolphin House, Phoenix House, Áras Uí Dhálaigh, and the Children Court with a state of the art purpose built

facility at a single location in the heart of the city's legal quarter.

A Project Board, chaired by a judge of the High Court, continued to oversee the project during the year. The National Development Finance Agency confirmed that the project is suitable for procurement by way of public private partnership. A range of surveys, including topographical, geotechnical, archaeological, traffic, noise and vibration, have been carried out on the site.

A detailed business case/capital appraisal as required by the Public Spending Code was submitted to the Department of Justice and Equality for approval in April 2017. An updated project costing and business case was submitted in April 2018.

### Other Dublin projects

Work on the refurbishment of the Four Courts Dome continued during 2018 under the supervision of the Office of Public Works (OPW). A number of capitals (the topmost parts of the dome's columns) need to be replaced. The replacement capitals are made from Portland stone and each weighs approximately 800kg. Following the replacement of two capitals in 2017 a third was removed during 2018. Other work completed on the dome includes cleaning and repairing granite stone, replacing copper sheeting, and the installation of safety systems for future maintenance. The next phase of the project will commence in 2019.

The OPW also plans to re-instate the art work which originally existed in four of the recessed niches in the Round Hall of the Four Courts. The artwork will take the form of plasterwork panels and depict various historical events.

Other works completed in Dublin included the provision of additional court and office accommodation for the Office of the Legal Cost Adjudicator and the first phase of a programme of repairs to the roof of the historic Chancery Street Courthouse.

### Public private partnership contracts

The Service is committed to managing public private partnership contracts in the most effective way so as to achieve value for ongoing State investment. New management arrangements were put in place by the Estate Management Unit of the Service in co-operation with regional and office managers in respect of the management of the seven courthouses completed under

the Courts PPP Bundle project.

The project was nominated in the 'Best Operational Project' category of the Partnership Awards to be announced in May 2019. The Partnerships Awards brings together key decision-makers from the public and private sectors to recognise and reward outstanding achievements in public private partnerships. It is open to all projects and companies in Europe, Middle East and Africa.

### Maintenance of court buildings

The National Development Plan includes a project to survey court buildings to determine their condition and identify works required to meet both backlog and ongoing maintenance requirements. Such a survey is the first step in implementing a preventative maintenance programme. The Service commenced a procurement exercise with the Office of Government Procurement during the year to engage a suitably qualified and experienced company to undertake the survey. Tenders were being finalised at year end with the survey to commence in early 2019.

### Courtroom security

The Service continued to work with An Garda Síochána on the issue of courthouse and courtroom security. Representatives of all court jurisdictions attended meetings on the subject during the year.

### Energy management

The Service reports all energy usage to the Sustainable Energy Authority of Ireland (SEAI) on an annual basis, as required by regulation.

Work continues towards the goal of a 33% reduction in energy consumption (per square meter) by the Service by 2020, in accordance with Ireland's National Energy Efficiency Plan. By 2017 the Service had achieved a reduction of 10.4% and Total Primary Energy Requirements (TPER) was 33.4 Gigawatts Hours.

The seven new courthouses of the Courts PPP Bundle were designed to the highest standards in terms of energy conservation with a BER rating of 'A'. These buildings should improve the overall energy usage of the Service into the future.

### Energy award

The Energy Team of Ennis Courthouse was presented

with the Best Energy Team award at the Munster Region section of the OPW Energy Awards 2018. The award was part of the OPW staff energy conservation campaign, Optimising Power @ Work. The core principle of the initiative is to encourage staff behavioural change with regard to energy usage, with the overall aim of identifying and eliminating wastage.



### **Accessibility**

The Service continued to work to ensure that court buildings comply with disability legislation. The new courthouses of the Courts PPP Bundle in Drogheda, Letterkenny, Wexford, Cork, Limerick, Waterford and Mullingar are fully compliant with all accessibility requirements and legislation. The proposed new child and family law court complex in Dublin is being designed to be equally compliant.

## STRATEGIC PRIORITY 6

### OPTIMISE USE OF TECHNOLOGY

The increased use of technology is key to meeting the challenge of maintaining services to judiciary, staff, the legal profession and the public, and to meet legislative requirements and the demand for additional eGovernment and online services.

*“ICT is the cornerstone and enabler for modernisation and reform initiatives, supporting increased interaction with other justice agencies and government departments and providing improved customer service”.*

Brendan Ryan, Chief Executive Officer

#### Strategy

The ICT Strategy continued to chart the course for the maintenance of infrastructure, delivery of online services, development of courtroom technology and opportunity for interagency co-operation for the three years to 2018. A major challenge in the implementation of the strategy continued to be projects which require to be given priority over those outlined in the strategy. This can lead to an unanticipated diversion of resources and postponement or deferral of projects. The ICT Governing Committee continued to ensure that ICT resources were deployed in the most advantageous way during the year.

Work commenced on the development of an ICT strategy for the years 2018-2020. Complementing this work is a review of the ICT function which also commenced during the year as part of the change process. An important aspect of the ICT strategy will be the development of a digital services strategy as part of the long term vision for the Service.

#### Infrastructure

Maintenance and development of ICT infrastructure is critical to the efficient operation of the work of the Service. Improved funding for ICT development enabled the Service continue to develop the infrastructure necessary to support several major projects. A comprehensive programme of work to improve ICT infrastructure is ongoing with the following projects concluded or continued during 2018:

- improvements to the overall ICT environment/network, including preparatory work on the procurement of a new firewall
- increase in network bandwidth through the Government Cloud Network

- further replacement of older equipment
- planning and implementation of ICT requirements for court buildings as part of public private partnership construction projects
- auditing of software licences
- review of disaster recovery arrangements.

#### Security

The Information Security Committee continued to provide governance for information security. The Committee is responsible for reviewing, issuing and implementing various ICT policies and standards. These policies will be up to ISO 27001 standard and will give the Service the option to become ISO certified in the future.

#### System upgrade and development

##### Courts Service Online

The Courts Service Online (CSOL) project aims to deliver a single civil case management system to provide a common platform for the civil processes of all jurisdictions. The new system incorporates the facility to make applications and payments online, collect orders and file certain documents electronically.

CSOL has replaced a number of existing systems and continues to be implemented on a modular basis. Areas of work benefiting from the new platform include insolvency and small claims, the Supreme Court and the Court of Appeal.

Additions during the year included an online bankruptcy register, expansion of eLicensing functions, improvements to management of court lists and development of the system to facilitate online applications for leave to appeal to the Supreme Court. Work continued to design the system to support case management and online aspects of the work of the proposed new Office of the Legal Cost Adjudicator.

An architectural and usability review of the CSOL platform was undertaken during the year. The review assessed user experience and performance, software development process, and reporting and technical environment. The Service will act on the review recommendations which include upgrading the software underpinning CSOL to allow it better cater for the diverse range of processes across the courts and continue to

provide a platform for the expansion of online services.

### **Software upgrade**

Work was completed on the upgrade of the software underlying the system supporting the management of court funds (Funds Accounting System). At the same time work to upgrade the software underlying the system supporting the work of the Courts Accounts Office (Courts Accounting System) commenced and is expected to be completed in 2019.

### **Statistical Reporting System**

The Service deployed a new platform for reporting on certain civil cases with familiarisation workshops and training delivered to key staff users. The platform will be rolled out for use in respect of District Court criminal cases in early 2019.

### **Courtroom technology**

The Service continued to work with the judiciary and the wider justice and legal community to ensure the maximum use of and benefits from courtroom technology. This includes promoting the increased use of the electronic display of evidence in civil and criminal cases, and video conferencing for court appearances by witnesses. It also includes maximising the potential of digital audio recording.

### **Evidence display**

Evidence display facilities, available in almost 70 courtrooms, allow for viewing of evidence including recordings of interviews in garda stations, CCTV security footage and other forms of evidence held electronically including scanned documentary evidence. In addition, mobile evidence display units continued to enable video viewing in courtrooms without built-in viewing facilities in the Criminal Courts of Justice and around the country. These units are also used by juries to review CCTV footage and associated video evidence during deliberations in the jury room.

### **Video conferencing – use of facilities**

The use of video conferencing facilities eliminates the necessity for witnesses and accused in custody to attend in person, and is of particular benefit where witnesses are abroad and for vulnerable underage witnesses. Their use leads to considerable cost savings especially in relation to expert witnesses in civil cases.

In the High Court, witnesses can give evidence via video link for commercial, non-jury, chancery, and personal injury cases, in particular medical witnesses in child care cases, witnesses in custody and those located abroad. The High Court granted leave to hear evidence by way of video conferencing in 124 cases during the year. As a result of the settlement of cases before trial 54 cases proceeded to have evidence heard using the facility.

In criminal cases, video conferencing facilities continue to be used in various types of cases. They include evidence given before a judge in a court in Ireland in respect of trials in another jurisdiction particularly another EU Member State; evidence by children or vulnerable witnesses via video link to the court from a witness room; and evidence via video link to trials/court cases in Ireland from other countries.

### **Video conferencing – provision of facilities**

The preparation for, and installation of, video conferencing facilities in the courthouses under construction around the country was a priority during the year. In addition, work to provide video conferencing facilities continued in other venues. A project to refresh the entire suite of video facilities in the Criminal Courts of Justice was completed in September. This involved the installation of eight video conferencing solutions, five evidence display solutions, two vulnerable witness room solutions, two jury call over solutions and a mobile video conferencing unit. New installations and solution refreshes were provided in Kilkenny District, Tullamore Circuit and Anglesea Street, Cork in September and October.

Work commenced on a proof of concept for the introduction of a virtual meeting room platform to the video conferencing estate of the Service. Successful introduction of this technology will deliver a number of improvements including the potential for witnesses to give evidence via solutions such as Skype, smartphones and tablets.

### **Video conferencing - between courts and prisons**

The Prisons Act 2007 provides that an accused in custody may give evidence to the court by video link from the prison rather than give evidence by attending in court.

Video conferencing to prisons operated to Cloverhill District Court, Cork District Court, Criminal Courts of Justice (Dublin Circuit and District Criminal Courts), Ennis



District Court, Galway District Court, Letterkenny District Court and Limerick District Court during the year. There were 3,362 video link sessions between courts and prisons, an 8% increase on 2017.

The Service continued to chair a joint working group to examine the potential for the extension of the use of video link between courts and prisons for pre-trial matters in accordance with the Act.

### **Digital Audio Recording**

Digital audio recording (DAR) is the standard method of recording court proceedings and is used to produce transcripts in particular for criminal cases. It is available in all courtrooms including those not on the network of the Service.

A project to refresh the DAR technology in over 240 courtrooms was completed in early 2018 with a 'lessons learned' and project review continuing throughout the year.

Following the implementation of the General Data Protection Regulation and the Data Protection Act 2018, the Service commenced a project to address the matter of DAR Access Control.

*"We continue to work to optimise the potential of technology to improve service delivery for all court users, by expanding the range of services provided online, through digital means, and by expanding the use of courtroom technology".*

Brendan Ryan, Chief Executive Officer

# STRATEGIC PRIORITY 7

## PROVIDE INFORMATION ON THE COURTS SYSTEM FOR THE PUBLIC

The third mandate of the Service is the provision of information on the courts system for the public. Staff throughout the country continued on a daily basis to engage with court users to explain the practice and procedure of the courts. They also supported visits and talks and a variety of events organised by the Service and by outside agencies.

### Website

The website of the Service ([www.courts.ie](http://www.courts.ie)) received over 3.1 million visits in 2018 with visits via mobile device comprising 36% of total visits. The most visited sections were legal diary, judgments and determinations, court rules and High Court Search.

WEBSITE: VISITS:	
2018	3,164,285
2017	2,913,473
2016	2,709,351
2015	2,766,751
2014	2,619,641
2013	2,569,418

VISITS VIA MOBILE DEVICE (INCLUDING TABLET)	
2018	1,148,883
2017	968,233
2016	811,914
2015	769,640
2014	630,321
2013	457,894

Work commenced on the redevelopment of the website. The Service completed a consultation exercise with internal and external users to identify the most popular sections of the site and to identify user requirements. The redevelopment project will aim to convert those requirements into a modern online presence having regard to other proposed digital offerings, in particular Courts Service Online and the Supreme Court e-filing project.

### Social media

News of initiatives, events and court sittings continued to be posted on Facebook with information in video format available on the Service’s YouTube channel.

### Outreach

#### Visiting courthouses

Interest in visiting the courts continued during the year with students visiting a number of court buildings, including Athlone, Ballina, Carrick-on-Shannon, Castlebar, Dundalk, Ennis, Galway, Loughrea, Letterkenny, Sligo and Tullamore on visits facilitated by staff of the Service. Over 4,000 students availed of the opportunity to visit the Criminal Courts of Justice in Dublin to witness the courts in operation. Students in many venues were also afforded the opportunity to participate in mock trials as part of their court experience. Members of the judiciary met with many groups and took part in question and answer sessions.



The Service continued to support visits from community and other groups, and to facilitate access to court buildings for numerous projects around the country. The Criminal Courts of Justice hosted over 60 events of special interest during the year. This included hosting visiting delegations of foreign judiciaries, moot courts by various groups, and training days and conferences in the Jury Reception Area.

#### Opening courthouses

Courthouses in Dublin and around the country were made available for law related events during the year including moot court competitions, in English and Irish, for second and third level students.

In addition, the tradition of opening court venues to the public for non-court business continued. Sligo Courthouse hosted a number of local drama groups for a reading of J.M. Synge’s *Playboy of the Western World* in July. On Culture Night in September, Washington Street Courthouse in Cork was the venue for the UCC

Players' production of Agatha Christie's *Witness for the Prosecution* and staff provided guided tours of the new courthouse in Letterkenny. The Four Courts and the Criminal Courts of Justice were opened as part of the Open House initiative in October. Clifden Courthouse was made available for events during the Clifden Arts Festival in September while Carlow Courthouse was a popular venue as part of the Scarefest Halloween festival in October.

### Retired staff

The Retired Staff Association continued to afford former colleagues opportunities to meet at events organised at Easter, Christmas and during the summer months.

### Requests for information

The Service continued to respond to requests for information from the public, government departments and parliamentary representatives during the year.

Material for responses to 278 parliamentary questions tabled by members of the Oireachtas was provided and the Office of the Chief Executive dealt with 478 letters/representations from other government departments, TDs, senators and members of the public.

### Freedom of Information

The Service received 222 written access requests by e-mail and post under the Freedom of Information Act 2014. Many of these requests related to information contained in court records which are not covered by Freedom of Information legislation. The Freedom of Information Officer continued to participate in the Public Service Users Network.

<b>REQUESTS: FREEDOM OF INFORMATION ACT 2014</b>	
On hand 01 January 2018	4
Received	222
Dealt with	219
On hand 31 December 2018	7
<b>Outcome of requests dealt with</b>	
Access granted/part granted	63
Refused*	124
Transferred/withdrawn/handled outside of FOI	32
* includes access requests for court records which are exempt records under section 42(a)(i) of the 2014 Act. The Freedom of Information Unit receives a large number of access requests for court records	

### Data Protection

With effect from 25th May 2018, the General Data Protection Regulation (EU) 2016/679 (GDPR) and the Data Protection Act 2018 enhanced existing data protection laws. At the centre of the new law is the requirement to be fully transparent about how personal data is being used and safeguarded, and the ability to demonstrate accountability for all data processing activities.

The Service continued a programme of measures to enhance data protection arrangements and ensure compliance with the new legislative requirements. These included efforts to increase levels of compliance, the development of an eLearning module, an awareness campaign involving e-mails, presentations at key management conferences and induction training. Presentations on data protection were provided to staff in offices based in several regional locations and in Dublin.

In addition, the Service supported the establishment of a judicial supervisory authority and the development of court rules to give effect to the legislative framework for the application of data protection to court records.

The Data Protection Unit dealt with 23 access requests under the Data Protection legislation during the year.

### Media Relations Service

The Service continues to proactively engage with the media to develop routes for the provision of information to allow them accurately report on the courts. The Media Relations Service (MRS) of the Service works daily to ensure a smooth flow of information to the media.

*One of the most common ways the public access what is happening in the courts is through the national and local media. This has been the case for centuries. In many ways it ensures that the courts are heard in public.*

The MRS dealt with approximately 10,000 queries during the year with over 95% responded to on the day of receipt. Queries are received across a wide range including matters of policy, information on court cases, research for background and documentary pieces, statistics and the context of practice and rules. The MRS deals with queries from print, broadcast, online and social media platforms providing an initial contact for some local and regional media and for all queries from national and international media. The MRS also liaises

with other agencies and bodies to provide information about various areas of the legal and justice system.

The MRS continued to engage with colleges, associations and unions involved with media to establish links and promote accurate court reporting. This work included organising workshops, seminars and news days for trainee and student journalists in colleges, schools and other venues. The MRS also maintained contact with various media bodies including the National Union of Journalists, the Press Council and the Press Ombudsman's Office.

The MRS acts as a support, resource, and source of information for court offices. It also researches for, and advises the judiciary on, matters relating to the media.

The MRS worked with various directorates of the Service to develop a plan to implement court rules, made under GDPR legislation, which allowed extended access to court documents and information relied upon in court. The MRS assisted with the drafting of guidelines to allow access to information in criminal cases and arranged publicity in national papers and across social media to inform the media of these changes in late May.

Liberty to access documents relied upon in the civil courts was introduced from August for cases initiated after the start of that month. The novelty of this access was discussed at a seminar organised by the MRS with the National Union of Journalists and attended by over 60 journalists. The seminar, addressed by the Chief Justice, also discussed the exemption afforded to journalists from a practice direction introduced during the year banning the use of social media in courtrooms.

The background of the page is a photograph of classical marble architecture. The top half shows the upper portion of several fluted columns. The bottom half shows a close-up of a marble base or capital. A solid blue horizontal band is positioned between the top and bottom images, containing the chapter title.

## CHAPTER 3 STATISTICS

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## OVERVIEW

Civil business by jurisdiction	Incoming		Resolved	
	2018	2017	2018	2017
District Court	137,493	133,823	106,698	121,075
Circuit Court	49,253	53,795	39,606	36,612
High Court	39,219	39,659	30,982	27,398
Court of Appeal	499	611	475	470
Supreme Court	308	234	285	275
<b>Total</b>	<b>226,772</b>	<b>228,122</b>	<b>178,046</b>	<b>185,830</b>

Civil business by type	Incoming		Resolved	
	2018	2017	2018	2017
Civil and commercial litigious cases	131,159	128,820	82,744	93,729
Civil and commercial non-litigious cases	82,020	84,195	82,736	78,015
Non-litigious enforcement cases	9,635	11,168	9,341	11,017
Appeals	2,827	2,876	2,119	2,018
Cases Stated	39	31	14	19
Other	1,092	1,032	1,092	1,032
<b>Total</b>	<b>226,772</b>	<b>228,122</b>	<b>178,046</b>	<b>185,830</b>

Criminal offences and appeals by jurisdiction	Incoming*		Resolved*	
	2018	2017	2018	2017
District Court	391,296	391,207	296,971	290,567
Circuit Court	33,096	32,787	60,556	47,716
Special Criminal Court	51	54	74	50
Central Criminal Court	1,202	1,761	1,941	2,098
Court of Appeal	1,266	1,281	1,472	1,078
Supreme Court	8	11**	17	9**
<b>Total</b>	<b>426,919</b>	<b>427,101</b>	<b>361,031</b>	<b>341,518</b>

\* by offence

\*\* excluded from total figure in Annual Report 2017

Criminal offences and appeals total	Incoming*		Resolved*	
	2018	2017	2018	2017
Offences	407,571	406,996	315,033*	307,021*
Appeals	19,348	20,105	45,998	34,497
<b>Total</b>	<b>426,919</b>	<b>427,101</b>	<b>361,031</b>	<b>341,518</b>

\* orders made in respect of offences

# CIVIL BUSINESS

## CIVIL BUSINESS IS CATEGORISED BY CASE TYPE:

### 1. CIVIL AND COMMERCIAL LITIGIOUS CASES

COMPRISE CASES WHERE ONE PARTY IS SUING ANOTHER; EUROPEAN PAYMENT ORDER APPLICATIONS; CORPORATE INSOLVENCY CASES; PERSONAL INSOLVENCY CASES (CONCERNING APPLICATIONS BY CREDITORS); APPEALS TO THE DISTRICT COURT AND LITIGIOUS ENFORCEMENT MATTERS.

### 2. CIVIL AND COMMERCIAL NON-LITIGIOUS CASES

COMPRISE PROCEEDINGS ISSUED IN IRELAND THAT ARE NOT INTER-PARTES (INCLUDING PROBATE, WARDS OF COURT AND PERSONAL INSOLVENCY CASES CONCERNING APPLICATIONS BY DEBTORS IN PERSON); AND CERTAIN FOREIGN PROCEEDINGS.

### 3. NON-LITIGIOUS ENFORCEMENT CASES

COMPRISE PROCEEDINGS BY CREDITORS FOLLOWING JUDGMENT TO PROCURE PAYMENT OF DEBTS DUE.

### 4. APPEALS

COMPRISE CIVIL AND FAMILY LAW APPEALS FROM THE DISTRICT COURT TO THE CIRCUIT COURT; FROM THE CIRCUIT COURT TO THE HIGH COURT; AND FROM THE HIGH COURT TO THE COURT OF APPEAL. THEY ALSO INCLUDE APPLICATIONS FOR LEAVE TO APPEAL AND APPEALS TO THE SUPREME COURT.

### 5. CASES STATED

ARE INSTANCES WHERE A COURT ASKS FOR AN OPINION ON A POINT OF LAW FROM A HIGHER COURT.

Civil statistics are presented by reference to cases/matters received and cases/matters resolved during the year. The majority of civil cases initiated in Ireland do not proceed to trial. Typically, they are either settled between the parties (with or without a court approving a settlement), are formally discontinued (involving notification to the defendant and the court), or are not pursued further by the plaintiff (without the plaintiff notifying the court). It is therefore not possible to provide figures for pending caseloads in most courts. Cases referred to as 'resolved' may include cases commenced in years other than 2017 or 2018.



# CIVIL BUSINESS

## 1. CIVIL AND COMMERCIAL LITIGIOUS CASES

### DISTRICT COURT, CIRCUIT COURT, HIGH COURT

CIVIL AND COMMERCIAL LITIGIOUS CASES		INCOMING		RESOLVED	
		2018	2017	2018	2017
(a)	Cases where one party is suing another	128,222	125,664	80,095	90,683
(b)	European Payment Order applications	209	110	60	28
(c)	Corporate insolvency	169	128	135	162
(d)	Personal insolvency (creditors)	160	115	121	107
(e)	Appeals to District Court	163	111	97	57
(f)	Litigious enforcement	2,236	2,692	2,236	2,692
	<b>Total</b>	<b>131,159</b>	<b>128,820</b>	<b>82,744</b>	<b>93,729</b>

#### A. Cases where one party is suing another: General

##### 1. Personal injury (including medical negligence)

A person may pursue a claim for damages for personal injuries through the courts upon receipt of an authorisation from the Personal Injuries Assessment Board (PIAB). This is a legal document issued in the absence of consent from the person responsible for the injury (the respondent) to the assessment of the claim by the PIAB or the rejection by either party of a PIAB assessment. PIAB does not deal with medical negligence claims.

Settlements in personal injury cases involving persons under 18 years (infant rulings) must be brought before the relevant court for approval prior to being accepted.

There were 22,049 personal injury suits filed in 2018, a slight decrease on the 22,417 personal injury suits filed in 2017 – 8,889 (including 1,338 medical negligence) in the High Court, a slight decrease on the 8,909 in 2017, and 12,193 in the Circuit Court, a slight decrease on the 12,497 in 2017. There were 967 filed in the District Court, a decrease on the 1,011 in 2017.

PERSONAL INJURY	INCOMING		RESOLVED			
	2018	2017	2018		2017	
			By court*	Out of court	By court*	Out of court
High Court	8,889	8,909	3,967	526**	3,879	31
Circuit Court	12,193	12,497	6,522	493	6,834	775
District Court	967	1,011	454	0	527	0
<b>Total</b>	<b>22,049</b>	<b>22,417</b>	<b>10,943</b>	<b>1,019</b>	<b>11,240</b>	<b>806</b>

\* Cases dealt with by the court include all cases assigned to a judge. The majority of these cases are dealt with without a substantive court hearing.

\*\* includes 506 cases resolved out of court by filing a notice of discontinuance

The District Court has power to award up to €15,000 in damages in personal injuries cases and the Circuit Court has power to award up to €60,000, though both courts can make higher awards with the consent of the parties. The High Court has unlimited power to award damages.

PERSONAL INJURY AWARDS:	DISTRICT COURT	
Amount	Cases	
	2018	2017
€0 to €7,500	258	248
€7,500 to €15,000	306	207
€15,000+	4	2
<b>Total</b>	<b>568</b>	<b>457*</b>

\* Figure for 2017 has been revised

PERSONAL INJURY AWARDS:	CIRCUIT COURT	
Amount	Cases	
	2018	2017
€0 to €15,000	449	405
€15,000 to €60,000	783	666
€60,000+	9	4
<b>Total</b>	<b>1,241</b>	<b>1,075</b>

PERSONAL INJURY AWARDS:	HIGH COURT	
Amount	Cases	
	2018*	2017*
€0 to €60,000	145	149
€60,000 to €199,999	174	170
€200,000 to €499,999	55	28
€500,000+	50	53
<b>Total</b>	<b>424</b>	<b>400</b>

\* includes medical negligence awards

	HIGH COURT		CIRCUIT COURT		DISTRICT COURT	
Amounts awarded	2018*	2017*	2018	2017	2018	2017
Lowest amount	€1,400	€2,405	€850	€1,000	€750	€500
Highest amount	€15,500,000	€15,000,000	€211,523	€78,000	€20,000	€22,945
<b>Total amount</b>	<b>€148,935,686</b>	<b>€183,141,689</b>	<b>€23,596,553</b>	<b>€19,874,648</b>	<b>€4,536,733</b>	<b>€3,493,105**</b>

\* includes medical negligence awards

\*\* figure understated in Annual Report 2017

MEDICAL NEGLIGENCE AWARDS:	HIGH COURT	
Amount	Cases	
	2018	2017
€0 to €60,000	25	6
€60,000 to €199,999	17	13
€200,000 to €499,999	18	7
€500,000+	28	24
<b>Total</b>	<b>88</b>	<b>50</b>

MEDICAL NEGLIGENCE AWARDS:	HIGH COURT	
	2018	2017
Lowest amount awarded	€5,000	€17,500
Highest amount awarded	€15,500,000	€15,000,000
<b>Total amount awarded</b>	<b>€91,411,853</b>	<b>€98,804,401</b>

## 2. Negligence (excluding medical negligence causing personal injury)

Negligence claims are claims for damages against a person or persons against whom it is alleged breached a duty of care owed to the claimant resulting in pecuniary loss

NEGLIGENCE	INCOMING		RESOLVED			
	2018	2017	2018		2017	
			By court	Out of court	By court	Out of court
High Court	274	324	31	124	46	52

## 3. Commercial

Commercial proceedings are defined in Rule 1 of Order 63A of the Rules of the Superior Courts. In short, they include claims in contract or tort arising out of business transactions where the value of the claim is not less than €1 million, intellectual property cases (including passing off), certain types of arbitration claims and appeals from, or judicial review applications in respect of, any statutory body where the judge in charge of the list considers that, having regard to the commercial or any other aspect of such an application it is one appropriate for entry into the commercial list.

Entry into the commercial list is not mandatory for any case types. Cases are only admitted to the list if one of the parties makes an application and the judge admits the case. They are not automatically admitted to the commercial list because of the relief sought and can be prosecuted in the chancery or in the non-jury lists if the parties so wish.

COMMERCIAL	INCOMING		RESOLVED			
	2018	2017	2018		2017	
			By court	Out of court	By court	Out of court
High Court	161	193	79	37	89	34

ANALYSIS OF CASELOAD	2018	2017	2016	2015
On hands 01/01	315	245	203	166
Incoming	161	193	157	148
Resolved	116	123	115	111
On hands 31/12	360	315	245	203

ANALYSIS OF CASES RESOLVED	2018	2017	2016	2015
Motion to dismiss	2	6	5	4
Settled after entry	7	9	7	5
Settled after directions hearing	18	10	21	13
Settled after hearing date set	12	15	12	8
Settled at hearing	19	11	12	9
Full hearing	58	72	58	61
Other	0	0	0	11
<b>Total</b>	<b>116</b>	<b>123</b>	<b>115</b>	<b>111</b>

#### 4. Chancery

Chancery matters are dealt with in the High Court. They include injunction applications, company law motions, specific performance/rescission of contracts, administration of estates of deceased persons and trust actions.

CHANCERY	INCOMING		RESOLVED			
	2018	2017	2018		2017	
			By court	Out of court	By court	Out of court
High Court	1,906	2,269	297	287	308	271

ANALYSIS OF INCOMING CASES	2018	2017	2016	2015
Specific performance	144	133	168	152
Injunction	314	405	337	298
Declaration	792	1,066	898	1,280
European Communities (Cross Border mergers) Regulations, 2008*	10	0	3	9
Other	646	665	696	571
<b>Total</b>	<b>1,906</b>	<b>2,269</b>	<b>2,102</b>	<b>2,310</b>

\* S.I. No. 157 of 2008

#### 5. Property

Property (possession) cases are cases in which the plaintiff is seeking possession of lands and/or premises including family homes.

Other property cases include 'mortgage suits' (cases where the creditor has a mortgage on the property in which the defendant has an interest but does not have power to sell that property unless the court declares the mortgage well-charged on the debtor's interest), applications for ejectment, applications under Landlord & Tenant legislation, applications involving the Residential Tenancies Board and ground rent matters.

There were 1,607 cases for the recovery of possession of lands and/or premises in the High Court and Circuit Court – a 52% decrease on the 3,356 cases in 2017. The Circuit Court made 700 orders for possession, a 20% decrease on the 878 orders made in 2017.

PROPERTY (POSSESSION)	INCOMING		RESOLVED			
	2018	2017	2018		2017	
			By court	Out of court	By court	Out of court
High Court	174	301	169	10	75	12
Circuit Court	1,433	3,055	1,813	0	2,031	0
<b>Total</b>	<b>1,607</b>	<b>3,356</b>	<b>1,982</b>	<b>10</b>	<b>2,106</b>	<b>12</b>

PROPERTY (POSSESSION)	ORDERS GRANTED		ORDER NOT GRANTED	
	2018	2017	2018	2017
Circuit Court	700	878	1,113	1,153

PROPERTY (OTHER)	INCOMING		RESOLVED			
	2018	2017	2018		2017	
			By court	Out of court	By court	Out of court
High Court	43	59	35	6	33	6
Circuit Court	288	585	760	150	556	286
District Court	80	109	118	0	62	0
<b>Total</b>	<b>411</b>	<b>753</b>	<b>913</b>	<b>156</b>	<b>651</b>	<b>292</b>

## 6. Breach of contract

Where a party refuses or fails to fulfil an obligation imposed by a contract, the injured party can bring an action for damages. In this context, breach of contract cases do not include claims for liquidated damages (see section 7 below)

HIGH COURT					
INCOMING		RESOLVED			
2018	2017	2018		2017	
		By court	Out of court	By court	Out of court
318	327	40	81	38	81

## 7. Recovery of debt (liquidated claims)

Actions to recover debt are generally taken by financial institutions seeking to recover specified amounts of money, often in respect of loans.

	INCOMING		RESOLVED					
	2018	2017	2018			2017		
			By court	Out of court 1	Out of court 2	By court	Out of court 1	Out of court 2
High Court	1,982	3,042	494	310	742	351	339	822
Circuit Court	2,623	2,806	277	207	1,615	359	362	1,775
District Court	18,713	20,781	1,478	0	8,909	1,256	0	9,893*
<b>Total</b>	<b>23,318</b>	<b>26,629*</b>	<b>2,249</b>	<b>517</b>	<b>11,266</b>	<b>1,966</b>	<b>701</b>	<b>12,490</b>

1 Discontinuance  
2 Judgments marked in the office – these figures are also on page 73 as part of the civil and commercial non-litigious statistics.  
\* figures understated in 2017 Annual Report

## 8. Defamation

Defamation is defined by the Defamation Act 2009 as the “publication, by any means, of a defamatory statement concerning a person to one or more than one person (other than the first-mentioned person)”.

	INCOMING		RESOLVED			
	2018	2017	2018		2017	
			By court	Out of court	By court	Out of court
High Court	186	152	7	14	7	9
Circuit Court	112	135	8	12	0	6
<b>Total</b>	<b>298</b>	<b>287</b>	<b>15</b>	<b>26</b>	<b>7</b>	<b>15</b>

## 9. Assault

Assault claims are claims for damages against a person or persons against whom it is alleged intentionally attempted or threatened to inflict injury that placed the claimant in fear of imminent bodily harm or brought about an unconsented harmful or offensive contact with the claimant.

	INCOMING		RESOLVED			
	2018	2017	2018		2017	
			By court	Out of court	By court	Out of court
High Court	113	117	21	14	15	15

## 10. Employment

Employment cases include those relating to the enforcement of and appeals relating to decisions of the employment tribunals brought under legislative provisions relating to matters such as unfair dismissal, payment of wages, adoption leave, parental leave and organisation of working time.

EMPLOYMENT (DISMISSAL)	INCOMING		RESOLVED			
	2018	2017	2018		2017	
			By court	Out of court	By court	Out of court
High Court	4	2	2	0	0	0
Circuit Court	14	48	26	3	69	4
<b>Total</b>	<b>18</b>	<b>50</b>	<b>28</b>	<b>3</b>	<b>69</b>	<b>4</b>

EMPLOYMENT (OTHER)	INCOMING		RESOLVED			
	2018	2017	2018		2017	
			By court	Out of court	By court	Out of court
High Court	11	13	4	4	2	0
Circuit Court	39	65	41	5	18	2
<b>Total</b>	<b>50</b>	<b>78</b>	<b>45</b>	<b>9</b>	<b>20</b>	<b>2</b>

## 11.Small claims

The Small Claims procedure provides an inexpensive way for consumers to resolve consumer complaints and business to make claims against other businesses, without the need to employ a solicitor. To make a claim under the Irish Small Claims procedure both the claimant and the respondent must be living or based within the State and the claim cannot exceed €2,000. Claims can be made online or lodged in person in the court office.

The European Small Claims Procedure, provided for in Regulation (EC) No. 861/2007 and the District Court Rules 1997-2014, is an alternative method of commencing and dealing with civil and commercial matters in respect of a small claim in cross-border cases. These are cases where at least one of the parties lives in a Member State of the European Union (excluding Denmark) other than the Member State of the court dealing with the claim. The claim cannot exceed €2,000. Claims cannot be made online.

SMALL CLAIMS: IRELAND* AND EU: DISTRICT COURT					
INCOMING		RESOLVED			
2018	2017	2018		2017***	
		By court	Out of court	By court	Out of court
3,476	3,475	403	2,528**	466	2,721**

\* claims include those made online  
\*\* includes applications deemed to fall outside the scope of the rules for small claims.  
\*\*\* figures understated in 2017 Annual Report

ANALYSIS OF CASES DEALT WITH	2018		2017*	
	IRELAND	EU	IRELAND	EU
Not proceeded with	120	35	120	14
Decrees by default	233	31	214	24
Settled by registrar	593	54	499	59
Referred to court	775	173	675	79
<b>Total</b>	<b>1,721</b>	<b>293</b>	<b>1,508</b>	<b>176</b>

\* figures understated in 2017 Annual Report

ADJUDICATED BY THE COURT	2018		2017	
	IRELAND	EU	IRELAND*	EU
Decrees granted	174	18	179	8
Cases dismissed	64	11	73	33
Withdrawn/struck out	129	7	169	4
<b>Total</b>	<b>367</b>	<b>36</b>	<b>421</b>	<b>45</b>

\* figures understated in 2017 Annual Report

## 12. Proceeds of crime

The Proceeds of Crime Act 1996 provides for the civil forfeiture of property which is the proceeds of crime. Applications to the High Court under the Act are usually made by the Chief Bureau Officer of the Criminal Assets Bureau. If the court is satisfied, on the balance of probabilities, that a person is in possession or control of property which is or represents the proceeds of crime, it may order the freezing of the property and, after seven years, its disposal for the benefit of the Exchequer.

HIGH COURT:					
INCOMING		RESOLVED			
2018	2017	2018		2017	
		By court	Out of court	By court	Out of court
35	32	15	0	11	0

## 13. Judicial review

Judicial review applications are made when a person seeks an order in respect of the actions or decisions of certain courts, tribunal or regulatory bodies. Applications in asylum related cases generally seek an order quashing the decision of a body such as the Refugee Appeals Tribunal, or an injunction restraining the Minister for Justice and Equality from deporting them.

JUDICIAL REVIEW (ASYLUM RELATED) : HIGH COURT					
INCOMING		RESOLVED			
2018	2017	2018		2017	
		By court	Out of court	By court	Out of court
530	497	130	332	189	143



JUDICIAL REVIEW (OTHER) : HIGH COURT					
INCOMING		RESOLVED			
2018	2017	2018		2017	
		By court	Out of court	By court	Out of court
546	464	337	157	193	90

JUDICIAL REVIEW: HIGH COURT	ASYLUM RELATED		OTHER	
	2018		2017	
	By court	Out of court	By court	Out of court
<b>Incoming</b>	530	497	546	464
<b>Orders made</b>				
Liberty to apply for judicial review granted	556	551	379	367
Liberty to apply for judicial review refused	73	30	3	42
Interim orders	287	102	56	250
Final orders – relief granted	174	20	25	129
Final orders – relief refused	85	37	102	97
Final orders – miscellaneous	0	97	107	-
Final orders – struck out (no order)	64	143	332	121
<b>Total</b>	<b>1,239</b>	<b>980</b>	<b>1,004</b>	<b>1,006</b>

#### 14. Regulation of professions

The High Court deals with cases relating to the confirmation of and appeals relating to, sanctions imposed by bodies regulated by statute affecting the ability of a registered professional to practice.

HIGH COURT:					
INCOMING		RESOLVED			
2018	2017	2018		2017	
		By court	Out of court	By court	Out of court
188	147	159	0	149	0

#### 15. Garda compensation

Members of An Garda Síochána who sustain injuries maliciously inflicted upon them in the performance of their duties or acting in their general capacity as a member of the force are entitled to apply to the High Court for compensation. Off duty members assaulted by virtue of them being a member of the force may also apply for compensation.

HIGH COURT:					
INCOMING		RESOLVED			
2018	2017	2018		2017	
		By court	Out of court	By court	Out of court
139	149	134	0	113	0

## 16. Habeas corpus

Persons who believe they are being detained or held unlawfully, may apply to the High Court for an order of habeas corpus under the Habeas Corpus Act 1782. This requires the person or institution detaining them to either produce the body of the person detained before the court or release that person from such detention. The expression 'order of habeas corpus' does not include an order made pursuant to Article 40.4 of the Constitution.

In some instances, applications are issued and do not proceed. In others, the matter is resolved without recourse to the court following the making of an interim order.

<b>HABEAS CORPUS: HIGH COURT</b>					
INCOMING		RESOLVED			
2018	2017	2018		2017	
		By court	Out of court	By court	Out of court
97	128	41	1	54	0

## 17. European Arrest Warrants

The High Court is responsible for the execution of European Arrest Warrants received by Ireland. A European Arrest Warrant, valid throughout the EU, may be issued by a national judicial authority if the person whose return is sought is accused of an offence for which the maximum penalty is at least a year in prison or if he or she has been sentenced to a prison term of at least four months. Likewise, the Director of Public Prosecutions may apply to the High Court for the issue of a European Arrest Warrant where a person in another member state is facing charges or is required to serve a sentence in Ireland.

<b>EUROPEAN ARREST WARRANTS: HIGH COURT</b>					
INCOMING		RESOLVED			
2018	2017	2018		2017	
		By court	Out of court	By court	Out of court
400	344	132	0	86	0

## 18. Bail

Most bail applications are made, in the first instance, to the District Court. An exception relates to a person charged with murder – he/she can only apply to the High Court for bail. A person refused bail in the District Court may apply to the High Court for bail and a person granted bail in the District Court may apply to the High Court to vary the conditions of the bail.

<b>BAIL: HIGH COURT</b>					
INCOMING		RESOLVED			
2018	2017	2018		2017	
		By court	Out of court	By court	Out of court
1,509	1,381	1,439	0	1,381	0

## 19. Other

	Incoming	Resolved	
		By court	Out of court
High Court	1,467	604	62
Circuit Court*	3,595	2,210	431
District Court**	5,360	3,593	0
<b>Total</b>	<b>10,422</b>	<b>6,407</b>	<b>493</b>

\* includes equity, testamentary, succession law, Data Protection Act  
\*\* includes control of dogs, food safety, breach of contract, breach of duty, Environmental Protection Act applications relating to noise and negligence

## A. Cases where one party is suing another: Family Law

The High Court and the Circuit Court have concurrent jurisdiction in family law matters. However, the majority of judicial separation, divorce and nullity applications are made to the Circuit Court. There is a right of appeal from the Circuit Court to the High Court.

## 1. Divorce

A decree of divorce dissolves a marriage and allows each party to remarry. Before a court can grant a divorce, the parties must have been married and living apart for a period amounting to four out of the previous five years before the application is made; there must be no reasonable prospect of reconciliation; and proper arrangements must have been made or will be made for the spouse and any dependent members of the family.

There was a slight decrease in the number of applications for divorce in 2018 – 3,888 as compared to 3,995 in 2017 and 4,179 in 2016. There were 24 applications in the High Court and 3,864 in the Circuit Court - the majority were by husbands in the High Court (66%) and wives in the Circuit Court (56%). There were 3,235 divorce orders made – 18 in the High Court and 3,217 in the Circuit Court with eight applications refused.

DIVORCE						
	INCOMING		RESOLVED			
	2018	2017	2018		2017	
			By court	Out of court	By court	Out of court
High Court	24	31	27	0	45	0
Circuit Court	3,864	3,964	3,225	0	3,389	0
<b>Total</b>	<b>3,888</b>	<b>3,995</b>	<b>3,252</b>	<b>0</b>	<b>3,434</b>	<b>0</b>

DIVORCE:	2018			2017		
	Granted	Refused	Other	Granted	Refused	Other
High Court	18	0	26	24	0	21
Circuit Court	3,217	8	0	3,388	1	0
<b>Total</b>	<b>3,235</b>	<b>8</b>	<b>26</b>	<b>3,412</b>	<b>1</b>	<b>21</b>

**TRENDS: DIVORCE: APPLICANTS**

Year	Wife		Husband	
	High Court	Circuit Court	High Court	Circuit Court
<b>2018</b>	<b>8</b>	<b>2,155</b>	<b>16</b>	<b>1,709</b>
2017	14	2,219	17	1,745
2016	10	2,374	7	1,788
2015	14	2,333	10	1,957
2014	10	2,202	13	1,731

**2. Judicial separation**

A decree of judicial separation removes the obligation on spouses to co-habit. The most common ground on which a decree is granted is where the court considers that a normal marital relationship has not existed between the spouses for at least one year before the date of the application for the decree.

There were 1,269 applications for judicial separation in 2018 – 31 in the High Court and 1,238 in the Circuit Court – a slight decrease on the 1,294 applications in 2017. The majority of applications in both jurisdictions (81% in High Court, 68% in Circuit Court) were by wives. There were 844 orders made granting judicial separations – 21 in the High Court and 823 in the Circuit Court with four applications refused.

**JUDICIAL SEPARATION**

	INCOMING		RESOLVED			
	2018	2017	2018		2017	
			By court	Out of court	By court	Out of court
High Court	31	23	47	0	53	2
Circuit Court	1,238	1,271	827	0	735	0
<b>Total</b>	<b>1,269</b>	<b>1,294</b>	<b>874</b>	<b>0</b>	<b>788</b>	<b>2</b>

**JUDICIAL SEPARATION**

	2018			2017		
	Granted	Refused	Other	Granted	Refused	Other
High Court	21	0	26	18	0	37
Circuit Court	823	4	0	733	2	0
<b>Total</b>	<b>844</b>	<b>4</b>	<b>26</b>	<b>751</b>	<b>2</b>	<b>37</b>

**TRENDS: JUDICIAL SEPARATION: APPLICANTS**

Year	Wife		Husband	
	High Court	Circuit Court	High Court	Circuit Court
<b>2018</b>	<b>25</b>	<b>861</b>	<b>6</b>	<b>377</b>
2017	18	889	5	382
2016	24	971	5	353
2015	32	977	3	407
2014	19	943	6	333

### 3. Dissolution of partnership

The courts can dissolve civil partnerships in a similar way to the granting of divorce. A decree of dissolution allows both parties to a civil partnership to marry.

There were 99 applications to dissolve partnerships in the Circuit Court in 2018 – a 74% increase on the 57 applications in 2017. The majority of applications (66%) were by females. There were 20 orders made dissolving partnerships with two applications refused.

DISSOLUTION OF PARTNERSHIP						
	INCOMING		RESOLVED			
	2018	2017	2018		2017	
			By court	Out of court	By court	Out of court
High Court	0	1	0	0	0	0
Circuit Court	99	56	22	0	23	0
<b>Total</b>	<b>99</b>	<b>57</b>	<b>22</b>	<b>0</b>	<b>23</b>	<b>0</b>

DISSOLUTION OF PARTNERSHIP						
	2018			2017		
	Granted	Refused	Other	Granted	Refused	Other
High Court	0	0	1	0	0	0
Circuit Court	20	2	0	22	1	0
<b>Total</b>	<b>20</b>	<b>2</b>	<b>1</b>	<b>22</b>	<b>1</b>	<b>0</b>

DISSOLUTION OF PARTNERSHIP: APPLICANTS		FEMALE		MALE	
		2018	2017	2018	2017
High Court		0	1	0	0
Circuit Court		65	39	34	17

### 4. Cohabitation

These are claims made under the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 in respect of claimants who are living together in an intimate and committed relationship, not married to each other, not in a registered civil partnership and not related to each other.

COHABITATION: HIGH COURT					
Incoming		Resolved			
2018	2017	2018		2017	
		By court	Out of court	By court	Out of court
11	6	3	0	2	0

## 5. Nullity

*Nullity of marriage* (civil nullity or civil annulment) is a legal declaration by the court which states that although two people went through a marriage ceremony, their marriage never actually existed in the eyes of the law or the State. There are two types of marriages that may be annulled or cancelled - void marriages and voidable marriages. A void marriage is considered to have never taken place. A voidable marriage is considered to be a valid marriage until a decree of annulment is made.

Nullity of civil partnership is a declaration by a court that a supposed civil partnership is null and void and that no valid civil partnership exists between the partners. In nullity of civil partnership law, there are only void civil partnerships.

NULLITY (OF MARRIAGE)						
	INCOMING		RESOLVED			
	2018	2017	2018		2017	
			By court	Out of court	By court	Out of court
High Court	0	1	0	0	3	0
Circuit Court	20	23	17	0	19	0
<b>Total</b>	<b>20</b>	<b>24</b>	<b>17</b>	<b>0</b>	<b>22</b>	<b>0</b>

NULLITY (OF MARRIAGE)						
	2018			2017		
	Granted	Refused	Other	Granted	Refused	Other
High Court	0	0	0	2	0	1
Circuit Court	15	2	0	18	1	0
<b>Total</b>	<b>15</b>	<b>2</b>	<b>0</b>	<b>20</b>	<b>1</b>	<b>1</b>

TRENDS: NULLITY: APPLICANTS				
Year	Wife		Husband	
	High Court	Circuit Court	High Court	Circuit Court
<b>2018</b>	<b>0</b>	<b>14</b>	<b>0</b>	<b>6</b>
2017	0	13	1	10
2016	1	17	0	15
2015	1	12	1	21
2014	1	18	1	18

## 6. Guardianship, custody, access

Guardianship means the rights and duties of parents in respect of the upbringing of their children. Custody is the right of a parent to exercise physical care and control in respect of the upbringing of his or her child on a day-to-day basis. Access is contact between a child and its parent or other relative with whom the child does not live. The majority of applications in all three areas are made to the District Court.

GUARDIANSHIP, CUSTODY, ACCESS: DISTRICT COURT					
INCOMING		RESOLVED			
2018	2017	2018		2017	
		By court	Out of court	By court	Out of court
12,611	12,442	10,321	0	13,728	0

CUSTODY AND ACCESS: CIRCUIT COURT - OUTCOMES									
	JUDICIAL SEPARATION			DISSOLUTION			DIVORCE		
	2018	2017	2016	2018	2017	2016	2018	2017	2016
Orders made	<b>447</b>	447	348	<b>14</b>	4	4	<b>869</b>	976	757

## 7. Maintenance

Maintenance is financial support (money) paid by a person for the benefit of a dependent spouse/civil partner and/or dependent children. Spouses/civil partners are required to maintain each other according to their means and needs. Parents, whether married or not, are responsible for the maintenance of their dependant children. If the parties cannot reach an agreement about maintenance an application can be made to the court for a maintenance order. The majority of applications for maintenance are made to the District Court.

Applications for maintenance in the Circuit Court as usually made as part of applications for judicial separation and/or divorce.

MAINTENANCE						
	INCOMING		RESOLVED			
	2018	2017	2018		2017	
			By court	Out of court	By court	Out of court
High Court	3	1	2	0	2	0
District Court *	8,935**	9,234**	6,541	0	11,936	0

\* excludes foreign maintenance – see page 79  
 \*\* includes applications subsequent to initial application including applications to vary and applications to recover arrears

## 8. Domestic violence

Domestic violence legislation protects spouses/civil partners and children and offers legal remedies to dependent persons and persons in other domestic relationships where their safety or welfare is at risk because of the conduct of the other person in the relationship. It also gives An Garda Síochána powers to arrest without warrant where there is a breach of a court order.

- [Safety order](#)

A safety order prohibits the person against whom the order is made (the respondent) from engaging in violence or threats of violence. It does not oblige that person to leave the family home. If the person does not normally live in the family home, it prohibits them from watching or being in the vicinity of where the person applying for the order (the applicant) and dependent children lives. A safety order can be made for up to five years.

- **Barring order**

A barring order requires the respondent to leave the family home and stay away from the family home of the applicant and/or dependent children. It may also include terms prohibiting the respondent from using or threatening to use violence. A barring order can be made for up to three years.

Once a summons has been issued for a safety order or a barring order the applicant can apply for a protection order or an interim barring order while waiting for the application to be heard in court.

- **Protection order**

This is a temporary safety order. It gives protection to the applicant until the court decides on a safety or barring order application. It is intended to last until the case is heard and a decision made. It does not oblige the respondent to leave the family home.

- **Interim barring order**

This is a temporary barring order. It is intended to last until the barring order application is heard in court and a decision made. Under the Domestic Violence Act, 2002 a full court hearing must take place within eight working days of the granting of an interim barring order. The Court must be of the opinion that there are reasonable grounds for believing there is an immediate risk of significant harm to the applicant or any dependent person if the order is not made immediately and the granting of a protection order would not be sufficient to protect the applicant or any dependent person.

Applications to the District Court under the domestic violence legislation increased by 16% to 18,572 from 15,962 in 2017. There was a 14% increase in applications for safety orders (7,280 as compared to 6,368 in 2017) and a 9% increase in applications for protection orders (6,390 as compared to 5,869 in 2017). Applications for interim barring orders increased by 38% (1,270 as compared to 917 in 2017) while applications for barring orders increased by 28% (3,343 as compared to 2,613 in 2017).

<b>DOMESTIC VIOLENCE: DISTRICT COURT</b>					
<b>INCOMING</b>		<b>RESOLVED</b>			
<b>2018</b>	<b>2017</b>	<b>2018</b>		<b>2017</b>	
		<b>By court</b>	<b>Out of court</b>	<b>By court</b>	<b>Out of court</b>
18,572	15,962	14,671	0	16,314	0

<b>DOMESTIC VIOLENCE: CIRCUIT COURT - OUTCOMES</b>			
	<b>2018</b>	<b>2017</b>	<b>2016</b>
Orders made	<b>59</b>	51	40



<b>DOMESTIC VIOLENCE: DISTRICT COURT – TRENDS*</b>						
	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>
Barring order applications	3,343	2,613	2,658	2,638	2,671	2,738
Barring orders granted	946	822	1,329	859	877	1,167
Protection order applications	6,390	5,869	5,365	5,108	4,406	4,529
Protection orders granted**	5,515	5,006	4,627	4,225	4,024	4,142
Safety order applications	7,280	6,368	6,069	5,626	5,499	5,334
Safety orders granted	2,327	2,255	3,316	1,917	2,029	2,381
Interim barring order applications	1,270	917	880	731	699	674
Interim barring orders granted	982	693	676	563	569	522
Other applications	289	195	255	271	12	-
Orders granted	147	151	107	263	0	-

\* Figures do not include applications struck out or withdrawn  
\*\*Some interim barring orders were granted on foot of applications for protection orders. Likewise some protection orders were granted on foot of interim orders

## 9. Adoption

These are applications made under the Adoption Act 2010 for the making of adoption orders and challenges thereto.

<b>ADOPTION: HIGH COURT</b>					
<b>INCOMING</b>		<b>RESOLVED</b>			
<b>2018</b>	<b>2017</b>	<b>2018</b>		<b>2017</b>	
		<b>By court</b>	<b>Out of court</b>	<b>By court</b>	<b>Out of court</b>
19	37	22	0	44	0

## 10. Child abduction: Hague Luxembourg Convention

The Hague Convention on the Civil Aspects of International Child Abduction (1980) is the main convention covering child abduction. The Convention seeks to protect children from the harmful effects of abduction and retention across international boundaries by providing a procedure to bring about their prompt return. It is based on the principle that the court of the child's habitual residence is best placed to decide any custody disputes.

Ireland is a signatory to The Hague and Luxembourg Conventions. These conventions have been incorporated into Irish Domestic Law by the Child Abduction and Enforcement of Custody Orders Act 1991.

<b>CHILD ABDUCTION: HIGH COURT</b>					
<b>INCOMING</b>		<b>RESOLVED</b>			
<b>2018</b>	<b>2017</b>	<b>2018</b>		<b>2017</b>	
		<b>By court</b>	<b>Out of court</b>	<b>By court</b>	<b>Out of court</b>
37	36	22	0	44	0

<b>CHILD ABDUCTION: HIGH COURT - ANALYSIS</b>			
	<b>2018</b>	<b>2017</b>	<b>2016</b>
	<b>By court</b>	<b>Out of court</b>	<b>By court</b>
Incoming	37	36	47
<b>Orders made</b>			
Assess child	8	14	9
Interim order*	102	126	130
Child returned (on consent)	11	8	8
Child returned (court order)	9	10	10
Child remain (on consent)	5	10	14
Child remain (court order)	3	6	8
Other	2	0	12
<b>Total</b>	<b>140</b>	<b>174</b>	<b>191</b>

\* there may be a number of interim orders made in individual cases

## 11. Child care - 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 TUSLA - the Child and Family Agency for their care. TUSLA can apply to the courts for a number of different orders when dealing with children who are at risk or who are in need of care. These orders give the courts a range of powers about the type of care necessary and about access to the children for parents and other relatives. The vast majority of applications are made to the District Court.

- [Emergency care orders](#)

TUSLA can apply for an emergency care order for a child who is still at home or for one who has been removed by An Garda Síochána. In exceptional cases this type of order can be sought 'ex parte' without notice to the parent (e.g. a child may be found in a very vulnerable position unaccompanied with no adult carer). While exceptional applications may be made without notice being given to the parents or guardians of the child, generally, when An Garda Síochána remove a child, TUSLA notify the parent and the parent is in Court when the matter is heard. The order will be made if the judge considers that there is an immediate and serious risk to the health or welfare of the child requiring him/her to be placed, or to remain in, the care of TUSLA.

- [Care orders and interim care orders](#)

TUSLA must apply for a care order or a supervision order (see below) if a child needs care and protection which he/she is unlikely to receive without an order. The District Court judge may make an interim care order while the decision on a full care order is pending. This means that the child is placed in the care of TUSLA for 29 days. It may be extended if TUSLA and the parents agree or if the court finds that the threshold criteria for the making of the order continue to exist. Parents/guardians must be given notice of an interim care order application or the extension of the order unless exceptional circumstances exist making this impossible.

- [Supervision orders](#)

A supervision order is an alternative to children being taken into the care of TUSLA. It may be applied for by the TUSLA instead of a Care Order. TUSLA may consider that a care order is not

necessary or appropriate in the circumstances, but that the child should be visited regularly by a social worker under a court supervision order.

The court can make a supervision order as an alternative, more proportionate remedy at the care order stage – but not at the interim care order stage. During the application for a care order the court may decide that a supervision order will address the risk of harm identified by TUSLA. A supervision order may also be made when the court has heard most of the evidence but needs more time to conclude the care proceedings.

The number of applications does not necessarily reflect the number of children in respect of whom orders are made, as several orders may be made in respect of an individual child. There may also be applications for a variety of orders in the same case.

SUPERVISION AND CARE ORDERS						
	INCOMING		RESOLVED			
	2018	2017	2018		2017	
			By court	Out of court	By court	Out of court
High Court	30	32	20	0	21	0
District Court	13,168	11,931	9,226	0	10,635	0
<b>Total</b>	<b>13,198</b>	<b>11,963</b>	<b>9,246</b>	<b>0</b>	<b>10,656</b>	<b>0</b>

CHILD CARE: HIGH COURT - ANALYSIS			
	2018	2017	2016
Received	30	32	27
Orders made	234	313	323

CHILD CARE: DISTRICT COURT - OVERALL ANALYSIS						
	INCOMING			RESOLVED		
	2018	2017	2016	2018	2017	2016
Supervision order	385	548	626	362	538	569
Care order	961	934	1,142	833	903	886
Extension of care order	499	434	483	480	453	449
Interim care order	1,166	1,100	1,257	806	969	1,004
Extension of interim care order	4,386	3,590	3,841	4,319	4,621	2,255
Emergency care order	344	309	325	271	289	758
Review of care order	1,648	1,056	1,371	442	484	402
Re-entry of case	467	574	391	232	303	157
Other*	3,312	3,386	528**	1,481	2,075	463
<b>Total</b>	<b>13,168</b>	<b>11,931</b>	<b>9,964</b>	<b>9,226</b>	<b>10,635</b>	<b>6,943</b>

\* includes applications for adjournments, costs, production orders and vacation of hearing dates; and applications under:  
 s.23 Children Act, 1997 (to allow admission of hearsay evidence)  
 s.37 Child Care Act 1991 (access to children in care)  
 s.47 Child Care Act 1991 (applications for directions) which may include applications by parents or interested relatives where children are in voluntary care.

\*\* figure understated in Annual Report 2016

<b>CHILD CARE: DISTRICT COURT - ANALYSIS OF APPLICATIONS RESOLVED</b>				
	<b>Application granted</b>		<b>Application not granted</b>	
	<b>2018</b>	<b>2017</b>	<b>2018</b>	<b>2017</b>
Supervision order	330	418	32	120
Care order	689	630	144	273
Extension of care order	457	434	23	19
Interim care order	706	748	100	221
Extension of interim care order	4,217	3,508	102	1,113
Emergency care order	246	213	25	76
Review of care order	385	326	57	158
Re-entry of case	199	200	33	103
Other	1,336	1,187	145	888
<b>Total</b>	<b>8,565</b>	<b>7,664</b>	<b>661</b>	<b>2,971*</b>

*\*figure overstated in 2017 Annual Report*

## 12. Family - other

<b>FAMILY LAW: OTHER</b>						
	<b>INCOMING</b>		<b>RESOLVED</b>			
	<b>2018</b>	<b>2017</b>	<b>2018</b>		<b>2017</b>	
			<b>By court</b>	<b>Out of court</b>	<b>By court</b>	<b>Out of court</b>
High Court	83	116	44	0	89	0
Circuit Court	184	207	22	0	19	0
District Court	3,342	1,290	3,253	0	1,707	0
<b>Total</b>	<b>3,609</b>	<b>1,613</b>	<b>3,319</b>	<b>0</b>	<b>1,815</b>	<b>0</b>

## B. European Payment Order applications

The European Order for Payment procedure is for cross-border uncontested claims for money due and owing to the claimant (including interest and other costs). It can only be used where the creditor is in one EU Member State and the defendant is in another EU Member State.

<b>EUROPEAN PAYMENT ORDER: HIGH COURT</b>			
<b>INCOMING</b>		<b>RESOLVED</b>	
<b>2018</b>	<b>2017</b>	<b>2018</b>	<b>2017</b>
209*	110	60	28

*\* includes 105 applications refused as there was an alternative European Regulation under which the application should have been made*

EUROPEAN PAYMENT ORDER: HIGH COURT		
Resolved: outcome	2018	2017
Declared enforceable	33	10
Terminated by claimant	22	11
Remitted for hearing	5	7
Other	105	0

## C. Corporate insolvency

### 1. Examinership

Examinership is a process in Irish law whereby the protection of the court is obtained to assist the survival of a company. It allows a company to restructure with the approval of the court.

EXAMINERSHIP: HIGH COURT															
INCOMING		RESOLVED													
		Out of court		By court											
		Petition withdrawn		Appoint interim examiner*		Appoint examiner*		Extend time		Order reports		Wind up company		Misc.	
2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017
10	14	1	0	5	13	7	13	6	10	4	6	0	5	19	25

\* Figures for appointment of interim examiner and examiner may not be mutually exclusive as appointment of interim examiner often precedes appointment of examiner.

EXAMINERSHIP: CIRCUIT COURT					
INCOMING		RESOLVED			
2018	2017	2018		2017	
		By court	Out of court	By court	Out of court
65	5	14	0	4	0

### 2. Liquidation

The Examiner's Office of the High Court continues to assist the Court in the supervision of pre-Companies Act 2014 liquidations, with particular regard towards bringing any outstanding liquidations to a timely conclusion. At the end of 2018 the Examiner had approximately 126 such cases on hand, together with a number of legacy cases.

Since the commencement of the Companies Act 2014 (on 1st June 2015), the High Court may direct, following the making of an order to wind up a company and the appointment of a liquidator, that the liquidation continue using the rules relating to a creditor's voluntary winding up.

<b>WIND UP COMPANY ORDERS: HIGH COURT</b>					
<b>INCOMING</b>		<b>RESOLVED</b>			
<b>2018</b>	<b>2017</b>	<b>2018</b>		<b>2017</b>	
		<b>Settled/ struck out/ withdrawn</b>	<b>Orders made</b>	<b>Settled/ struck out/ withdrawn</b>	<b>Orders made</b>
82	95	21	44	18	50

### 3. Restrict Directors

In certain circumstances an application can be made to the High Court to have a company director restricted from acting as a director or secretary of a company or be concerned or take part in the formation or promotion of a company. Restriction orders remain in force for a period of five years and confine a person to being a director in certain types of companies that have been adequately capitalised by their shareholders.

<b>RESTRICT DIRECTORS: HIGH COURT</b>					
<b>INCOMING</b>		<b>RESOLVED</b>			
<b>2018</b>	<b>2017</b>	<b>2018</b>		<b>2017</b>	
		<b>By court</b>		<b>By court</b>	
		<b>Order made</b>	<b>Order refused</b>	<b>Order made</b>	<b>Order refused</b>
10	14	12	1	15	1

### 4. Disqualify Directors

In certain circumstances the High Court may disqualify a person from being appointed or acting as a director or other officer, statutory auditor, receiver, liquidator or examiner or being in any way, whether directly or indirectly, concerned or taking part in the promotion, formation or management of certain corporate bodies. These circumstances include where the court is satisfied that the person is guilty of fraud or is in breach of his/her duty under Company Law or that the conduct of the person makes him/her unfit to be concerned in the management of a company.

<b>DISQUALIFY DIRECTORS: HIGH COURT</b>					
<b>INCOMING</b>		<b>RESOLVED</b>			
<b>2018</b>	<b>2017</b>	<b>2018</b>		<b>2017</b>	
		<b>By court</b>		<b>By court</b>	
		<b>Order made</b>	<b>Order refused</b>	<b>Order made</b>	<b>Order refused</b>
2	0	1	0	2	0

## D. Personal insolvency

### Personal insolvency (creditors' applications) (see also page 76)

Applications to have a person adjudicated bankrupt are filed in the Office of the Examiner of the High Court. Following the making of an adjudication order ownership of the bankrupt's property is transferred to the Official Assignee in Bankruptcy (who manages the Bankruptcy Division within the Insolvency Service of Ireland). He/she is an independent statutory officer who administers the estate of the bankrupt person and is answerable to the High Court.

Bankruptcy applications may be made by creditors or by debtors in person. See below for details of pre-bankruptcy applications by creditors ('bankruptcy summonses') and applications by creditors to have debtors adjudicated bankrupt. Details of applications by debtors to be adjudicated bankrupt ('self-adjudications') and information about debt settlement procedures introduced under the Personal Insolvency Act, 2012 are on page 76.

Under the provisions of the Bankruptcy (Amendment) Act 2015 a person is automatically discharged from bankruptcy one year after the order of adjudication unless the period is extended by the High Court upon application by the Official Assignee in Bankruptcy

PERSONAL INSOLVENCY: HIGH COURT				
	INCOMING		RESOLVED	
	2018	2017	2018	2017
			Issued/adjudicated / granted/ approved	Issued/adjudicated / granted/ approved
Bankruptcy summonses	105	68	97	66
Bankruptcy petitions (creditors)	55	47	24	41

## E. Appeals to District Court

There are a number of statutory entitlements to appeal decisions of regulatory bodies to the District Court. They include decisions regarding the award of taxi licences and gun licences.

APPEALS TO THE DISTRICT COURT					
INCOMING		RESOLVED			
2018	2017	By court		Out of court	
		2018	2017	2018	2017
163	111	97	57	0	0

## F. Litigious enforcement

Following judgment, the creditor in a case can apply to the District Court for an Instalment Order against the debtor requiring him/her to pay the debt in instalments. The District Court can subsequently vary the amount ordered to be paid (variation order). If the debtor fails to make the instalments as ordered by the District Court, the creditor can apply for an Order committing the debtor to prison (committal order).

There were 2,236 summonses for the attendance of debtors before the District Court for non-payment of debts, a 17% decrease on the 2,692 in 2017 and a 39% decrease on the 3,695

in 2016. There were 1,995 instalment orders made, an 11% decrease on the 2,254 made in 2017 and a 34% decrease on the 3,015 made in 2016. Proceedings for committal resulted in the issue of four orders. There were 311 orders made varying previous orders.

<b>SUMMONS FOR ATTENDANCE OF DEBTOR: DISTRICT COURT</b>		
<b>INCOMING</b>		
<b>2018</b>	<b>2017</b>	<b>2016</b>
2,236	2,692	3,695

<b>LITIGIOUS ENFORCEMENT</b>		
	<b>OUTCOME</b>	
	<b>2018</b>	<b>2017</b>
Instalment orders issued	1,995	2,254
Variation orders issued	311	262
Committal orders issued	4	14



## CIVIL BUSINESS

### 2. CIVIL AND COMMERCIAL NON-LITIGIOUS CASES

CIVIL AND COMMERCIAL NON-LITIGIOUS CASES			
		INCOMING	RESOLVED
A	Proceedings in Ireland	76,709	77,470
B	Foreign proceedings	5,311	5,266
	<b>Total</b>	<b>82,020</b>	<b>82,736</b>

#### A. Proceedings in Ireland

##### 1. Judgment marked in the office

Where a defendant does not respond to a summary summons in the High Court, a civil bill in the Circuit Court, or a claim notice in the District Court; or where the Master of the High Court gives liberty to enter 'final' judgment, the plaintiff can apply to have judgment 'marked' (awarded) against the defendant in the court office.

JUDGMENT MARKED IN THE OFFICE				
	INCOMING		RESOLVED	
	2018	2017	2018	2017
High Court	742	844	742	844
Circuit Court	1,907	1,911	1,615	1,775
District Court	9,040	6,882	8,909	7,400
<b>Total</b>	<b>11,689</b>	<b>9,637</b>	<b>11,266</b>	<b>10,019</b>

##### 2. Deed poll

Persons requiring documentary confirmation of a change of name, other than on marriage, may need to execute a document called a 'deed poll'. The deed poll can be lodged in the Central Office of the High Court.

DEED POLL: HIGH COURT			
INCOMING		RESOLVED	
2018	2017	2018	2017
895	826	895	826

##### 3. Probate

A legal document called a Grant of Representation is required for authority to administer the estate of a deceased person. If there is a will, the executor needs to take out probate. If there is no will, or, if no executor has been appointed or the appointed person cannot act, an administrator may be appointed and he/she takes out a Letter of Administration (or a Letter of Administration with Will Annexed if there is a will).

PROBATE				
	INCOMING		RESOLVED	
	2018	2017	2018	2017
Principal Registry	9,150	8,231	10,589	8,287
Local registries	9,004	8,373	8,862	7,793
<b>Total</b>	<b>18,154</b>	<b>16,604</b>	<b>19,451</b>	<b>16,080</b>

INTESTACIES: NO VALID WILLS: RESOLVED		
	2018	2017
Principal Registry	1,949	1,644
Local registries	1,742	1,563
<b>Total</b>	<b>3,691</b>	<b>3,207</b>

PROBATE (AND ADMINISTRATIONS WITH WILLS ANNEXED): RESOLVED		
	2018	2017
Principal Registry	8,640	6,643
Local registries	7,120	6,230
<b>Total</b>	<b>15,760</b>	<b>12,873</b>

#### 4. Wards of court

When a person becomes unable to manage his or her assets because of mental incapacity, an application can be made to the courts for the person to become a ward of court. The court must decide as to whether the person is capable of managing his or her own property for his or her own benefit and the benefit of his or her dependants. If it is decided that the person cannot manage his or her own property because of mental incapacity, a committee is appointed to control the assets on the ward's behalf. A person under 18 years of age may also be taken into wardship as a minor.

WARDS OF COURT: HIGH COURT			
INCOMING		RESOLVED	
2018	2017	2018	2017
431	425	358**	357*

\* 350 declaration orders and 7 applications dealt with by way of 'undertaking'  
 \*\* 346 declaration orders and 12 applications dealt with by way of 'undertaking'

WARDS OF COURT: HIGH COURT		
	2018	2017
Wardship cases	2,720	2,639*
Applications awaiting hearing**	144	138
Adults and minors taken into wardship (declaratory orders)	346	350
Dismissed/discharged	246	271
Orders signed	1,635	1,767

\* number of adult and minor cases with a status of declared or deceased at 31st December  
 \*\* cases pending with inquiry order signed at 31st December

<b>WARDS OF COURT: ACTIVE CASES:</b>		
<b>Reason admitted to wardship</b>	<b>2018</b>	<b>2017</b>
Brain injury	32	16
Dementia and age related illness	221	250
Learning/intellectual disability	38	30
Minors (under 18 years of age)	23	26
Psychiatric illness	21	19
Other	11	9
<b>Total</b>	<b>346</b>	<b>350</b>

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

The General Solicitor for Minors and Wards of Court is a solicitor in the service of the State appointed by the President of the High Court to act in certain wardship matters. He/she is accountable to the High Court for all monies and assets under his/her control relating to the affairs of a minor or ward. The General Solicitor can only act as solicitor in those matters assigned to them by the registrar of the wards of court. He/she cannot take on private clients like a solicitor in private practice.

<b>GENERAL SOLICITOR FOR MINORS AND WARDS OF COURT</b>		
	<b>2018</b>	<b>2017</b>
Active (yearly average)	509	455
Pending	6	9
Dismissal	249	231
<b>Total cases</b>	<b>764</b>	<b>695</b>

<b>GENERAL SOLICITOR FOR MINORS AND WARDS OF COURT: ACTIVE CASES</b>		
<b>Reason admitted to wardship</b>	<b>2018</b>	<b>2017</b>
Brain injury	77	68
Dementia and age related illness	146	141
Learning/intellectual disability	174	152
Minors (under 18 years of age)	14	10
Psychiatric illness	125	106
Other	2	2
<b>Total</b>	<b>538</b>	<b>479</b>

#### 6. Enduring Powers of Attorney (registered)

An enduring power of attorney (EPA) allows another specially appointed person ('the attorney') to make 'personal care decisions' on the donor's behalf once he/she is no longer fully mentally capable of taking decisions him/herself. Personal care decisions may include deciding where and with whom the donor will live, who he/she should see or not see and what training or rehabilitation he/she should get.

<b>ENDURING POWERS OF ATTORNEY (REGISTERED) : HIGH COURT</b>			
<b>INCOMING</b>		<b>RESOLVED</b>	
<b>2018</b>	<b>2017</b>	<b>2018</b>	<b>2017</b>
974	928	985	750

## 7. Care representatives

Where a person has reduced capacity to make certain decisions (that is, diminished mental capacity) and wishes to apply for a Nursing Home Loan, the Circuit Court can appoint a Care Representative to act on behalf of the person in respect of the Nursing Homes Support Scheme and especially in respect of the Nursing Home Loan. The Care Representative can also act on behalf of the person in relation to making an application for a Care Needs Assessment, State support, or any other matter relating to the scheme.

<b>CARE REPRESENTATIVES : CIRCUIT COURT</b>			
<b>INCOMING</b>		<b>RESOLVED</b>	
<b>2018</b>	<b>2017</b>	<b>2018</b>	<b>2017</b>
625	607	554	571

## 8. Mental Health Act applications

A person can appeal the making of an admission order or a renewal order by a mental health tribunal to the Circuit Court under the Mental Health Act 2001.

<b>MENTAL HEALTH ACT APPLICATIONS: CIRCUIT COURT</b>			
<b>INCOMING</b>		<b>RESOLVED</b>	
<b>2018</b>	<b>2017</b>	<b>2018</b>	<b>2017</b>
132	82	96	81

## 9. Personal insolvency (self) (see also page 71)

The Insolvency Service of Ireland administers the debt settlement procedures introduced under the Personal Insolvency Act 2012. The Act introduced three debt resolution mechanisms for people who cannot afford to pay their personal debts. Applications may be made to the Circuit Court or to the High Court.

A Debt Relief Notice allows for the write-off of qualifying debt up to €20,000, subject to a 3-year supervision period. The Circuit Court has exclusive jurisdiction to hear applications.

A Debt Settlement Arrangement applies to the agreed settlement of unsecured debts, usually over a period of 5 years. The Circuit Court has exclusive jurisdiction to hear applications where the total value of unsecured debts does not exceed €2.5m. Where qualifying debts exceed €2.5m but do not exceed €3m, jurisdiction is vested in the High Court. For debts above €3m, the Act does not apply and people are expected in the main to consider applying for bankruptcy.

A Personal Insolvency Arrangement applies to the agreed settlement and/or restructuring of secured debts up to a total of €3 million (as well as unsecured debts) over a period of 6 years. The Circuit Court has exclusive jurisdiction to hear applications where the total value of

qualifying debts does not exceed €2.5m. Where qualifying debts exceed €2.5m but do not exceed €3m, jurisdiction is vested in the High Court.

Bankruptcy applications may be made to the High Court by creditors or by debtors in person ('self-adjudications'). See below for details of applications by debtors to be adjudicated bankrupt. Details of pre-bankruptcy applications by creditors ('bankruptcy summonses') and details of applications by creditors to have debtors adjudicated bankrupt are on page 71.

There were 909 applications to the Circuit Court in respect of debt settlement procedures, a 62% decrease on the 2,385 in 2017 and a 57% decrease on the 2,114 in 2016.

There were 382 applications to the High Court by debtors to be adjudicated bankrupt ('self-adjudications') in 2018 – a 16% decrease on the 454 in 2017.

PERSONAL INSOLVENCY: HIGH COURT										
	INCOMING		RESOLVED - BY COURT							
			Approve request		Refused		Struck out		Withdrawn	
	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017
Debt relief notices	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Debt settlement arrangements	11	6	3	2	0	0	0	0	0	0
Personal insolvency arrangements	64	54	18	8	0	0	0	0	3	0
<b>Total</b>	<b>75</b>	<b>60</b>	<b>21</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>

PERSONAL INSOLVENCY: CIRCUIT COURT										
	INCOMING		RESOLVED - BY COURT							
			Approve request		Refused		Struck out		Withdrawn	
	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017
Debt relief notices	193	229	185	226	0	1	0	0	2	3
Debt settlement arrangements	232	273	136	162	0	0	0	0	1	0
Personal insolvency arrangements	484	1,883	710	776	3	0	1	0	2	0
<b>Total</b>	<b>909</b>	<b>2,385</b>	<b>1,031</b>	<b>1,164</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>5</b>	<b>3</b>

BANKRUPTCY PETITIONS (SELF): HIGH COURT				
INCOMING		RESOLVED		
2018	2017	2018		2017
		Adjudicated / granted / approved		Adjudicated / granted / approved
382	454	373		432

## 10. Licensing

The majority of applications for licences are made to the District Court. They include pub, restaurant, dance and lottery licences with applications for special exemption orders comprising over 80% of applications in any year. Special exemption orders exempt the holder of an on-licence from the provisions of the Intoxicating Liquor Act relating to prohibited hours in respect of licensed premises.

LICENSING				
	INCOMING		RESOLVED	
	2018	2017	2018	2017
Circuit Court	259	298	259	298
District Court	41,701	46,448	41,701	46,448
<b>Total</b>	<b>41,960</b>	<b>46,746</b>	<b>41,960</b>	<b>46,746</b>

## 11. Marriage exemption

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.

MARRIAGE EXEMPTION: SHORT NOTICE: CIRCUIT COURT				
INCOMING		RESOLVED		
2018	2017	2018	2017	
483	523	441	452	

MARRIAGE EXEMPTION: UNDER AGE: CIRCUIT COURT				
INCOMING		RESOLVED		
2018	2017	2018	2017	
31	45	16	55	

## B. Foreign proceedings

### 1. Service of documents

SERVICE OF DOCUMENTS				
	INCOMING REQUESTS		OUTGOING REQUESTS	
	2018	2017	2018	2017
High Court*	81	107	No requests	No requests
Circuit Court	5,010	4,528	441	213

\* Hague Convention (proceedings initiated in non-EU countries)

## 2. Maintenance (foreign)

MAINTENANCE (FOREIGN)				
	INCOMING		OUTGOING	
	2018	2017	2018	2017
High Court*	35	45	13	15
District Court	115	122	92	72
<i>* applications under Regulation (EC) 4/2009</i>				

## 3. Other

TAKING OF EVIDENCE: DISTRICT COURT				
	INCOMING		RESOLVED	
	2018	2017	2018	2017
	70	116	70	116

## CIVIL BUSINESS

### 3. NON-LITIGIOUS ENFORCEMENT CASES

Following judgment, a creditor can choose a number of routes to obtain payment of money adjudged to be owed by a debtor, or the return of property the subject of possession proceedings ('enforce the judgment'). In general, once the creditor has a judgment order, the judgment can be enforced. Enforcement orders can be issued by court offices – the creditor does not have to go back to court for the order. Creditors have 12 years from the date of the judgment to look for enforcement orders.

- [Execution orders](#)

The courts issued 3,983 execution orders in 2018, a 14% decrease on the 4,610 in 2017. In the High Court there were 1,002 execution orders for the recovery of money, a 14% decrease on the 1,165 in 2017. There were 28 execution orders for possession of property, a 22% decrease on the 36 issued in 2017. In the Circuit Court there were 2,541 execution orders to recover money, a 10% decrease on the 2,817 in 2017. There were 440 execution orders for possession, a 25% decrease on the 587 in 2017.

- [Registration of judgments](#)

Judgments obtained in the District Court, Circuit Court and High Court can be registered in the High Court. There were 2,673 judgments registered in 2018, an 8% decrease on the 2,904 in 2017. Judgments registers are open for public inspection in the Central Office of the High Court.

- [Judgment mortgage certificates](#)

There were 992 judgment mortgage certificates signed in the High Court, an 11% decrease on the 1,118 certificates signed in 2017. There were 904 certificates signed in the Circuit Court, a 26% decrease on the 1,216 certificates signed in 2017, and 866 certificates signed in the District Court, a 16% decrease on the 1,029 signed in 2017.

#### 1. Execution orders issued – following judgments marked in the office in debt cases

	INCOMING		RESOLVED	
	2018	2017	2018	2017
High Court*	1,002	1,165	1,002	1,165
Circuit Court	1,907	1,911	1,615	1,775
<b>Total</b>	<b>2,909</b>	<b>3,076</b>	<b>2,617</b>	<b>2,940</b>

*\* includes execution orders issued on foot of court orders*

#### 2. Execution orders issued – on foot of court orders

	INCOMING		RESOLVED	
	2018	2017	2018	2017
Circuit Court	634	906	634	896



## 3. Execution orders issued – possession cases

	INCOMING		RESOLVED	
	2018	2017	2018	2017
High Court	28	36	28	36
Circuit Court	412	592	410	587
<b>Total</b>	<b>440</b>	<b>628</b>	<b>438</b>	<b>623</b>

## 4. Judgments registered

JUDGMENTS REGISTERED *				
	INCOMING		RESOLVED	
	2018	2017	2018	2017
High Court; Circuit Court; District Court	2,673	2,904	2,673	2,904

*\* judgments of High Court, Circuit Court and District Court are registered in High Court Central Office*

## 5. Judgment mortgage certificates issued

JUDGMENT MORTGAGE CERTIFICATES ISSUED				
	INCOMING		RESOLVED	
	2018	2017	2018	2017
High Court	992	1,118	992	1,118
Circuit Court	904	1,216	904	1,216
District Court	866	1,029	866	1,029
<b>Total</b>	<b>2,762</b>	<b>3,363</b>	<b>2,762</b>	<b>3,363</b>

## 6. Satisfaction piece issued

SATISFACTION PIECE ISSUED				
	INCOMING		RESOLVED	
	2018	2017	2018	2017
High Court	85	33	85	33
Circuit Court	81	99	81	99
District Court	51	159	51	159
<b>Total</b>	<b>217</b>	<b>291</b>	<b>217</b>	<b>291</b>

## CIVIL BUSINESS

### 4. APPEALS

APPEALS				
CIVIL AND FAMILY LAW	INCOMING		RESOLVED	
	2018	2017	2018	2017
Circuit Court to High Court	860	645	418	339
District Court to Circuit Court	1,160	1,386	941	934
<b>Total</b>	<b>2,020</b>	<b>2,031</b>	<b>1,359</b>	<b>1,273</b>

## CIVIL BUSINESS

### 5. CASES STATED

Case stated is a procedure by which a court or tribunal can ask another court for its opinion on a point of law. There are two kinds: consultative case stated and appeal by way of case stated.

	2018		2017	
	Received	Orders made	Received	Orders made
District Court to High Court	30	11	25	8
Revenue (District Court) to High Court	9	3	6	4

# CIVIL BUSINESS

## 6. MISCELLANEOUS

### 1. Written judgments

The High Court may decide following the hearing of a matter to 'reserve' its decision to another date. The decision may subsequently be delivered in the form of a written judgment. Many High Court judgments are available on the website of the Service: [www.courts.ie](http://www.courts.ie).

WRITTEN JUDGMENTS DELIVERED: HIGH COURT		
	2018	2017
Reserved at 1 January	89	99
Delivered	818	880
Reserved at 31 December	117	89

### 2. Taxation of costs

When a person or a company, otherwise known as a party, incurs costs as a result of legal action they may have those costs taxed. The taxation of costs is the independent and impartial assessment and measurement of legal costs by an officer known as a Taxing Master.

TAXATION OF COSTS		
High Court	2018	2017
Summonses issued	1,092	1,032

### 3. Notices of motion

A Notice of Motion is a formal notice to participants in litigation of an intention on the part of another party to seek particular relief from the court. There may be numerous notices of motion issued in the course of an action and notices of motion may be adjourned a number of times before they are dealt with.

NOTICES OF MOTION		
	ISSUED/DEALT WITH	
	2018	2017
High Court	15,411	13,258
Circuit Court	35,816*	40,480*
<i>* includes adjournments</i>		

### 4. Case progression (family law)

Case progression is the term given to the management of a case before it comes to trial. Its purpose is to ensure that proceedings are prepared in a manner which is fair, efficient and likely to keep the costs as low as possible. It also ensures that time and other resources of the court are put to best use.

Case progression: family law		
	NUMBER OF HEARINGS	
	2018	2017
Circuit Court	5,064	7,198

## CRIMINAL BUSINESS

CRIMINAL BUSINESS: BY OFFENCE				
	INCOMING		RESOLVED (ORDERS MADE)*	
	2018	2017	2018	2017
Serious criminal offences: Central Criminal Court; Special Criminal Court; Circuit Criminal Court	16,275	15,789	18,062	16,454
Misdemeanour and/or minor criminal offences: District Court	391,296	391,207	296,971	290,567
Appeals: Supreme Court; Court of Appeal; Circuit Court	19,348	20,105**	45,998	34,497**
<b>Total</b>	<b>426,919</b>	<b>427,101</b>	<b>361,031</b>	<b>341,518</b>

\* orders made in respect of offences. Note that there may be more than one order made in respect of an individual offence.  
 \*\* figure understated in Annual Report 2017

## DISTRICT COURT

The District Court exercising its criminal jurisdiction deals with four particular types of offences: summary offences, indictable offences which are triable summarily (these include 'minor offences'), indictable offences that may be dealt with summarily and indictable offences which are not triable summarily. When the District Court hears a criminal case, the judge sits without a jury. The District Judge decides the issues of fact and whether to convict. He or she also determines the sentence. In the case of most indictable offences which have to be tried by a judge sitting with a jury, the District Court may impose sentence where the accused pleads guilty provided that the Director of Public Prosecutions consents and the judge accepts the guilty plea. Otherwise, the accused is sent forward to the Circuit Court on his signed plea of guilty for sentencing. The District Court has a limit on the sentence it may impose in respect of a single criminal charge of 12 months imprisonment.

The District Court received 391,296 new offences in 2018. Not all offences were proceeded with by the prosecutor. The Court made 296,971 orders in respect of the offences that did proceed. It is important to note that there can be more than one order made in respect of an offence. For example, in respect of a road traffic offence a person may receive a fine, an imprisonment and a disqualification.

CRIMINAL BUSINESS: DISTRICT COURT					
Categories	INCOMING		RESOLVED: OFFENCES: ORDERS MADE		
	Offences	Defendants	Summary	Indictable dealt with summarily	Sent forward for trial*
Road traffic	215,033	129,039	168,239	813	185
Drugs	26,563	16,505	601	16,970	1,803
Sexual	2,900	495	50	191	2,749
Larceny/fraud/robbery	35,261	14,638	5	23,822	5,829
Public order/assault	41,667	23,338	30,434	2,066	1,825
Other	69,872	51,244	46,541	7,239	4,341
<b>Total</b>	<b>391,296</b>	<b>235,259</b>	<b>245,870</b>	<b>51,101</b>	<b>16,732</b>

\* Note: There is usually only one order made when an offence is being sent forward for trial

**SUMMARY OFFENCES: OUTCOMES: ORDERS MADE : DISTRICT COURT**

	Dis	S/O	TIC	Fine	Bond	Disq	C/S	Prob	Imp	Susp	Other	Fixed	Total
Road traffic	3,193	61,997	20,863	36,724	42	12,065	624	1,150	1,441	1,308	15,734	13,098	<b>168,239</b>
Drugs	22	173	91	71	6	3	11	52	50	31	91	-	<b>601</b>
Sexual	1	10	9	8	-	-	-	3	7	8	4	-	<b>50</b>
Larceny/fraud/ robbery	1	1	-	1	-	-	1	-	1	-	-	-	<b>5</b>
Public order/ assault	856	7,654	6,033	5,826	632	1	510	3,065	1,285	794	3,778	-	<b>30,434</b>
Other	1,001	15,683	5,104	16,934	208	141	172	2,166	1,060	560	3,512	-	<b>46,541</b>
<b>Total</b>	<b>5,074</b>	<b>85,518</b>	<b>32,100</b>	<b>59,564</b>	<b>888</b>	<b>12,210</b>	<b>1,318</b>	<b>6,436</b>	<b>3,844</b>	<b>2,701</b>	<b>23,119</b>	<b>13,098</b>	<b>245,870</b>

Note: There is usually only one order made when an offence is dismissed, struck out or taken into consideration. There may be more than one order made when the penalty imposed in respect of an offence is a fine, bond, disqualification, community service, probation, imprisonment/detention, or sentence suspended.

Key: Dis = dismiss. S/O = strike out TIC = taken into consideration Disq = disqualified C/S = community service

Prob = probation Imp = imprisonment or detention\* Susp = suspended sentence Fixed = fixed penalty

\* refers to detention of a person under 18 in a detention centre

**INDICTABLE OFFENCES DEALT WITH SUMMARILY: OUTCOMES: ORDERS MADE: DISTRICT COURT**

	Dis	S/O	TIC	Fine	Bond	Disq	C/O	Prob	Imp	Susp	Other	Total
Road traffic	20	234	120	43	2	70	17	54	124	44	85	<b>813</b>
Drugs	279	3,726	1,855	3,035	165	17	325	2,123	477	528	4,440	<b>16,970</b>
Sexual	23	85	1	9	4	-	1	13	8	13	34	<b>191</b>
Larceny/fraud/ robbery	661	5,795	4,881	2,148	366	40	531	2,733	3,122	1,641	1,904	<b>23,822</b>
Public order/ assault	129	685	90	173	65	3	91	220	127	194	289	<b>2,066</b>
Other	313	1,984	1,269	646	122	3	155	733	779	305	930	<b>7,239</b>
<b>Total</b>	<b>1,425</b>	<b>12,509</b>	<b>8,216</b>	<b>6,054</b>	<b>724</b>	<b>133</b>	<b>1,120</b>	<b>5,876</b>	<b>4,637</b>	<b>2,725</b>	<b>7,682</b>	<b>51,101</b>

Note: There is usually only one order made when an offence is dismissed, struck out or taken into consideration. There may be more than one order made when the penalty imposed in respect of an offence is a fine, bond, disqualification, community service, probation, imprisonment/detention, or sentence suspended.

Key: Dis = dismiss. S/O = strike out TIC = taken into consideration Disq = disqualified C/S = community service

Prob = probation Imp = imprisonment or detention\* Susp = suspended sentence

\* refers to detention of a person under 18 in a detention centre

**SPECIFIC ROAD TRAFFIC OFFENCES: ORDERS MADE : DISTRICT COURT**

	Dis	S/O	TIC	Fine	Bond	Disq	C/S	Prob	Imp	Susp	Other	Fixed	Total
Dangerous driving	152	1,289	529	467	1	838	39	35	208	90	1,217	-	<b>4,865</b>
Drink driving	703	958	77	3,220	2	3,608	73	27	145	169	323	-	<b>9,305</b>
Offences attacking penalty points	1,300	16,473	2,431	19,614	21	6,841	417	508	805	849	4,445	8,162	<b>61,866</b>
<b>Total</b>	<b>2,155</b>	<b>18,720</b>	<b>3,037</b>	<b>23,301</b>	<b>24</b>	<b>11,287</b>	<b>529</b>	<b>570</b>	<b>1,158</b>	<b>1,108</b>	<b>5,985</b>	<b>8,162</b>	<b>76,036</b>

Note: There is usually only one order made when an offence is dismissed, struck out or taken into consideration. There may be more than one order made when the penalty imposed in respect of an offence is a fine, bond, disqualification, community service, probation, imprisonment/detention, or sentence suspended.

Key: Dis = dismiss. S/O = strike out TIC = taken into consideration Disq = disqualified C/S = community service

Prob = probation Imp = imprisonment or detention\* Susp = suspended sentence Fixed = fixed penalty

\* refers to detention of a person under 18 in a detention centre

## Juvenile crime

The age of criminal responsibility in Ireland is 12 years (section 52 Children Act 2001, as amended by section 129 Criminal Justice Act 2006). Children who have not reached the age of 12 years cannot be charged with an offence. There is an exception for children aged 10 or 11 who can be charged with murder, manslaughter, rape, rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990 or aggravated sexual assault. In addition, where a child under 14 years of age is charged with an offence, no further proceedings can be taken without the consent of the Director of Public Prosecutions. The majority of children who come before the courts are aged between 15 and 17 years.

JUVENILE CRIME: ORDERS MADE: DISTRICT COURT												
	Dis	S/O	TIC	Fine	Bond	Disq	C/S	Prob	Imp	Susp	Other	Total
Road traffic	25	245	364	84	4	113	5	102	21	24	81	<b>1,068</b>
Drugs	21	82	73	10	-	0	-	64	1	1	21	<b>273</b>
Sexual	3	4	1	-	-	-	-	4	-	-	1	<b>13</b>
Larceny/fraud/ robbery	34	275	369	19	6	-	2	273	64	9	87	<b>1,138</b>
Public order/ assault	29	240	283	38	24	-	7	250	27	10	100	<b>1,008</b>
Other	22	131	233	12	8	1	2	130	38	9	65	<b>651</b>
<b>Total</b>	<b>134</b>	<b>977</b>	<b>1,323</b>	<b>163</b>	<b>42</b>	<b>114</b>	<b>16</b>	<b>823</b>	<b>151</b>	<b>53</b>	<b>355</b>	<b>4,151</b>

*Note: There is usually only one order made when an offence is dismissed, struck out or taken into consideration. There may be more than one order made when the penalty imposed in respect of an offence is a fine, bond, disqualification, community service, probation, imprisonment/detention, or sentence suspended.*

*Key: Dis = dismiss. S/O = strike out TIC = taken into consideration Disq = disqualified C/S = community service  
Prob = probation Imp = imprisonment or detention\* Susp = suspended sentence  
\* refers to detention of a person under 18 in a detention centre*

## CRIMINAL BUSINESS

### CIRCUIT COURT

The Circuit Court has the same jurisdiction as the Central Criminal Court in all indictable offences except murder, rape, aggravated sexual assault, treason, piracy and related offences. This jurisdiction is exercisable in the area where the offence has been committed or where the accused person has been arrested or resides. In Circuit Courts outside Dublin, the trial judge may transfer a trial to the Dublin Circuit Criminal Court on application by the prosecution or the defence and if satisfied that it would be unjust not to do so. Criminal cases dealt with by the Circuit Criminal Court begin in the District Court and are sent forward to the Circuit Court for trial or sentencing. Where a person is sent forward to the Circuit Criminal Court for trial the case is heard by judge and jury although a person can change their plea to guilty and dispense with a trial. Indictable offences of a minor nature are heard in the District Court where the accused person consents.

OFFENCES: CIRCUIT COURT									
	INCOMING		RESOLVED: OFFENCES						
	Offences	Defendants*	Guilty	Trials		N/P	TIC	Quash	Dec
				Convicted	Acquitted				
Road traffic	185	153	539	29	31	91	142	1	0
Drugs	1,801	513	1,273	15	22	585	209	0	25
Sexual	1,503	237	611	112	385	369	120	0	12
Firearms	726	550	401	28	36	228	131	0	5
Larceny/fraud/robbery	5,826	1,162	3,404	123	92	1,039	1,102	0	1
Assault	1,460	1,038	1,047	85	103	214	83	0	4
Child abuse	0	0	73	0	2	1	42	0	0
Manslaughter	6	6	2	0	0	1	0	0	0
Other	3,515	1,066	1,897	74	96	850	306	0	6
<b>Total</b>	<b>15,022</b>	<b>4,725</b>	<b>9,247</b>	<b>466</b>	<b>767</b>	<b>3,378</b>	<b>2,135</b>	<b>1</b>	<b>53</b>

Key: Guilty = guilty pleas N/P = nolle prosequi TIC = taken into consideration Quash = quash return for trial Dec = accused deceased  
\* There may be more than one offence brought against a defendant

OFFENCES: OUTCOMES FOLLOWING CONVICTIONS : CIRCUIT COURT										
	TIC	Fine	Bond	Disq	C/S	Prob	Imp	Susp	Other	Total
Road traffic	92	26	52	161	8	5	154	45	43	<b>586</b>
Drugs	135	5	261	1	20	31	247	223	431	<b>1,354</b>
Sexual	229	1	153	0	0	8	266	60	33	<b>750</b>
Firearms	83	1	90	1	7	6	110	62	74	<b>434</b>
Larceny/fraud/robbery	477	4	1,038	0	99	85	1,144	483	215	<b>3,545</b>
Assault	84	3	331	5	37	32	316	263	59	<b>1,130</b>
Child abuse	6	0	13	0	0	0	29	19	11	<b>78</b>
Manslaughter	0	0	0	0	0	0	1	0	1	<b>2</b>
Other	263	35	559	19	18	67	547	314	209	<b>2,031</b>
<b>Total</b>	<b>1,369</b>	<b>75</b>	<b>2,497</b>	<b>187</b>	<b>189</b>	<b>234</b>	<b>2,814</b>	<b>1,469</b>	<b>1,076</b>	<b>9,910</b>

Key: TIC = taken into consideration Disq = disqualified C/S = community service Prob = probation  
Imp = imprisonment or detention\* Susp = suspended sentence  
\* refers to detention of a person under 18 in a detention centre

APPEALS FROM DISTRICT COURT: CIRCUIT COURT							
CATEGORIES	INCOMING		RESOLVED: OFFENCES				
	Off	Def	Aff	Var	Rev	S/O	S/O N/A
Road traffic	11,087	6,745	3,865	11,109	6,198	2,507	<b>2,805</b>
Drugs	668	362	279	721	152	218	<b>211</b>
Sexual	17	10	11	37	12	0	<b>0</b>
Larceny/fraud/robbery	2,464	898	1,379	2,571	196	1,213	<b>887</b>
Public order/assault	1,675	862	871	1,951	378	732	<b>639</b>
Other	2,163	1,297	1,016	1,916	1,018	822	<b>976</b>
<b>Total</b>	<b>18,074</b>	<b>10,174</b>	<b>7,421</b>	<b>18,305</b>	<b>7,954</b>	<b>5,492</b>	<b>5,518</b>

*Key: Off = offences Def = defendants Aff = affirmed Var = varied Rev = reversed S/O = struck out  
S/O N/A = struck out no appearance*



## CRIMINAL BUSINESS

### SPECIAL CRIMINAL COURT

The Offences Against the State Act 1939 provides for the establishment of Special Criminal Courts. The Special Criminal Court sits with three judges and no jury. The rules of evidence that apply in proceedings before the Court are the same as those applicable to trials in the Central Criminal Court. The Court is authorised by the 1939 Act to make rules governing its own practice and procedure. There were eight trials in the Special Criminal Court involving 16 defendants in 2018.

SPECIAL CRIMINAL COURT							
Categories	INCOMING		RESOLVED: OFFENCES				
	Offences*	Defendants	Guilty pleas	Trials		Noelle prosequi	TIC
				Convicted	Acquitted		
Membership of illegal organisation	1	1	0	5	1	3	0
Possession of firearms/ ammunition/explosive substance	25	10	15	1	0	5	5
Murder	1	1	0	5	0	3	0
Threaten to kill	0	0	0	0	0	0	0
Other	24	14	11	6	0	7	7
<b>Total</b>	<b>51</b>	<b>26</b>	<b>26</b>	<b>17</b>	<b>1</b>	<b>18</b>	<b>12</b>

\* there may be more than one offence brought against a defendant

## CRIMINAL BUSINESS

### HIGH COURT: CENTRAL CRIMINAL COURT

The High Court exercising its criminal jurisdiction is known as the Central Criminal Court. It consists of a judge or judges of the High Court. The court sits at such time and in such places as the President of the High Court may direct and tries criminal cases which are outside the jurisdiction of the Circuit Court. The court mainly hears murder and rape trials and criminal trials under the Competition Act 2002. An appeal against conviction or sentence by the Central Criminal Court may be taken to the Court of Appeal.

The trend in recent years has been for trials to take longer to hear due to a number of factors including the increased use of video viewing. To assist with the management of waiting times, in cases where a scheduled hearing is not proceeding in the Special Criminal Court, the High Court judge assigned to that court will sit as a judge of the Central Criminal Court to deal with any available trials.

There were 94 trials in the Central Criminal Court involving 99 defendants in 2018. 59 defendants pleaded guilty.

OFFENCES: TRIALS AND DEFENDANTS: CENTRAL CRIMINAL COURT		
	TRIALS	DEFENDANTS
Murder (including attempted murder)	25	24
Manslaughter	1	1
Rape (including attempted rape)	419	69
Indecent/sexual assault	471	42
Assault	5	4
Other	17	16
<b>Total</b>	<b>938</b>	<b>156</b>

CENTRAL CRIMINAL COURT								
OFFENCE TYPE	INCOMING		RESOLVED					
	Off	Def	G/P	Trials	N/P	TIC *	Quash	Dec
Murder (including attempted murder)	26	26	10	25	2	0	0	2
Manslaughter	0	0	3	1	0	0	0	0
Rape (including attempted rape)	432	79	88	419	153	54	0	2
Indecent/ sexual assault	541	48	130	471	85	231	0	3
Assault	16	7	5	5	6	4	0	0
Other **	187	6	18	17	15	26	0	0
<b>Total</b>	<b>1,202</b>	<b>166</b>	<b>254</b>	<b>938</b>	<b>261</b>	<b>315</b>	<b>0</b>	<b>7</b>

\* TIC – 'taken into consideration' - offences may be taken into consideration where an offender is sentenced on other multiple offences.

\*\* includes impeding a prosecution, accessory to manslaughter, false imprisonment, criminal damage, possession of a knife, burglary

Key: Off = offences Def = defendants G/P = guilty pleas N/P = nolle prosequi Dec = accused deceased

OFFENCES: RESOLVED: OUTCOME OF TRIALS: CENTRAL CRIMINAL COURT						
Offence Type	Convicted	Acquitted	Disagreed	Committal: not guilty by reason of insanity	Prohibited	Total
Murder (including attempted murder)	14	5	4	2	0	25
Manslaughter	1	0	0	0	0	0
Rape (including attempted rape)	194	127	98	0	0	419
Indecent/ sexual assault	248	141	82	0	0	471
Assault	0	0	4	1	0	5
Other	5	9	3	0	0	17
<b>Total</b>	<b>462</b>	<b>282</b>	<b>191</b>	<b>3</b>	<b>0</b>	<b>938</b>

OFFENCES: RESOLVED: PENALTIES IMPOSED ON CONVICTION: CENTRAL CRIMINAL COURT					
	Det (minors)	Imp F/S	Imp P/S	Imp	Total
Murder*	0	0	6	18	24
Manslaughter	0	0	2	2	4
Rape**	0	2	147	133	282
Indecent/sexual assault	1	14	54	308	377
Assault	0	0	0	5	5
Other	0	5	2	16	23
<b>Total</b>	<b>1</b>	<b>21</b>	<b>211</b>	<b>483</b>	<b>716</b>

Key: Det (minors) = detention of a person under 18 years in a detention centre Imp F/S = imprisonment fully suspended  
 Imp P/S = imprisonment/detention\* part suspended  
 \* includes attempted murder  
 \*\* includes attempted rape

OFFENCES: RESOLVED: LENGTH OF SENTENCES IMPOSED ON CONVICTION*: CENTRAL CRIMINAL COURT					
	Up to 2 years	Over 2 years to 5 years	Over 5 years to 10 years	Over 10 years	Life
Murder**	0	0	2	6	16
Manslaughter	0	0	4	0	0
Rape***	0	12	148	122	0
Indecent/sexual assault	72	120	180	5	0
Assault	3	1	0	1	0
Other	4	11	8	0	0

\* includes suspended sentences  
 \*\* includes attempted murder  
 \*\*\* includes attempted rape

### **Criminal Justice (Victims of Crime) Act 2017**

The Criminal Justice (Victims of Crime) Act 2017 gives effect to provisions of Directive 2012/29/EU of the European Parliament and of the Council of 25th October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. The Service commenced the collection of statistical information in compliance with section 30 of the Act during 2018 and will provide a report for a complete statistical year in the Annual Report 2019.

<b>CENTRAL CRIMINAL COURT: VICTIMS</b>		
<b>Evidence given by video link</b>	<b>Evidence given behind a screen</b>	<b>Intermediaries used</b>
20	0	0

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## COURT OF APPEAL

### COURT OF APPEAL - CIVIL

The Court of Appeal hears appeals in civil proceedings from the High Court except for those cases in which the Supreme Court has permitted an appeal to it on being satisfied that the appeal meets the threshold set out in Article 34.5.4° of the Constitution. The court also determines questions of law referred to it by the Circuit Court and the High Court military judge hearing a Court-Martial (cases stated). The court also continues to deal with appeals transferred from the Supreme Court which had been initiated before the establishment of the court on 28th October 2014 and had not been fully or partly heard by the Supreme Court by that date (Article 64 appeals).

The Court operates a weekly directions list for new appeals which allows the court to case-manage every new appeal lodged. Article 64 appeals are also case-managed, by way of periodic call over of groups of such cases.

Pending inclusion on one of the call-over lists, any party to an Article 64 appeal may apply to have an appeal included in one of the weekly directions lists for the allocation of a hearing date. All pending Article 64 legacy appeals which had not yet been allocated a hearing date were targeted for review in 2018. In April over 560 such appeals were included in call over lists with almost 300 appeals withdrawn or struck out when the court was informed that the appeals were not being pursued. Therefore, of the 1,360 Article 64 appeals transferred from the Supreme Court there were 242 such appeals pending at the end of the year with 464 such appeals having been determined in 2018. By arrangement with Chief Justice and the President of the Court of Appeal a further 56 appeals were transferred to the Supreme Court for hearing. This brought to 80 the total number of appeals transferred.

The 22% decrease in the number of new appeals received in 2018 may have been impacted by the emerging jurisprudence of the Court in the areas of personal injury claims (liability and damages), cases involving possession of property and defamation, and interlocutory applications such as disclosure and security for costs.

## 1. New appeals

NEW APPEALS : COURT OF APPEAL			
PENDING AT 01/01	INCOMING	RESOLVED	PENDING AT 31/12
661	499	475	685

NEW APPEALS : COURT OF APPEAL						
CASE TYPE	PENDING AT 01/01	INCOMING	RESOLVED			PENDING AT 31/12
			In Court		Out of Court	
			Determined	Withdrawn	Withdrawn	
Article 40/Habeas Corpus	8	11	12	0	0	7
Bail	2	19	12	5	0	4
Chancery	144	99	83	15	3	142
Commercial	47	28	21	4	2	48
Company	14	11	8	3	0	14
Contract	19	11	10	3	0	17
Criminal	22	31	19	1	0	33
Extradition	5	4	5	0	0	4
Family	11	10	14	1	0	6
Insolvency (Corporate)	2	1	0	0	1	2
Insolvency (Personal)	11	14	8	1	0	16
Judicial Review (asylum related)	26	38	20	8	1	35
Judicial review (other)	75	51	36	4	0	86
Personal injury	57	50	24	15	2	66
Plenary	43	17	15	4	0	41
Proceeds of Crime Act	3	1	1	0	0	3
Security for costs	6	2	3	2	0	3
Summary judgment	102	62	49	12	1	102
Other	64	39	43	4	0	56
<b>Total</b>	<b>661</b>	<b>499</b>	<b>383</b>	<b>82</b>	<b>10</b>	<b>685</b>

NEW APPEALS: NATURE OF APPEAL : COURT OF APPEAL	
Expedited	253
Ordinary	246
<b>Total</b>	<b>499</b>

## 2. Article 64 appeals

ARTICLE 64 APPEALS (APPEALS TRANSFERRED FROM SUPREME COURT)			
PENDING AT 01/01	RESOLVED	TRANSFERRED*	PENDING AT 31/12
706	384	80*	242

\*56 civil appeals transferred to Supreme Court in 2018

ARTICLE 64 APPEALS: COURT OF APPEAL							
CASE TYPE	PENDING AT 01/01	INCOMING	RESOLVED			TRANSFERRED*	PENDING AT 31/12
			In Court		Out of Court		
			Determined	Withdrawn	Withdrawn		
Article 40/Habeas Corpus	6	-	4	0	0	0	2
Bail	6	-	5	0	0	0	1
Chancery	122	-	46	15	4	10	47
Commercial	45	-	20	8	0	1	16
Company	15	-	8	1	0	2	4
Contract	1	-	1	0	0	0	0
Criminal	2	-	0	0	0	0	2
Extradition	0	-	0	0	0	0	0
Family	15	-	10	0	0	3	2
Insolvency (Corporate)	4	-	3	0	0	0	1
Insolvency (Personal)	17	-	10	3	0	0	4
Judicial Review (asylum related)	32	-	7	2	3	12	8
Judicial review (other)	90	-	43	5	0	14	28
Personal injury	48	-	21	5	3	8	11
Plenary	88	-	40	7	1	8	32
Proceeds of Crime Act	8	-	2	1	0	2	3
Security for costs	2	-	1	0	0	1	0
Summary judgment	63	-	23	4	0	3	33
Other	142	-	64	11	3	16	48
<b>Total</b>	<b>706</b>		<b>308</b>	<b>62</b>	<b>14</b>	<b>80</b>	<b>242</b>

\*Total transferred to the Supreme Court to end of 2018. There were 56 appeals transferred in 2018.

### 3. Cases stated

CASES STATED : COURT OF APPEAL		
	RECEIVED	ORDERS MADE
Circuit Court to Court of Appeal	1	0
High Court to Court of Appeal	1	1
Military Judge to Court of Appeal	0	0
<b>Total</b>	<b>2</b>	<b>1</b>

## 4. Additional matters

ADDITIONAL MATTERS : COURT OF APPEAL		
	2018	2017
Motions listed before the Court	201	247
Appeals from appellants in person	156 (31%)	170 (28%)
Applications for directions in Article 64 appeals	6	17
Written judgments delivered	176	181
<b>Length of appeal hearing:</b>		
One day or less	831*	461
Greater than one day but less than two days	0	1
Two days or more	4	19

\*includes appeals withdrawn or struck out in court as part of call over initiative.

## COURT OF APPEAL - CRIMINAL

The Court of Appeal deals with appeals from the Circuit Court, Central Criminal Court and Special Criminal Court. Hearing dates are allocated during the subsequent legal term to the majority of cases included in the List to Fix Dates held once a term. Appeals are actively managed on a weekly basis by the judge assigned to management of criminal lists to ensure that cases are dealt with as efficiently as possible and delays in cases progressing to the List to Fix Dates due to procedural issues arising are kept to a minimum. Applications for priority may be made at the weekly management list.

Civil appeals with a custody/criminal element (bail, Article 40/habeas corpus, judicial review and extradition) were accommodated as required without impacting on the waiting time for criminal appeals. Having regard to the ongoing pressure on the civil list some civil appeals with no custody element but which required a priority hearing and could not be accommodated in the civil list within the necessary timeframe were also transferred to the criminal list for hearing.

There were 323 appeals in respect of 1,272 offences lodged in the Court of Appeal in 2018, an increase on the 283 appeals in respect of 1,281 offences lodged in 2017. The Court disposed of 374 appeals in respect of 1,472 offences, an increase on the 283 appeals in respect of 1,078 offences in 2017.

APPEALS: CRIMINAL					
PENDING AT 01/01	INCOMING	RESOLVED			PENDING AT 31/12
		In Court		Out of Court	
		Determined	Withdrawn	Withdrawn	
531*	323	318*	26	30	480

\*includes 1 military appeal



COURT OF ORIGIN	APPEALS		PERCENTAGE OF APPEALS	
	2018	2017	2018	2017
Central Criminal Court	53	62	16%	22%
Circuit Criminal Court	251	202	78%	72%
Special Criminal Court	19	18	6%	6%
<b>Total</b>	<b>323</b>	<b>282*</b>	<b>100%</b>	<b>100%</b>

\*excludes 1 miscarriage of justice case disposed of in 2017

APPEALS: OUTCOMES : COURT OF APPEAL					
	CONVICTION	SENTENCE (SEVERITY)	SENTENCE (LENIENCY)	OTHER	TOTAL
Central Criminal Court	57	21	3	2	<b>83</b>
Circuit Criminal Court	55	161	47	9	<b>272</b>
Special Criminal Court	12	5	0	1	<b>18</b>
<b>Total</b>	<b>124</b>	<b>187</b>	<b>50</b>	<b>12</b>	<b>373*</b>

\*excludes 1 military appeal disposed of in 2018

APPEALS - INCOMING (BY COURT OF ORIGIN) : COURT OF APPEAL					
CATEGORIES (BY OFFENCE)	INCOMING			TOTAL	
	Central Criminal Court	Circuit Criminal Court	Special Criminal Court		
Assault	3	64	1	<b>68</b>	
Drugs/Misuse of Drugs	0	61	0	<b>61</b>	
Firearms/weapon/possession of explosives/ammunition	0	18	0	<b>18</b>	
Manslaughter	0	0	0	<b>0</b>	
Murder	16	0	6	<b>22</b>	
Public Order	0	6	0	<b>6</b>	
Rape	213	-	-	<b>213</b>	
Road Traffic	0	48	0	<b>48</b>	
Sexual Offences	286	151	0	<b>437</b>	
Theft/Fraud/Robbery	2	227	0	<b>229</b>	
Other	1	156	13	<b>170</b>	
<b>Total</b>	<b>521</b>	<b>731</b>	<b>20</b>	<b>1,272</b>	

APPEALS - RESOLVED (BY COURT OF ORIGIN): COURT OF APPEAL				
CATEGORIES (BY OFFENCE)	RESOLVED			TOTAL
	Central Criminal Court	Circuit Criminal Court	Special Criminal Court	
Assault	9	65	1	<b>75</b>
Drugs/Misuse of Drugs	0	52	3	<b>55</b>
Firearms/weapon/possession of explosives/ ammunition	1	22	9	<b>32</b>
Manslaughter	0	1	0	<b>1</b>
Murder	27	0	1	<b>28</b>
Public Order	0	5	1	<b>6</b>
Rape	215	-	-	<b>215</b>
Road Traffic	0	49	0	<b>49</b>
Sexual Offences	199	356	0	<b>555</b>
Theft/Fraud/Robbery	1	332	0	<b>333</b>
Other	11	101	11	<b>123</b>
<b>Total</b>	<b>463</b>	<b>983</b>	<b>26</b>	<b>1,472</b>

APPEALS - RESOLVED (BY OFFENCE) : COURT OF APPEAL								
CATEGORIES (BY OFFENCE)	RESOLVED							
	CONVICTION	SENTENCE (SEVERITY)	CONVICTION & SENTENCE	SENTENCE (LIENIENCY)	DPP (DISMISSAL)	MC*	OTHER	TOTAL
Assault	7	32	14	21	0	0	1	<b>75</b>
Drugs/Misuse of Drugs	7	40	1	7	0	0	0	<b>55</b>
Firearms/weapon/possession of explosives/ ammunition	2	20	5	3	0	0	2	<b>32</b>
Manslaughter	0	0	1	0	0	0	0	<b>1</b>
Murder	26	0	1	0	0	0	1	<b>28</b>
Public Order	0	2	2	0	0	0	2	<b>6</b>
Rape	17	67	142	1	0	0	0	<b>227</b>
Road Traffic	2	28	3	15	1	0	0	<b>49</b>
Sexual Offences	64	125	307	45	0	0	2	<b>543</b>
Theft/Fraud/Robbery	32	163	18	111	2	0	7	<b>333</b>
Other	13	61	10	27	9	0	3	<b>123</b>
<b>Total</b>	<b>170</b>	<b>538</b>	<b>504</b>	<b>230</b>	<b>12</b>	<b>0</b>	<b>18</b>	<b>1,472</b>
<i>*miscarriage of justice</i>								

## SUPREME COURT

The Supreme Court is the court of final appeal in civil and criminal matters. Appeals may be made only where the court grants permission in limited circumstances as set out in the Constitution. The court therefore concentrates on cases raising important constitutional and legal questions that have far reaching consequences for individuals and have systemic implications for the administration of justice as a whole.

The two stage appeal process ensures that the court hears and determines the cases where matters of general public importance arise or where required by particular interests of justice. There was a 10% increase in applications for leave to appeal and a 16% increase in appeals disposed of compared to 2017. During the year the court accepted back a number of appeals transferred to the Court of Appeal under Article 64 of the Constitution.

Detailed case management procedures, augmented in the new Order 58 of the Rules of the Superior Courts and Practice Direction SC19, ensure that applications and appeals are made ready for determination and/or hearing as efficiently as possible consistent with the requirements of justice in the individual case. These procedures seek to ensure that a significant backlog of applications or appeals does not reoccur.

During 2018 the Court delivered judgments on a range of important issues including whether the rights of an unborn do not exist independently of Article 40.3.3° of the Constitution, the vindication of rights of the child where there is significant non-compliance with legislation governing inter-country adoption, whether an appeal lay from the High Court decision to make a Reference to the Court of Justice of the EU in data protection proceedings, and whether a person can be represented in legal proceedings by a person who is not a qualified lawyer.

INCOMING: ORIGIN OF APPLICATIONS FOR LEAVE TO APPEAL		
	2018	2017
High Court to Supreme Court	63	61
Court of Appeal to Supreme Court	130	115
<b>Total</b>	<b>193</b>	<b>176</b>

OVERVIEW : SUPREME COURT											
PENDING 01/01			INCOMING			RESOLVED			PENDING 31/12		
Applications for leave			Applications for leave			Applications for leave			Applications for leave		
Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total
11	49	60	32	161	193	26	131	157	17	78	95
PENDING 01/01			INCOMING			RESOLVED			PENDING 31/12		
Appeals (legacy)			Appeals (legacy)*			Appeals (legacy)			Appeals (legacy)		
Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total
15	32	47	1	56	57	2	59	61	6	42	48
PENDING 01/01			INCOMING			RESOLVED			PENDING 31/12		
Appeals(current)			Appeals (current)			Appeals (current)			Appeals (current)		
Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total
16	63	79	7	51	58	15	52	67	8	62	70
PENDING 01/01			INCOMING			RESOLVED			PENDING 31/12		
Total Cases			Total Cases			Total Cases			Total Cases		
Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total
42	144	186	40	268	308	43	242	285	31	182	213

\*transferred back from Court of Appeal

OTHER MATTERS : SUPREME COURT		
	2018	2017
Motions listed before the court	14	30
Reserved judgments delivered	91	120
Applications for leave to appeal from appellants in person	56 (29%)	52 (30%)
• One day or less	93	80
• Two days or more	12	8
Commissioners for Oaths appointed	12	13
Notaries Public appointed	26	16

## CASE ANALYSIS

### 1. Cases appealed (from first instance courts)

CIVIL: CASES APPEALED (FROM FIRST INSTANCE COURTS)							
HIGH COURT TO SUPREME COURT		HIGH COURT TO COURT OF APPEAL		CIRCUIT COURT TO HIGH COURT		DISTRICT COURT TO CIRCUIT COURT	
2018	2017	2018	2017	2018	2017	2018	2017
0.23%	0.17%	1.8%	2.3%	5.5%	3%	2.8%	2%

CRIMINAL: APPEALS (FROM FIRST INSTANCE COURTS) (BY OFFENCE)		
	2018	2017
Special Criminal Court, Central Criminal Court and Circuit Court to Court of Appeal	7%	8%
District Court to Circuit Court	6%	6%

### 2. Applications for leave to appeal/appeals (from second instance courts)

CIVIL: COURT OF APPEAL TO SUPREME COURT		
	2018	2017
Applications for leave to appeal	18%	37%
Appeals after leave granted	8%	12%

CRIMINAL: COURT OF APPEAL TO SUPREME COURT		
	2018	2017
Applications for leave to appeal	10%	15%
Appeals after leave granted	2%	5%

### 3. Average length of proceedings - first instance courts

CIVIL : IN DAYS - FROM ISSUE TO DISPOSAL						
	HIGH COURT		CIRCUIT COURT		DISTRICT COURT	
	2018	2017	2018	2017	2018**	2017**
All	749	753	749	678*	163	120
Employment (dismissal)	98	none	448	333	N/A	N/A
Divorce	615	629	380	375	N/A	N/A
Commercial	321	287	N/A	N/A	N/A	N/A
Personal Injury	983	994	-	-	-	-
Judicial review	312	376	N/A	N/A	N/A	N/A

\* figure understated in 2017 Annual Report  
 \*\* excludes licensing  
 N/A = not applicable

<b>CRIMINAL: IN DAYS - FROM ISSUE TO DISPOSAL - BY OFFENCE : DISTRICT COURT</b>					
<b>SUMMARY</b>		<b>INDICTABLE DEALT WITH SUMMARILY</b>		<b>RETURN FOR TRIAL</b>	
<b>2018</b>	<b>2017</b>	<b>2018</b>	<b>2017</b>	<b>2018</b>	<b>2017</b>
278	260	356	366	92	100

Summary: time from issue of summons to disposal of offence in the District Court  
Indictable dealt with summarily: time from lodgment of charge sheet to disposal of offence in the District Court  
Return for trial: time from lodgment of charge sheet to transfer of offence to higher court for trial.

<b>CRIMINAL: CIRCUIT COURT - AVERAGE LENGTH IN DAYS *</b>		
	<b>2018</b>	<b>2017</b>
All	547	404

\* time from receipt of return for trial in Circuit Court to final order

<b>CRIMINAL: CENTRAL CRIMINAL COURT - AVERAGE LENGTH IN DAYS *</b>		
	<b>2018</b>	<b>2017</b>
All	382	542

\* time from receipt of return for trial to final order

<b>CRIMINAL: SPECIAL CRIMINAL COURT - AVERAGE LENGTH IN DAYS *</b>		
	<b>2018</b>	<b>2017</b>
All	557	1,039

\* time from receipt of charge sheet to final order

#### 4. Average length of proceedings (in days) (from issue to disposal) (second instance courts)

<b>CIVIL: COURT OF APPEAL –APPEALS*</b>		
	<b>2018</b>	<b>2017</b>
All (new appeals and Article 64 appeals)	1,101**	556

\* time from issue of notice of appeal to final order  
\*\* increase due to number of Article 64 appeals resolved

<b>CRIMINAL : COURT OF APPEAL - APPEALS*</b>		
	<b>2018</b>	<b>2017</b>
All	705	666

\* time from issue of notice of appeal to final order

#### 5. Average length of proceedings (in days) (from issue to disposal) (highest instance courts)

<b>SUPREME COURT</b>			
		<b>2018</b>	<b>2017</b>
Legacy	All (issue to disposal)	2,201	2,175
	Certified (from certification date to disposal)	2,146	1,472
	Priority (from priority date to disposal)	1,524	1,344
Application for Leave Determined (issue to determination date)		148	127
Application for Leave Determined (from papers being ready to determination)		37	41

# WAITING TIMES

## DISTRICT COURT - CRIMINAL, CIVIL AND FAMILY

### CRIMINAL: WAITING TIME

- **Summons:**

The time from receipt of summons application to scheduled date for hearing. There is an agreement with An Garda Síochána as part of Criminal Justice Interoperability Project that a period of 12-14 weeks will be allowed between the issuing of a summons and the first court date to allow time for service of the summons. The waiting times for criminal summonses generally reflect this agreement. Summonses may not be disposed of on the first scheduled hearing date.

- **Charge sheets:**

The time from receipt of a charge sheet to the first court date. Charge sheet cases are initially listed before the court usually within a day of the person being charged by An Garda Síochána. The first listing may not be the date of the hearing of the matter as the court may adjourn/postpone the hearing for a variety of reasons. The time between the first appearance before the court and the final disposal of the case is outside the control of the Courts Service.

### CIVIL: WAITING TIME

- **Applications:**

The time from receipt of application to date when application is listed for hearing. This may not be the date that the matter is disposed of. A waiting time of up to 12 weeks is maintained in most offices with no waiting times of more than six months in recent years.

### FAMILY : WAITING TIME

- **Applications:**

The time from receipt of application to date when application is listed for hearing. This may not be the date that the matter is disposed of. Emergency domestic violence applications are dealt with on the date of first application to the court. In the majority of District Court Districts, waiting time for the hearing of these applications have not increased despite an ongoing increase in the volume and complexity of cases. Cases are listed for hearing in most instances within four to eight weeks of the date of the initial application.

DISTRICT COURT: WAITING TIMES SHOWN IN WEEKS (UNLESS OTHERWISE STATED) AS AT 31 DECEMBER					
OFFICE	CRIMINAL		CIVIL	FAMILY LAW	
	Summonses	Charge sheets	Applications	Domestic violence applications *	Maintenance /guardianship applications
Athlone	15	NS	8	NS	NS
Ballina	15-20	NS	6-8	NS	NS
Bray	20	NS	8	NS	3-6
Carlow	20-28	NS	14	12	12
Carrick-on-Shannon	12-15	NS	4-8	NS	NS
Castlebar	12	NS	12	NS	6
Cavan	20	NS	8	NS	16
Clonakilty	20-24	NS	2-4	2-4	2-4
Clonmel	14	NS	4-6	4-6	4-8
Cork	15	NS	6	14	14
Donegal	12-15	NS	4-6	NS	NS
Dublin	Section 49: 15**	NS	8	14	14
Dundalk	Other: 10				
Ennis	14-18	NS	8-12	NS	4-6
Galway	12-15	NS	8-12	NS	6-8
Kilkenny	16	NS	16	4	4-8
Letterkenny	14-18	NS	4-6	2-4	4-8
Limerick	24	NS	12-16	NS	13
Longford	24	NS	NS	8	12
Loughrea	12-15	NS	8	NS	4
Mallow	15	NS	12	NS	8
Monaghan	12-15	NS	8	NS	NS
Mullingar	16	NS	8-10	NS	NS
Naas	12-16	NS	8	NS	8
Nenagh	34	NS	8-20	NS	12-24
Portlaoise	24	NS	12-16	2-4	16
Roscommon	12-16	NS	12-16	NS	12-16
Sligo	12-15	NS	4	NS	12
Tralee	14-18	NS	12-16	NS	NS
Trim	8-12	NS	8	4	4
Tullamore	20-24	NS	8-10	10-12	12
Waterford	16-18	NS	8	NS	12
Wexford	12	NS	4	6	6
Youghal	16	NS	6-10	NS	10-12

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

\*\* drink driving prosecutions

NS = Next sitting of the court

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



## WAITING TIMES

### CIRCUIT COURT - CRIMINAL, CIVIL AND FAMILY

#### CRIMINAL

Waiting times for criminal cases vary, depending on whether the accused is on bail or in custody; on whether the plea is 'guilty' or 'not guilty'; on whether the trial is scheduled to last two days or two weeks. In most Circuit Courts outside Dublin, the majority of guilty pleas will be dealt with at the next criminal session – making the waiting time approximately three months. Defendants who are in custody take precedence so their trials are dealt with first, followed by trials of those who are on bail.

Waiting times in Dublin Circuit Court have been impacted in recent years by the number of so-called 'white collar' cases taken by the State in the wake of the financial collapse that followed the global recession in 2008. The complicated nature of the evidence in these cases together with the number of witnesses called and the additional legal argument required has lengthened the trials with a resulting impact on the number of trial courts available for other cases. Measures introduced to address this situation include the allocation of the additional judges (subject to the availability of courtrooms) and the listing of only one long trial at any one time.

NATURE OF MATTER	WAITING TIME
<b>Trials</b>	The time from receipt of return for trial to hearing date of trial
<b>Sentences</b>	The time from receipt of return for trial to sentence hearing (where plea of guilty entered)
<b>Appeals</b>	The time from receipt of District Court appeal to date of appeal hearing

#### CIVIL

Waiting times for civil cases vary with precedence given to criminal and family law cases where resources are limited. The nature of civil business has changed in recent years with fewer short cases and an increase in longer contested cases. Waiting times for longer cases tend to be longer than for so-called 'ordinary' cases and can distort waiting times. Some longer cases are dealt with by the allocation of additional sittings to the circuit.

NATURE OF MATTER	WAITING TIME
<b>Trials</b>	The time from receipt of notice of trial to hearing date
<b>Appeals</b>	The time from receipt of District Court appeal to date of appeal hearing

#### FAMILY

Waiting times are generally less than those for civil cases due to the priority afforded to family law cases. In most circuits, consent matters are heard in the 'next session' (a waiting time of three months or less). Additional sittings are arranged for long cases.

NATURE OF MATTER	WAITING TIME
<b>Cases</b>	The time from receipt of notice of trial/notice of motion to hearing date
<b>Appeals</b>	The time from receipt of District Court appeal to date of appeal hearing

CIRCUIT COURT: WAITING TIMES SHOWN IN MONTHS (UNLESS OTHERWISE STATED) AS AT 31 DECEMBER								
OFFICE	CRIMINAL			CIVIL		FAMILY LAW		
	Trials	Sentences	Appeals	Trials	Appeals	Contested cases	Non-contested cases	Appeals
Carlow	NS	6	NS	NS	NS	NS	NS	NS
Carrick on Shannon	6	NS	NS	3-6	3-6	6	NS	NS
Castlebar	3-6	NS	9	6	NS	NS	NS	NS
Cavan	9-12	NS	18	18	NS (9)	9	NS	NS
Clonmel	3-6	NS	3-6 (NS)	3-6 (NS)	3-6 (NS)	NS	NS	NS
Cork	NS	NS	2	3-6	3-6	6-9	NS	NS
Dublin	18	2	1.5	4	4	1-2*	1-2	1
Dundalk	12-18	NS	12-18	12-18	NS	6-12	NS	6-12
Ennis	6	3	3	5	3	6	NS	6
Galway	9-12	3-6	2	NS	NS	NS	NS	NS
Kilkenny	9-12	NS	NS	NS	NS	6-9	NS	NS
Letterkenny	6-9	3-6	NS	12-18	12	6-9	NS	6-9
Limerick	24	3-6	NS	24	3-6	NS	NS	3-6
Longford	6-9	NS	NS	9-12	NS	6-9	NS	NS
Monaghan	9-12	NS	NS	NS	NS	NS	NS	NS
Mullingar	9-12	NS	NS	3-6	3-6	3-6	NS	3-6
Naas	9	NS	NS	12-18	NS	6	NS	6
Portlaoise	3-6	NS	NS	NS	NS	NS	NS	NS
Roscommon	NS	NS	NS	NS	NS	NS	NS	NS
Sligo	9-12	NS	9-12	NS	NS	6-12	NS	NS
Tralee	NS	NS	NS	NS	NS	NS	NS	NS
Trim	9-12	NS	NS	NS	NS	NS	NS	NS
Tullamore	3-6	NS	NS	6	NS	6	NS	NS
Waterford	6	6	NS	3-6	NS	3-6	NS	NS
Wexford	12	NS	NS	12	NS	6-10	NS	3-6
Wicklow	12	NS	12	6-9	3	6-9	3-6	6-9

\* 3 months for a guaranteed priority hearing; 5 weeks for a possible hearing (if priority case settles or does not proceed)  
 NS = Next Sitting of the Court  
 Details of the sittings of the Circuit Court are available on the website of the Service ([www.courts.ie](http://www.courts.ie)).

# WAITING TIMES

## HIGH COURT - CIVIL AND FAMILY

### HIGH COURT: PERSONAL INJURY

- Waiting time: Dublin**

The High Court tries personal injury cases in Dublin every week during court sittings. Cases that are ready for hearing can obtain a date within four weeks.

- Waiting time in other venues**

The High Court tries personal injury cases for a limited number of weeks in each of the venues below. The time from when a case is set down for trial to the date on which it is listed in the selected venue is shown below in months for each venue

Venue	2018	2017
Cork	17 months	14 months
Dundalk	5 months	9 months
Galway	2 months	2 months
Kilkenny/Waterford	5 months	5 months
Limerick	13 months	10 months
Sligo	5 months	4 months

### HIGH COURT: INSOLVENCY (CORPORATE)

NATURE OF APPLICATION	WAITING TIME	2018	2017
Applications to appoint examiner	The time from the issue of a petition to the allocation of the first return date before the High Court	Date immediately available	Date immediately available
Applications to wind up company	The time from the issue of a petition to the allocation of the first return date before the high court	3 Weeks	3 Weeks

### HIGH COURT: OTHER CORPORATE APPLICATIONS

NATURE OF APPLICATION	WAITING TIME	2018	2017
Restrict directors	The time from the issue of a notice of motion to the first return date before the High Court	4 weeks	4 weeks

### HIGH COURT: INSOLVENCY (PERSONAL)

NATURE OF APPLICATION	WAITING TIME	2018	2017
Applications to issue summons	The time from the issue of a summons/petition to the first return date before the High Court	Date immediately available	Date immediately available
Applications for adjudication	The time from the issue of a summons/petition to the first return date before the High Court	Date immediately available	Date immediately available

### HIGH COURT: COMMERCIAL LIST (PROCEEDINGS DEFINED IN ORDER 63A RULE 1 RULES OF THE SUPERIOR COURTS)

NATURE OF APPLICATION	WAITING TIME	2018	2017
Liberty to enter list (motion)	The time from the issue of a summons to the first return date before the High Court	Date immediately available	Date immediately available
Full hearing	The time from the first return date to the date of the full hearing	1 week to 6 months depending on time required for a hearing	1 week to 6 months depending on time required for hearing

### HIGH COURT: COMPETITION LIST

NATURE OF APPLICATION	WAITING TIME	2018	2017
Monday motion list	The time from the issue of a notice of motion to the first return date before the High Court	3 weeks	3 weeks

### HIGH COURT: CHANCERY MATTERS COMMENCED BY PLENARY SUMMONS OR SPECIAL SUMMONS (INCLUDING INJUNCTION APPLICATIONS, COMPANY LAW MATTERS, SPECIFIC PERFORMANCE / RESCISSION OF CONTRACTS, ADMINISTRATION OF ESTATES OF DECEASED PERSONS, TRUST ACTIONS)

NATURE OF APPLICATION	WAITING TIME	2018	2017
Monday motion list	The time from the issue of a notice of motion to the first return date before the High Court	3 weeks	4 weeks
Hearing of certified cases	The time from when a case is certified ready for hearing to the allocation of the first date for hearing before the High Court	4 months	4 months
Special summonses (Master's Court)	The time from the issue of a summons to the first return date before the Master of the High Court	4 weeks	4 weeks
Special summonses (High Court)	The time from the date of transfer from the Master's Court to the first return date before the High Court	4 weeks	3 weeks

### HIGH COURT: POSSESSION

NATURE OF APPLICATION	WAITING TIME	2018	2017
Special summons for possession	The time from the issue of a summons to the first return date before the Master of the High Court	4 weeks	4 weeks
Full hearing	The time from the date of transfer from the Master's Court to the first return date before the High Court	3 weeks	3 weeks

<b>HIGH COURT: MORTGAGE SUITS</b>			
<b>NATURE OF APPLICATION</b>	<b>WAITING TIME</b>	<b>2018</b>	<b>2017</b>
Special summons for well charging order	The time from the issue of a summons to the first return date before the Master of the High Court	4 weeks	4 weeks
Full hearing	The time from the date of transfer from the Master's Court to the first return date before the High Court	3 weeks	3 weeks

<b>HIGH COURT: NON-JURY (BREACH OF CONTRACT, PROFESSIONAL NEGLIGENCE, DEBT COLLECTION)</b>			
<b>NATURE OF APPLICATION</b>	<b>WAITING TIME</b>	<b>2018</b>	<b>2017</b>
Miscellaneous (motions that require more time than they can be given in the Monday list)	The time between listing in the common law list and hearing in the non-jury List	9 weeks	21 weeks
Full hearing – cases less than one week in duration	The time from when a case is certified ready for hearing to the allocation of the first date for hearing before the High Court	5 months	11 months
Full hearing – cases more than one week in duration	As above	5 months	11 months (2 months for parties willing to travel to Cork)

<b>HIGH COURT: APPEALS FROM THE CIRCUIT COURT</b>			
<b>NATURE OF APPLICATION</b>	<b>WAITING TIME</b>	<b>2018</b>	<b>2017</b>
Full hearing - cases less than one week in duration	The time from the lodgment of the books of appeal to the allocation of the first date for hearing before the High Court	5 months	11 months
Full hearing - cases more than one week in duration	As above	5 months	

<b>HIGH COURT: JUDICIAL REVIEW: ASYLUM RELATED</b>			
<b>NATURE OF APPLICATION</b>	<b>WAITING TIME</b>	<b>2018</b>	<b>2017</b>
Pre-leave	Date immediately available	1 week	
Post leave	2 months	4 months	

<b>HIGH COURT: JUDICIAL REVIEW: OTHER</b>			
<b>NATURE OF APPLICATION</b>	<b>WAITING TIME</b>	<b>2018</b>	<b>2017</b>
Pre-leave	Application made ex parte on any Monday	Application made ex parte on any Monday	
Post leave	2 months	6 months	

<b>HIGH COURT: JURY (DEFAMATION; FALSE IMPRISONMENT; ASSAULT)</b>		
<b>WAITING TIME</b>	<b>2018</b>	<b>2017</b>
The time from when a case is certified ready for hearing to the allocation of the first date for hearing before the High Court	10 months	7 months

<b>HIGH COURT: GARDA COMPENSATION ACT</b>			
<b>NATURE OF APPLICATION</b>	<b>WAITING TIME</b>	<b>2018</b>	<b>2017</b>
Special summons	The time from the issue of a summons to the first return date before the Master of the High Court	4 weeks	4 weeks
Full hearing	The time from the date of transfer from the Master's Court to the first return date before the High Court	5 weeks	5 weeks

<b>HIGH COURT: PROCEEDS OF CRIME ACT</b>		
<b>WAITING TIME</b>	<b>2018</b>	<b>2017</b>
The time from receipt of application to hearing	Date immediately available	Date immediately available

<b>HIGH COURT: MASTER'S COURT</b>			
<b>NATURE OF APPLICATION</b>	<b>WAITING TIME</b>	<b>2018</b>	<b>2017</b>
Motions	The time from the issue of a notice of motion to the first return date before the Master	4 weeks	4 weeks

<b>HIGH COURT: COMMON LAW MOTIONS</b>		
<b>WAITING TIME</b>	<b>2018</b>	<b>2017</b>
The time from the issue of a notice of motion to the first return date before the High Court	5 weeks	5 weeks

<b>HIGH COURT: FAMILY</b>		
<b>NATURE OF APPLICATION</b>	<b>WAITING TIME</b>	
	<b>2018</b>	<b>2017</b>
Urgent applications	Within 2 weeks	Within 3 weeks
Non-contested cases	Within 2 weeks	Within 3 months
Contested cases	Within 2 months	Within 3 months
Applications under Hague Luxembourg Convention	Case must be dealt with within 6 weeks	Case must be dealt with within 6 weeks
Appeals from Circuit Court	Within 2 months	Within 3 months

## WAITING TIMES

### HIGH COURT - CRIMINAL

HIGH COURT – CENTRAL CRIMINAL COURT		
Murder and rape trials (Central Criminal Court)	The time from the first listing of a case before the Central Criminal Court on return for trial from the District Court, to the trial date	
Bail applications	The date from the issue of a notice of motion to the date the matter is first listed before the High Court	
	<b>2018</b>	<b>2017</b>
Murder and rape trials	11 months*	11.5 months
Bail	Date immediately available	Date immediately available

\* earlier dates are made available for trials involving child and other vulnerable witnesses

### SPECIAL CRIMINAL COURT

WAITING TIME	2018	2017
The time from when a charge sheet is received to the trial date	12 months	11 months

### COURT OF APPEAL - CIVIL

WAITING TIME	2018	2017
The time from when an appeal is entered into the court list to the date of hearing		
	<b>2018</b>	<b>2017</b>
Appeals*	20 months	20 months
Fast tracked short appeals**	9 months	10 months

\* appeals requiring more than two hours \*\*depends on time available

### COURT OF APPEAL - CRIMINAL

WAITING TIME	2018	2017
The time from when an appeal is entered into the court list to the date of hearing		
	<b>2018</b>	<b>2017</b>
Appeals	20 weeks	21 weeks
Article 40/habeas corpus appeals	4 weeks (or less)	4 weeks (or less)
European Arrest Warrant / Judicial Review appeals	During the subsequent legal term (if no time available within the current legal term)	During the subsequent legal term (if no time available within the current legal term)


### SUPREME COURT

NATURE OF APPLICATION	WAITING TIME	2018	2017
Applications for leave to appeal	The time from the filing of complete documentation to the determination of the application	6 weeks	6 weeks
Appeals	The time from the determination of the leave application to the disposal of the appeal	68 weeks	54 weeks



*Letterkenny Courthouse*



The background of the page is a photograph of classical marble architecture. The top half shows the upper portion of several fluted columns. The bottom half shows a close-up of a wide, flat marble step or base. A solid blue horizontal band is positioned between the top and bottom images, containing the chapter title in white text.

## CHAPTER 4 GOVERNANCE AND ACCOUNTABILITY

# GOVERNANCE AND ACCOUNTABILITY

The Service continues to have strong governance arrangements at organisational and Board level. This provides a framework of rules and practices to ensure accountability, fairness and transparency across all activities. The arrangements evolve in accordance with best practice, as the needs of the organisation and the needs of those who use the courts develop.

*“Good governance provides direction and clarity and supports effective decision making. It relates to how we manage our organisation and achieve our organisational goals and objectives”.*

Brendan Ryan, Chief Executive Officer

The governance arrangements have regard to the legislative framework set out in the Courts Service Act 1998, the Code of Practice for the Governance of State Bodies (CPGSB), the Corporate Governance Standard for the Civil Service and developments in the Civil Service Renewal Plan and the Civil Service Code of Standards of Behaviour. They are benchmarked against the principles developed by the Department of Public Expenditure and Reform (DPER) to ensure that governance arrangements across the Civil Service are effective and robust.

## Corporate Governance Standard for the Civil Service

The Corporate Governance Standard for the Civil Service, published by DPER, sets out a summary of good governance principles and an adaptable governance framework to be used in documenting each organisation’s arrangements. The standard requires each organisation to publish a framework document which sets out the statutory framework including the governance arrangements in place, its role, function and organisational structure, information on strategic and business planning processes and the accountability, audit and assurance arrangements.

### Framework Document

The framework document of the Service reflects the responsibilities, structure and governance of the organisation in line with the Corporate Governance Standard. It sets out the statutory framework for the Service as set out in the Courts Service Act 1998, the structure of the organisation, the role of the Board, Committees of the Board, the Chief Executive and Senior Management Team and the governance and accountability/assurance arrangements already in place.

## Code of Practice for the Governance of State Bodies (CPGSB)

The CPGSB provides a framework for the application of best practice in corporate governance by both

commercial and non-commercial State bodies. It concerns both the internal practices of the State bodies and their external relations with government, the relevant minister under whose aegis they fall, the Minister for Public Expenditure and Reform and their respective parent departments.

In September 2016 a new code introduced a range of additional obligations for State bodies. It continues to place significant emphasis on the responsibility and accountability of Board members, the role of management and the importance of an audit and risk committee in the governance of State bodies. Organisations were given a year to ensure that they were in a position to comply with the code. The Service duly put additional governance arrangements in place, both in relation to the Board and the Audit and Risk Committee, to enhance the governance of the organisation.

## Agency Framework Agreement between the Service and the Department of Justice and Equality

In accordance with best corporate governance practice and the requirements of the CPGSB, an agency framework agreement for 2018 was signed with the Department of Justice and Equality. The purpose of the Agreement is to enhance the working relationship between the Service and the Department and support the Service in carrying out its functions. The Agreement reflects and respects the status of the Service as an independent State agency governed by the Board while providing the necessary accountability and oversight for the Minister.

## ORGANISATION OVERVIEW

### Courts Service Board

The Service is governed by a Board consisting of a chairperson and 17 other members. The Board is responsible for determining policies for the Service and for overseeing their implementation. It performs these functions directly and through the committees of the Board. In accordance with the Courts Service Act 1998 the term of office of the Board is three years. The current Board was established on 9th November 2017. The Public Appointments Service assisted in the filling of

two vacancies on the Board outstanding at the end of 2017.

The Board reviews and monitors the implementation of the Strategic Plan. It also approves an annual corporate business plan which it reviews twice yearly with performance assessed by reference to the Strategic Plan. The Board approves the annual budget for the Service and considers reports on budget and expenditure at each meeting. The Board also considers reviews of expenditure carried out throughout the year.

The Board approved the following annual corporate documents in 2018:

Document	Approved by the Board
Corporate Business Plan 2018	February 2018
Annual Report 2017	June 2018
Corporate Risk Register 2018	February 2018
Annual return to Minister for Justice and Equality under the CPGSB	June 2018

The Board appointed the following committees to advise it in relation to the performance of its functions: Finance Committee, Audit and Risk Committee, Building Committee and Family Law Court Development Committee. (Membership of the committees in on page 14).

The Board is responsible for the engagement of legal advisors, investment advisors, and fund managers. It approves proposals for contracts and arrangements including the acquisition or disposal of any interest in land or property with a value in excess of €5m, proposals for leases for periods in excess of four years and nine months irrespective of value, and proposals for contracts for consultancy in excess of €500,000. During 2018 the Board approved the extension of contracts for the provision of interpretation services.

Prior to the consideration of any procurement proposals by the Board or committees of the Board, the Chairperson, as a matter of good governance, requests that any member who considers that they have an interest which might represent a conflict in their consideration of the proposal, absent themselves from discussion on the matter. The minutes record any such declarations or abstentions. In accordance with the requirements of the CPGSB, the Board also makes periodic disclosures of interests which they, or a family

member, may hold which could represent a conflict of interest for them in their role as members of the Board.

Standing items on the agenda for Board meetings include minutes of meetings and reports considered by committees of the Board, financial reports, reports from the Chief Executive, reports from the Chief Risk Officer and Head of Resource Management, and details of all new contracts entered into by the Service and recorded on the contract register.

The Board receives regular reports from the Chief Executive Officer on the operation of the Service, the implementation of Board policy, the implementation of the annual Corporate Business Plan, expenditure and budgetary matters and other relevant issues and/or developments. The Board also receives regular reports in relation to the implementation of risk management in the organisation during the year.

In addition, during 2018 the Board considered reports on the proposed development of a family law and children court complex in Dublin, the review of probate services and the Organisational Capability Review. The Board also considered issues relating to matters including ICT structure, governance and function; strategic change; strategic challenges in relation to HR; implementation of the Fines (Payment and Recovery) Act 2014; funding and staffing for the Service; and the establishment of a formal process for communication between government departments and the Service on legislative proposals affecting the courts and the Service.

The Board held meetings on 5th February, 23rd April, 25th June, 15th October and 10th December with an overall attendance rate of 85%. Information on individual attendance at Board meetings is in the schedule on page 119.

Meetings of committees of the Board continue to be held in advance of, and close to, the date of Board meetings where possible, to allow any issues which require Board consideration to be brought to the attention of the Board without any undue delay.

### Meetings of Committees of the Board

Finance Committee	29 January, 16 April, 11 June, 4 October, 3 December, 10 December
Audit and Risk Committee	29 January, 26 March, 22 June, 8 October, 3 December
Building Committee	18 January, 12 April, 18 June, 23 October
Family Law Court Development Committee	22 January, 26 February, 30 April, 14 May, 18 June, 23 July, 15 October, 26 November

An annual fee is payable to non-judicial members of the Board (with the exception of the Chief Executive Officer) in the sum of €11,970 together with travel and subsistence expenses at rates sanctioned by the Department of Finance. In accordance with Department of Finance regulations, fees are not paid to Board members who are public servants.

Minutes of meetings of the Board, appropriately redacted, are published on the website of the Service and on the intranet to provide information on matters considered by the Board and decisions made.

### Roles and responsibilities

#### 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. He prepares an annual budget for approval by both the Finance Committee and the Board with support from the Senior Management Team. He provides regular updates to the Board, the Finance Committee, and other committees of the Board, in regard to the management of the Service, implementation of policy, progress on the strategic plan and the modernisation agenda of the Service.

The Chief Executive provides an annual report on behalf of the Board to the Minister for Justice and Equality providing assurance on compliance with the CPGSB. The report outlines the organisation's system of internal controls and confirms compliance across a range of headings. In particular, the report affirms compliance with:

- appropriate procedures for financial reporting, internal audit, travel, procurement and asset disposals

- inclusion of a statement on the system of internal financial control
- adherence to Codes of Business Conduct for Directors and Employees
- compliance with government guidelines on the payment of directors' fees and
- provision of a draft strategic plan to the relevant minister prior to the plan being finalised and adopted by the Board.

As Accounting Officer, the Chief Executive Officer is also responsible for the signing of the Annual Appropriation Account of the Service together with a Statement of Internal Financial Controls providing assurance on the internal financial control environment operating within the Service.

#### Appropriation Account

The Appropriation Account is the annual financial account of the Service and is furnished to the Comptroller and Auditor General on or before 31st March each year. It is compiled on foot of approved estimates by the Oireachtas and is prepared by the Chief Executive. An extract from the Appropriation Account 2018 submitted to the Comptroller and Auditor General is on page 124.

#### Internal Financial Control

The Board has overall responsibility for the internal financial control of the Service. It delegates responsibility for monitoring the effectiveness of risk management and the internal control environment to the Audit and Risk Committee. The Committee receives regular reports from management, the Chief Risk Officer, internal audit, and external auditors. Such arrangements are designed to manage rather than eliminate the risks facing the Service.

The Statement of Internal Financial Control (SIFC) signed by the Chief Executive Officer for the purpose of the Appropriation Account addresses the internal control environment within the Service with particular regard to the financial control environment, the framework of administration, management reporting and internal control. It includes a statement of compliance with procurement guidelines and confirmation that the Service has an audit and risk committee and internal audit function.

The National Shared Services Office (NSSO) continues to perform a number of administrative functions of the Service, including payroll, travel and subsistence and

human resources services. Furthermore, the Service is a client of Financial Management Shared Service Centre (FMSSC), Killarney. The FMSSC provides financial and accounting services and other ancillary activities for the Service. As part of the Appropriation Account process and for the signing of the SIFC by the Chief Executive, the accounting officers for both the NSSO and the FMSSC provide letters of assurance as to the adequacy of controls systems in place within the NSSO for the provision of shared services to the Service.

In the case of internal controls, systems can provide only reasonable and not absolute assurance against material misstatement or loss. Breaches of controls, in particular instances of fraud or irregularity, must be brought to the attention of the Comptroller and Auditor General in accordance with public financial procedures. The Service has a policy statement on the prevention and detection of fraud with all cases irrespective of value being reported to the Resource Management Directorate, the Senior Management Team and the Audit and Risk Committee.

### Financial Management

The Service is represented on the Department of Justice and Equality Financial Management Committee as part of the governance arrangement for budget management within the Justice Sector. The Committee is comprised of representatives from the main Justice group of votes including the Department, An Garda Síochána, Prison Service, Property Registration Authority and the Service. It provides for a further level of assurance to the Department regarding vote management, adherence to Government financial guidelines and ensuring that value for money is achieved in the expenditure of public funds.

### Budget Management

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

### Performance budgeting

Performance budgeting attempts to link the funds allocated to measurable results. The Service complies

with the performance budgeting format which identifies key outputs, context and impact indicators for the Service. The performance budgeting targets for the Service for 2018 were set out in the Revised Estimates Volume.

## AUDIT AND ASSURANCE ARRANGEMENTS

### Audit and Risk Committee

The Audit and Risk Committee (see page 14) is chaired by a member of the Board and includes a judicial representative from the Court of Appeal, Circuit Court and District Court and members with significant business expertise and experience within the public and private sectors. The committee plays a fundamental role in ensuring that the Service functions according to good governance, accounting and auditing standards and adopts appropriate management and risk arrangements. The committee also has a role in respect of oversight of protected disclosures.

The committee held five meetings in 2018 at which it reviewed and considered a wide range of reports.

### Internal Audit Function

Internal Audit is an independent appraisal function whose role is to provide assurance to the Board, Audit and Risk Committee, Chief Executive Officer and all levels of management as to the adequacy and effectiveness of the systems on governance, risk and internal controls operating within the Service.

The Internal Audit Unit operates in accordance with an audit charter approved by the Board and an annual audit plan approved by the Chief Executive Officer and the Audit and Risk Committee. In carrying out audits, the Unit complies with the Institute of Internal Audit Standards, as adapted by the Department of Public Reform and Expenditure for use in government departments.

All audit reports are submitted directly to the Chief Executive Officer and to the Audit and Risk Committee who also receive periodic reports showing progress against the plan. The Unit completed 19 audits during the year.

In accordance with the requirement of the International Standards of the Professional Practise of Internal Auditing, the committee approved the award of a contract for an external quality assessment of the internal audit function. The assessment will be undertaken during 2019.

### External audit

The Comptroller and Auditor General (C&AG) performs the external audit of voted funds. The C&AG's authority extends to the audit of public funds and therefore does not include court funds managed by the Service on behalf of minors and wards of court. The audit of court funds managed by the Accountant's Office is carried out by external auditors.

### Risk Management

The Board has overall responsibility for overseeing the management of risk within the Service. As part of the overall operation of good governance, a risk management framework continues to be applied on the basis of clearly defined roles and responsibilities at Board, Audit and Risk Committee and at all levels of management.

The Board recognises that the effective management of risk is the responsibility of all staff of the Service and seeks to encourage and promote a culture of risk management through the operation of the formal risk management process.

The key principles of the CPGSB and the Risk Management Guidance for Government Departments and Offices have been adopted by the Service. A risk management policy approved by the Board defines the risk appetite of the Service. This in turn is supported by risk management aligned to the policy.

The risk management framework and policy provides for a planned and systematic approach to identifying and managing a range of risk categories: financial, service delivery, infrastructure (buildings and ICT), people, compliance and governance, and projects. The Chief Risk Officer is a member of the Senior Management Team and reports directly to the Audit and Risk Committee and the Board. Risks are identified at corporate and business unit level and managed accordingly by assigning responsibility to the relevant directorate and office manager.

The Service maintains a corporate risk register which is reviewed regularly by the Chief Executive Officer, Senior Management Team, Audit and Risk Committee and the Board - most recently in December 2018. The register is refreshed at the start of each year. Risks are based on their impact and likelihood of occurrence with new and emerging risks added as they arise.

The Corporate Risk Register is linked to the annual business planning process and is a key document in enabling the Service deal with the challenges it faces. It sets out the major risks facing the Service together

with existing controls and actions to mitigate them and identifies owners and target dates for completion. It also provides the context through which Heads of Directorates prepare risk registers for their respective directorates.

### Provision of information to members of the Oireachtas

The Service continues to comply with the standards and principles set out in the Protocol for the Provision of Information to Members of the Oireachtas by State Bodies under the aegis of government departments/offices. During 2018 the Service complied with target deadlines and standards in terms of acknowledgements and substantives responses to queries – with the exception of one case where the delay was directly attributable to the complexity and volume of statistical information sought.

### Procurement

The Service is obliged to comply with the principle of competitive tendering in respect of its expenditure for works, supplies and service contracts. Procurement within the Service is informed by the Office of Government Procurement (OGP) guidelines and services. The OGP guidelines ensure that the objectives and key principles of competition, equality of treatment and transparency which underpin national and EU rules are complied with and observed.

The Service avails of centralised managed contracts put in place by the Office of Government Procurement and continues to engage with the Office for advice on current and future procurement requirements.

Responsibility for procurement is devolved to each Head of Directorate with the Resource Management Directorate taking a lead co-ordination role in promoting awareness of obligations at both national and EU level. The Directorate provides training for staff, maintains a contract register and a procurement plan, and monitors the expenditure subject to the procurement process. The annual procurement plan is approved by the Senior Management Team.

During 2018, the Service entered into 17 new contacts across all directorates for services including facilities management, record management and ICT.

## Schedule before referred to

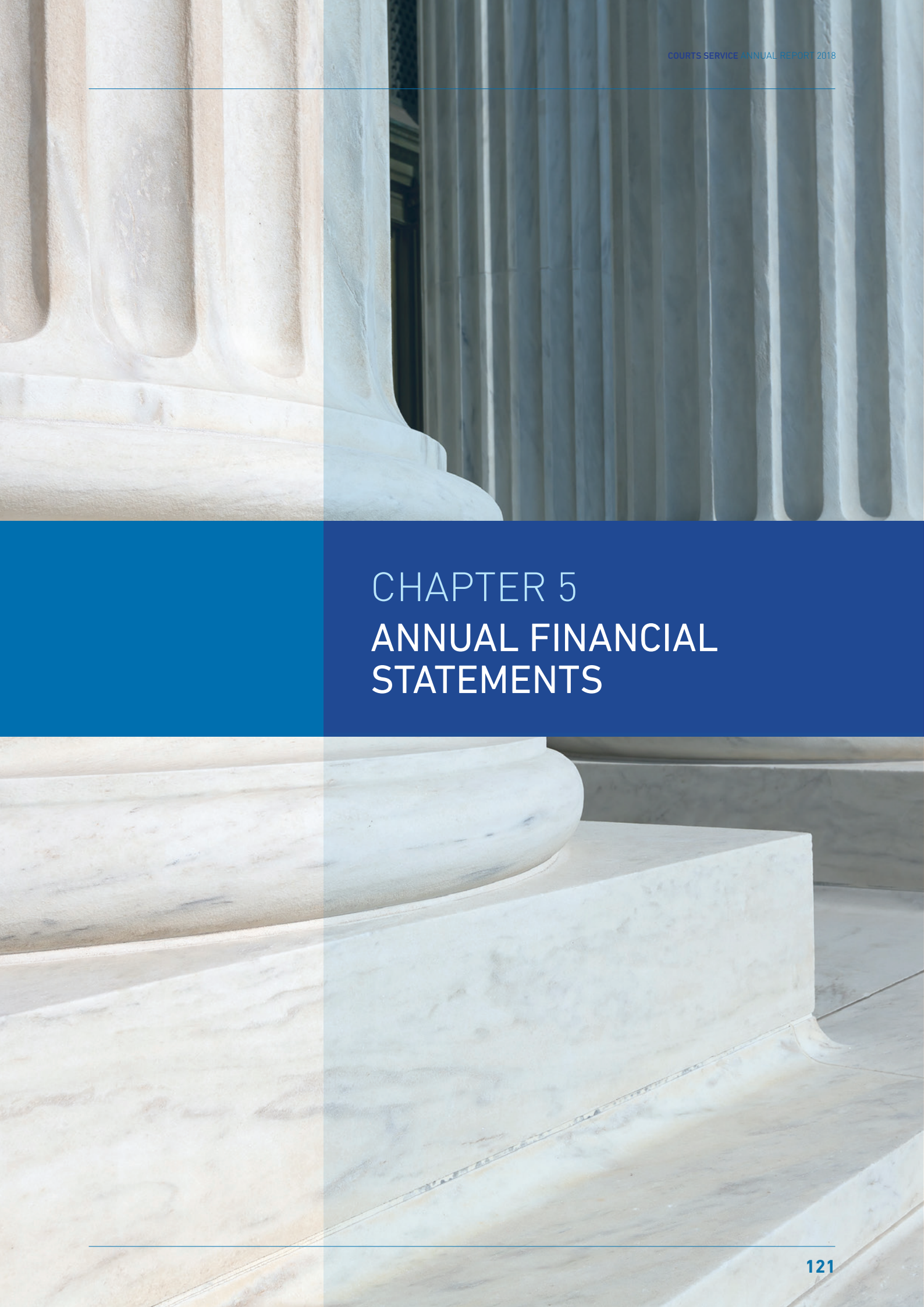
### Board member attendance at meetings in 2018

NAME	ATTENDANCE
Mr. Justice Frank Clarke, Chief Justice and Chairperson	All meetings
Mr. Justice George Birmingham	All meetings
Mr. Justice Peter Kelly	All meetings
Ms. Justice Elizabeth Dunne	All but two meetings
Mr. Justice Michael Peart	All but one meeting
Mr. Justice Seamus Noonan (appointed 5th October 2018)*	All meetings
Mr. Justice Raymond Groarke	All but two meetings
Judge Doirbhile Flanagan	All but one meeting
Judge Rosemary Horgan	All meetings
Judge Gerard Houghton	All but one meeting
Mr. Brendan Ryan	All meetings
Mr. Micheál P. O'Higgins (appointed 4th September 2018)**	All but one meeting
Mr. Michael Quinlan (appointed 8th October 2018)***	All meetings
Mr. Damien Downey	All meetings
Ms. Carol Baxter	All but one meeting
Ms. Karen Kiernan (appointed 12th July 2018)	All meetings
Ms. Patricia King	All meetings
Ms. Deirdre Kiely (appointed 12th July 2018)	All meetings
*replaced Mr. Justice Patrick McCarthy	All but two meetings during his tenure
**replaced Mr. Paul McGarry	All but one meeting during his tenure
***replaced Mr. James McCourt	All meetings



*Limerick Courthouse, Mulgrave Street*



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## CHAPTER 5 ANNUAL FINANCIAL STATEMENTS

## FINANCIAL HIGHLIGHTS

EXPENDITURE & INCOME	2018 €'000	2017 €'000
<b>Current expenditure:</b>		
Pay	52,524	50,052
Non-Pay	30,292	28,611
<b>Total Current</b>	<b>82,816</b>	<b>78,663</b>
Capital expenditure	52,187	54,452
<b>Total gross expenditure</b>	<b>135,003</b>	<b>133,115</b>
<b>Total Income</b>	<b>49,508</b>	<b>48,061</b>
<b>Expenditure net of income</b>	<b>85,495</b>	<b>85,054</b>

COURT FUNDS	2018	2017
Funds managed on behalf of court, minors and other beneficiaries at 30th September	€1.929 billion	€1.842 billion

FINANCIAL OPERATIONS	2018 €'000	2017 €'000
Fines collected	9,203	10,470
Family law receipts	17,232	17,236
Bail receipts	3,097	2,962
Court fees collected (and retained)*	46,222	44,806
Poor box receipts	1,639	2,007
Civil court and small claims receipts	1,147	1,564
<b>Total</b>	<b>78,540</b>	<b>79,045</b>

\* excludes miscellaneous income and the pension levy

### FINANCIAL OVERVIEW

Total funding net of receipts was €89.607m. This reflects a gross allocation of €138.176m, combined with total receipts of €48.569m. Operating within the funding parameters and the achievement of a balanced budget is a requirement under government accounting guidelines.

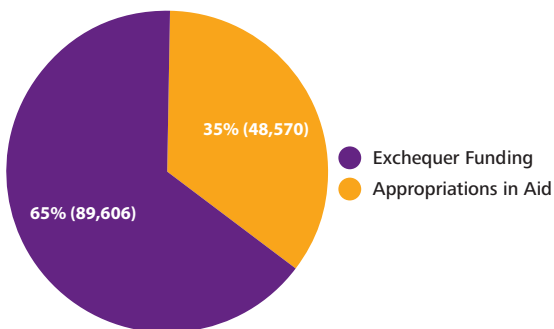
The composition of funding reflects that 38% is attributable to pay, with 21% relating to the day-to-day operation of the Service, 29% to the Unitary Charges including the upfront construction VAT on the Courts PPP Bundle, and the balance of 12% for both ICT and courthouse capital.

The outturn for 2018 saw the achievement of a balanced budget, with total gross expenditure of running the Service of €135.003m. This compares with €133.115m in 2017. Expenditure for 2018 compared with that of 2017 can be broken down between total current expenditure, totalling €82,816m (€78.663m for 2017), and total capital expenditure, including PPP of €52.187m (€54.452m in 2017).

The funding of the Service is supplemented by Appropriations-in-Aid, of which court fee income represents the main source of receipts. Court fee income relates to the administrative charge for the processing of civil cases. In 2018 this amounted to €46.222m (€45.838m in 2017). In addition to court fee income, Appropriations-in-Aid include miscellaneous income and a pension levy. Appropriations-in-Aid represents 35% of the total cost of running the Service in 2018.

### Sources of funding

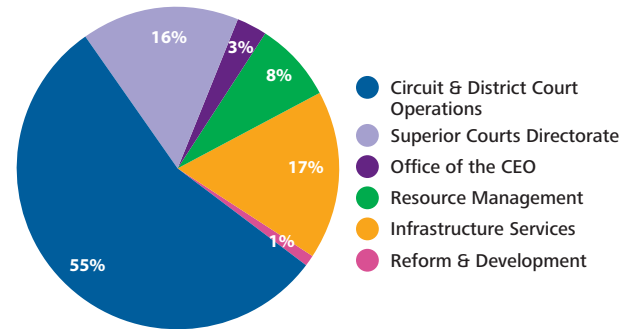
**Total Funding €138,176**



The Service is funded from two primary sources – direct Exchequer funding and via Appropriation in Aid (income) generated by the Service, primarily through court fees.

### Current expenditure by directorate 2018

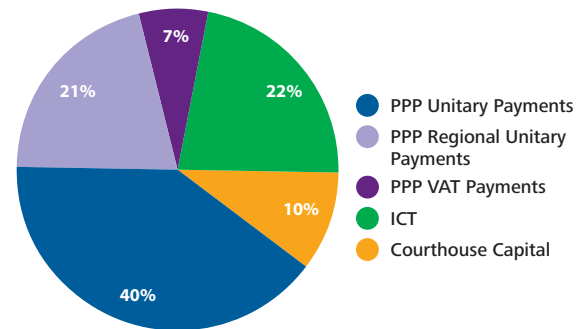
**Total Spend €82.8m**



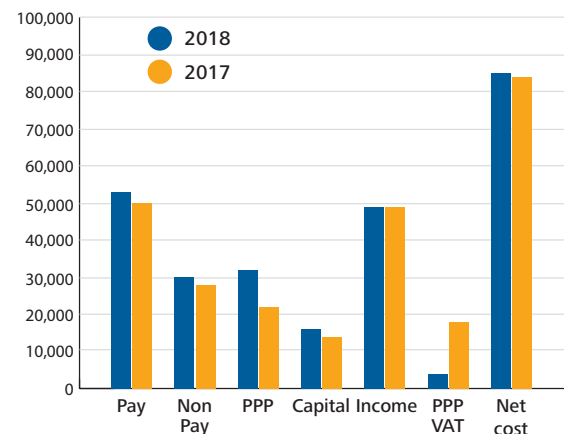
Capital expenditure represents 39% of overall expenditure in the Service. Diagram 3 below sets out how capital expenditure is spent in the Service.

### Capital expenditure 2018

**Total Funding €52.2m**



### Expenditure and income 2017 -v- 2018



## COURT FEES

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

The Service also collects fees on behalf of the Revenue Commissioners and the Property Registration Authority. The fees collected on behalf of the Revenue Commissioners include excise duties on certain licensing applications.

COURT FEES	2018 €'000	2017 €'000
Retained by the Courts Service	46,222	45,838*
Revenue Commissioners	4,884	4,934
Property Registration Authority	1	0
<b>Total</b>	<b>51,107</b>	<b>49,740</b>

\* Figure revised from 2017 Report

## Extract from Appropriation Account

EXPENDITURE AND INCOME	2018 €'000	2017 €'000
<b>Current expenditure:</b>		
Salaries and wages	52,524	50,052
Travel and subsistence	3,355	3,072
Staff and judicial training	700	684
Digital audio recording and other fees	2,656	2,354
Legal services	1,358	773
Postal services	1,520	1,187
Telecommunications	1,343	1,650
Office equipment and materials	980	982
Courthouse maintenance	7,594	7,626
Heat, light and fuel costs	2,916	2,523
Furniture and fittings	179	296
Leases	4,820	4,806
Consultancy (non-I.T. related)	88	93
Incidental/miscellaneous costs	2,784	2,565
<b>Total Current Expenditure</b>	<b>82,816</b>	<b>78,663</b>
<b>Capital expenditure:</b>		
Computer and telecommunications systems	11,347	9,933
Courthouses and other buildings	5,041	3,992
PPP – Unitary payment	21,056	22,338
PPP – VAT payment	3,799	18,189
<b>Total Capital Expenditure</b>	<b>10,944</b>	<b>54,452</b>
<b>Total Gross Expenditure</b>	<b>135,003</b>	<b>133,115</b>
<b>Income (Appropriations - in - Aid)</b>		
Fees	46,222	44,806
Miscellaneous	1,382	1,478
Pension levy	1,904	1,777
<b>Total Income</b>	<b>49,508</b>	<b>48,061</b>
<b>Total Net Expenditure</b>	<b>85,495</b>	<b>85,054</b>

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

## PROMPT PAYMENT OF ACCOUNTS ACT, 1997

### Payment practices

Prompt payment interest provides for the payment of interest to suppliers for invoices not paid within 30 days. The Service has procedures in place to ensure that all invoices are paid within the time limits identified on the invoices or, if no time limit is specified, within the statutory 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.

### Prompt payment interest

Prompt payment interest and compensation is paid to suppliers in respect of invoices not paid within 30 days of receipt. In 2018, the total amount paid out in respect of late payments was €16,015.00.

LATE PAYMENTS			
Year	Interest amount	Compensation amount	Total
2018	€4,285.00	€11,730.00	<b>€16,015.00</b>
2017	€397.15	€4,510.00	<b>€4,907.15</b>

### 15-day payment requirement

The Service makes every effort, consistent with proper financial procedures, to ensure that all suppliers are paid within 15 days.

PROMPT PAYMENT QUARTERLY RETURNS BY GOVERNMENT DEPARTMENTS				
AGENCY: COURTS SERVICE				
Year	% of overall total value paid within 15 days	Value of payments within 15 days	% no. of payments within 15 days	No. of payments within 15 days
<b>2018</b>	<b>64%</b>	<b>€38,853,296</b>	<b>63%</b>	<b>5,948</b>
2017	77%	€39,338,571	72%	6,840

### COURT FUNDS OFFICE – COURT FUNDS SECTION

The Service, in accordance with the Courts Service Act 1998, is responsible for the management and administration of the courts and the provision of support services for judges. It is in this capacity that the Service has a role in the management and investment of court funds, which are held in trust by the courts. These funds are invested in line with the provisions of the Trustee (Authorised Investments) Act, 1958 and subsequent orders.

At the 30th September 2018 the Accountant’s Office was managing €1.929 billion in a fiduciary capacity (€1.842 billion at 30th September 2017) on behalf of more than 21,873 beneficiaries. Of these, 2,864 are persons who have been declared wards of court with funds valued at €1.38 billion. A further 17,180 are minors with funds valued at €329 million. The remainder includes cases pending further court orders, Residential Redress Board cases, lodgments with defence case types and the Insurance Compensation Fund.

This is further analysed between the three court jurisdictions in table 1. The increase in the total value

of funds by €87 million (4.7%) is attributable to a net increase from investment performance of €29 million for the year (€54 million in 2017) and an increase in net capital transactions of €58 million (€112 million in 2017) (i.e. net excess receipts over disbursements).

### INVESTMENT PERFORMANCE

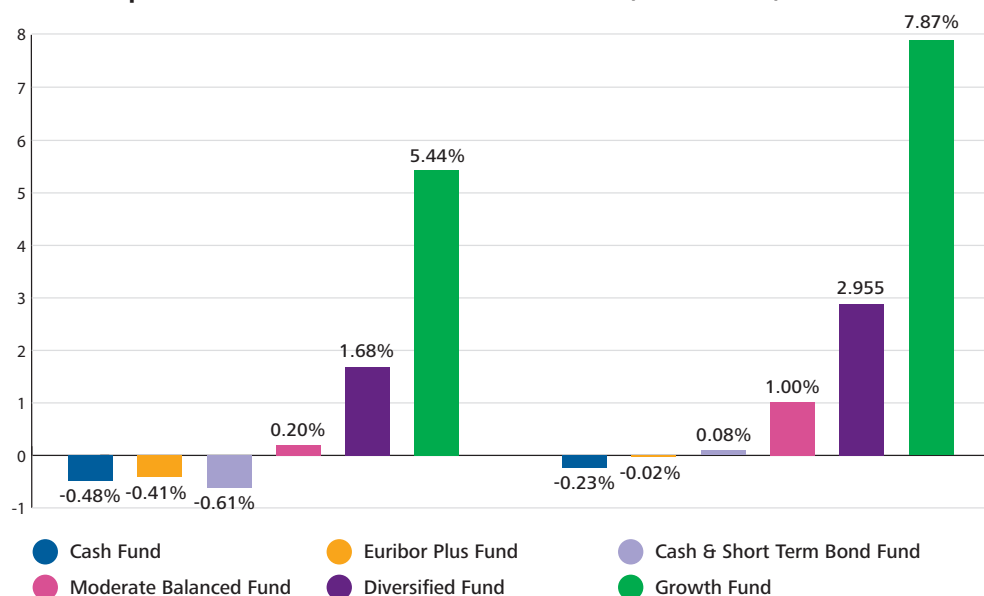
Table 2 shows the investment performance, net of fees, for all existing strategies for the financial year from 1st October 2017 to 30th September 2018. It also shows the annualised performance since inception of the current range of funds in October 2013. The net returns, after management fees and custodian and administration fees, were as follows: Cash Fund (-0.48%), Euribor Fund (-0.41%), Cash & Short Term Bond Fund (-0.61%), Moderate Balanced Fund (+0.20%), Diversified Fund (1.68%) and Growth Fund (+5.44%).

Full details are in the Report and Financial Statements of the Accountant of the Courts of Justice for the year ending 30th September 2018 available on [www.courts.ie](http://www.courts.ie).

**Table 1: Total net assets under management - by jurisdiction**

	NET ASSETS € AT 30/09/2018	%	NET ASSETS € AT 30/09/2017	%	% INCREASE IN NET ASSETS
High Court	1,737,472,524	90.0%	1,668,618,164	90.6	+4.1%
Circuit Court	169,351,495	8.8%	155,389,485	8.4%	+9.0%
District Court	22,496,450	1.2%	17,892,357	1.0%	+25.7%
<b>Total</b>	<b>€1,929,320,469</b>	<b>100%</b>	<b>€1,841,900,006</b>	<b>100%</b>	<b>+4.7%</b>

**Table 2: Spectrum Funds Investment Performance (Net of Fees)**



## The Office of the Accountant of the Courts of Justice

Extract from the audited financial statements as at 30th September 2018

### STATEMENT OF FINANCIAL POSITION AT 30 SEPTEMBER 2018

	30/9/2018	30/9/2017
	€	€
Financial assets at fair value through profit or loss	1,862,642,100	1,799,990,726
<b>CURRENT ASSETS</b>		
Debtors	39,028,915	23,866,214
Cash and cash equivalents	29,214,739	19,456,978
<b>TOTAL CURRENT ASSETS</b>	68,243,654	43,323,192
<b>CURRENT LIABILITIES</b>		
Creditors	(1,565,285)	(1,413,912)
<b>TOTAL CURRENT LIABILITIES</b>	(1,565,285)	(1,413,912)
<b>NET CURRENT ASSETS</b>	66,678,369	41,909,280
<b>TOTAL NET ASSETS</b>	1,929,320,469	1,841,900,006
<b>Represented by:</b>		
Funds held for beneficiaries	1,929,320,469	1,841,900,006

The financial statements were approved by the Accountant on 25th March 2019.

## The Office of the Accountant of the Courts of Justice

Extract from the audited financial statements as at 30th September 2018

### STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 SEPTEMBER 2018

	30/9/2018	30/9/2017
	€	€
<b>NET REALISED AND UNREALISED GAINS</b>		
Net realised gains on financial assets at fair value through profit or loss	11,905,340	11,884,573
Net change in unrealised gains on financial Assets at fair value through profit or loss	19,862,663	44,851,940
Net losses realised on transfers of assets	(6,504)	(11,551)
<b>NET REALISED AND CHANGE IN UNREALISED GAINS</b>	31,761,499	56,724,962
Investment income	75,629	69,552
	31,837,128	56,794,514
Expenses	(2,563,079)	(2,430,613)
<b>INCREASE IN NET ASSETS FROM OPERATIONS</b>	29,274,049	56,363,901

The financial statements were approved by the Accountant on 25th March 2019.



## The Office of the Accountant of the Courts of Justice

Extract from the audited financial statements as at 30th September 2018

### STATEMENT OF CHANGES IN NET ASSETS FOR THE YEAR ENDED 30 SEPTEMBER 2018

	30/9/2018	30/9/2017
	€	€
<b>INCREASE IN NET ASSETS RESULTING FROM OPERATIONS</b>		
Investment income less expenses	2,487,450	(2,361,061)
Net realised gains on financial assets at fair value through profit or loss	11,905,340	11,884,573
Net change in unrealised gains on financial assets at fair value through profit or loss	19,862,663	44,851,940
Net losses realised on transfers out during year	(6,504)	(11,551)
	<hr/>	<hr/>
<b>INCREASE IN NET ASSETS FROM OPERATIONS</b>	29,274,049	54,363,901
<b>CAPITAL TRANSACTIONS</b>		
Receipts	361,268,549	370,690,387
Disbursements	(303,122,135)	(258,914,566)
	<hr/>	<hr/>
Total Increase in net assets for the year	87,420,463	166,139,722
Net assets at beginning of year	1,841,900,006	1,675,760,284
	<hr/>	<hr/>
<b>INCREASE IN NET ASSETS FROM OPERATIONS</b>	29,274,049	56,363,901

The financial statements were approved by the Accountant on 25th March 2019.

## Courts Funds Office – Courts Accounts Section

The Courts Accounts Section of the Courts Funds Office operates as a shared services centre for the offices dealing with financial transactions generated by the work of the Circuit Court and District Court. The total volume of transactions – both receipts and payments – for 2018 was €547,644 (€543,849 in 2017) with a monetary value of €135.7m (€144.7m in 2017).

### Fines

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

COURT FINES COLLECTED AND TRANSFERRED	2018 €'000	2017 €'000
Exchequer (motor fines)	5,007	4,811
Exchequer (general)	1,843	4,573*
Revenue Commissioners	848	955
Department of Communications, Energy and Natural Resources	12	10
Department of Agriculture, Fisheries and Food	30	86
<b>Total</b>	<b>7,740</b>	<b>10,435</b>

\* Includes monies transferred to the Exchequer in relation to unclaimed bail monies over 3 years old of €742,000 for 2017

### Fines (Payments and Recovery) Act 2014

The Fines (Payments and Recovery) Act 2014 allows for the payment of fines by instalment over a twelve-month period, subject to certain conditions. Where a person defaults in making payment the matter will be brought back to court. This may result in the making of an attachment of earnings order or a community service order. Where the unpaid fine is in excess of €500, the court may appoint a receiver.

Prior to the introduction of the Act in January 2016 the compliance rate for the payment of fines had reached an annual level of 85%.

FINES	2018	2017
Fines imposed	68,119	67,343
Transactions in respect of fines*	83,109	85,106
Value of transactions	€25,757	€26,461

\* includes estreatments, fines appealed transactions. and forthwith fines (i.e. fines not paid by instalment)

### Family law

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

FAMILY LAW: RECEIPTS AND PAYMENTS				
	2018		2017	
	€'000	Volume	€'000	Volume
Receipts	€17,232	210,988	€17,236*	213,778
Payments	€17,229	207,182	€17,184*	207,225*

\* figures revised from 2017 Report

The Service continues to encourage users to avail of electronic funds transfer (EFT) as the preferred method of payment with 92% of family law maintenance creditors paid by EFT in 2018 and 77% of debtors making payment by standing order.

FAMILY LAW: ELECTRONIC FUNDS TRANSFER	2018	2017
% family law paid via electronic funds transfer (% volume)	92%	93%

### Poor Box

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

The primary responsibility of the Service in relation to the poor box is to ensure that:

- all monies paid into and payments made from the poor box are carried out in accordance with the direction of the judge and
- there are adequate and effective systems and procedures in place for recording court orders and accounting for poor box receipts and payments.

POOR BOX	BALANCE AT 01/01/2018	RECEIPTS	PAYMENTS	BALANCE AT 31/12/2018
District Court	€994,182.36	€1,639,507.12	€1,693,663.08	€940,026.40

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## CHAPTER 6 REPORTS OF THE COURTS RULES COMMITTEES

## SUPERIOR COURTS RULES COMMITTEE

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

### **Membership of the committee at year ending 31st. December 2018**

The Chief Justice, the Hon. Mr. Justice Frank Clarke (Chairperson)

The President of the Court of Appeal, the Hon. Mr. Justice George Birmingham (Vice Chairperson)

The President of the High Court, the Hon. Mr. Justice Peter Kelly

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

The Hon. Ms. Justice Elizabeth Dunne, Judge of the Supreme Court

The Hon. Mr. Justice Michael Peart, Judge of the Court of Appeal

The Hon. Mr. Justice John A. Edwards, Judge of the Court of Appeal

The Hon. Ms. Justice Deirdre Murphy, Judge of the High Court

The Hon. Ms. Justice Teresa Pilkington, Judge of the High Court

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

Mr. Conor Dignam S.C., nominated by the Council of the Bar of Ireland

Ms. Grainne Larkin B.L., nominated by the Council of the Bar of Ireland

Mr. Stuart Gilhooly, Solicitor, nominated by the Council of the Law Society of Ireland

Mr. Liam Kennedy, Solicitor, nominated by the Council of the Law Society of Ireland

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

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

Mr. John Mahon, Registrar of the Supreme Court

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

Drafting services: Mr. Sean Barton of McCann FitzGerald Solicitors

The committee met on four occasions during 2018. The following Rules of the Superior Courts were signed by the Minister for Justice and Equality between 1st January 2018 and 31st December 2018:

S.I. NO.	TITLE	SIGNED BY COMMITTEE	OPERATIVE DATE
13 of 2018	Rules of the Superior Courts (Mediation) 2018	2 January 2018	2 January 2018
63 of 2018	Rules of the Superior Courts (Special Care of Children) 2018	2 January 2018	21 March 2018
168 of 2018	Rules of the Superior Courts (Order 24C) 2018	16 November 2017	10 June 2018
189 of 2018	Rules of the Superior Courts (Order 61A) 2018	16 November 2017	15 June 2018
234 of 2018	Rules of the Superior Courts (Review of the Award of Public Contracts) 2018	16 November 2017	3 August 2018
310 of 2018	Rules of the Superior Courts (Judicial Review) 2018	15 March 2018	2 September 2018
316 of 2018	Rules of the Superior Courts (Proceeds of Crime and Financing of Terrorism) 2018	14 December 2017	2 September 2018
381 of 2018	Rules of the Superior Courts (Order 85) 2018	31 May 2018	17 October 2018
428 of 2018	Rules of the Superior Courts (Appeals from the Circuit Court) 2018	11 June 2018	31 October 2018
430 of 2018	Rules of the Superior Courts (Personal Injuries: Periodic Payments) 2018	1 October 2018	31 October 2018
469 of 2018	Rules of the Superior Courts (Court of Appeal) 2018	11 June 2018	10 December 2018
470 of 2018	Rules of the Superior Courts (Service in Other EU Member States) 2018	11 June 2018	10 December 2018
482 of 2018	Rules of the Superior Courts (Renewal of Summons) 2018	11 June 2018	11 January 2019
583 of 2018	Rules of the Superior Courts (Supreme Court) 2018	13 December 2018	10 January 2019

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

TITLE	DATE SIGNED BY COMMITTEE
Rules of the Superior Courts (Order 61A) 2018	15 November 2018

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

- Draft Rules of the Superior Courts (Recovery of Benefits and Assistance Scheme)
- Draft Rules of the Superior Courts (Costs)

Noel Doherty  
Acting Secretary

## CIRCUIT COURT RULES COMMITTEE

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

### **Membership of the committee at year ending 31st. December 2018**

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

Her Honour Judge Jacqueline Linnane, Judge of the Circuit Court

Her Honour Judge Sarah Berkeley, Judge of the Circuit Court

Ms. Roisin Lacey S.C., nominated by the Council of the Bar of Ireland

Mr. Jack Nicholas B.L., nominated by the Council of the Bar of Ireland

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

Mr. Keith Walsh, Solicitor, nominated by the Law Society of Ireland

Mr. Ronan Boylan, Office of the Chief State Solicitor – appointed to act in place of the Attorney General under Section 36(4) of the Courts and Court Officers Act 2002

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

Ms. Rita Considine, County Registrar, Dublin

Ms. Mairead Ahern, County Registrar, Louth, nominated by the Chief Executive Officer of the Courts Service under Section 69(4)(d) of the Courts of Justice Act 1936 as amended.

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

Drafting services: Mr. Sean Barton of McCann FitzGerald Solicitors

The committee met on three occasions in 2018. The following rules of the Circuit Court were signed by the Minister for Justice and Equality between the 1st January 2018 and the 31st December 2018:

S.I. NO.	TITLE	SIGNED BY COMMITTEE	OPERATIVE DATE
11 of 2018	Circuit Court Rules (Mediation) 2018	2 January 2018	22 January 2018
12 of 2018	Circuit Court Rules (Family Law: Mediation) 2018	2 January 2018	22 January 2018
64 of 2018	Circuit Court Rules (Order 65) 2018	28 November 2017	21 March 2018
378 of 2018	Circuit Court Rules (Service) 2018	2 May 2018	17 October 2018
379 of 2018	Circuit Court Rules (Fines (Payment and Recovery)) 2018	28 November 2017	17 October 2018
380 of 2018	Circuit Court Rules (Order 68) 2018	31 May 2018	17 October 2018
427 of 2018	Circuit Court Rules (Family Law) 2018	2 May 2018	31 October 2018
429 of 2018	Circuit Court Rules (Proof of Foreign Public Documents and Translations) 2018	2 May 2018	31 October 2018
478 of 2018	Circuit Court Rules (Service) (No. 2) 2018	17 July 2018	14 December 2018

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

TITLE	DATE SIGNED BY COMMITTEE
Circuit Court Rules (Order 4) 2018	27 November 2018
Circuit Court Rules (Miscellaneous) 2018	27 November 2018
Circuit Court Rules (Family Law) (No. 2) 2018	27 November 2018

Noel Doherty  
Acting Secretary

## DISTRICT COURT RULES COMMITTEE

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

### **Membership of the committee at year ending 31st. December 2018**

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

Judge Brian Sheridan, Judge of the District Court

Judge Conal Gibbons, Judge of the District Court

Judge Anne Watkin, Judge of the District Court

Judge Patrick Durcan, Judge of the District Court

Mr. Shane McCarthy, Solicitor, nominated by the Law Society of Ireland

Mr. Riobard Peirse, Solicitor, nominated by the Law Society of Ireland

Mr. Dean Kelly, B.L., nominated by the Council of the Bar of Ireland

Ms. Edel Haughton, 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 nominated by the Chief Executive Officer of the Courts Service under section 71(3)(d) of the Courts of Justice Act 1936, as amended.

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

Drafting Services: Mr. Sean Barton of McCann FitzGerald Solicitors



The Committee met on four occasions during 2018. The following rules of the District Court were signed by the Minister for Justice and Equality between the 1st January 2018 and the 31st December 2018:

S.I. NO.	TITLE	SIGNED BY COMMITTEE	OPERATIVE DATE
9 of 2018	District Court (Mediation) Rules 2018	2 January 2018	22 January 2018
69 of 2018	District Court (Residential Tenancies) Rules 2018	26 February 2018	23 March 2018
167 of 2018	District Court (Extension of Time) Rules 2018	24 July 2017	10 June 2018
235 of 2018	District Court (Road Traffic Act 2016) Rules 2018	18 December 2017	3 August 2018
315 of 2018	District Court (European Small Claims Procedure) Rules 2018	18 June 2018	2 September 2018
471 of 2018	District Court (Service) Rules 2018	18 June 2018	10 December 2018
480 of 2018	District Court (Companies Act 2014: Search Warrants) Rules 2018	18 June 2018	14 December 2018
565 of 2018	District Court (Bail) Rules 2018	24 July 2017	9 January 2019
566 of 2018	District Court (Intoxicating Liquor) Rules 2018	8th October 2018	9 January 2019

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

- District Court (Order 24) Rules 2018
- District Court (Domestic Violence) Rules 2018
- District Court (Criminal Justice (Forensic Evidence and DNA Database System) Act 2014) Rules 2018
- District Court (Suspended Sentences of Imprisonment) Rules 2018
- District Court (Order 15) Rules 2017
- District Court (Estreatment) Rules 2017
- District Court (European Arrest Warrant) Rules 2017

Noel Doherty

Acting Secretary



*Wexford Courthouse*

The background of the page is a photograph of classical marble architecture. The top half shows the upper portions of several fluted columns. The bottom half shows a wide, shallow marble step or base. A solid blue horizontal band is positioned across the middle of the page, containing the chapter title in white text.

## CHAPTER 7 LEGISLATIVE PROVISIONS

The implementation of new legislation impacting on criminal proceedings and civil actions can place significant demands on the resources of the Service. The Service continues to review the content of, and provide input into, proposed legislation to ascertain whether provisions affect court operations or impact or require new court procedures. Legislation in this context includes schemes of bills, bills, draft statutory instruments and draft EU legal instruments.

It is important that the Service is afforded the opportunity to assess the impact of proposed legislative initiatives at an early stage. This is particularly relevant in the context of the development of strategies across a range of areas including ICT, buildings and human resources. In this regard, a protocol was agreed during the year with all government departments whereby the Service will be consulted on legislative or other proposals which could impact on the operation of the courts or the Service.

The following are examples of legislation, or proposed legislation, which impacted on the work of the courts or the Service or into which the Service provided input in 2018:

#### **DATA PROTECTION ACT 2018**

This Act establishes the Data Protection Commission to give further effect to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27th April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data. It repeals Directive 95/46/EC (General Data Protection Regulation). It gives effect to Directive (EU) 2016/680 of the European Parliament and of the Council of 27th April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repeals Council Framework Decision 2008/977/JHA. It gives further effect to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data done at Strasbourg on 28th January 1981.

This Act amends the Data Protection Act 1988 and provides for the consequential amendment of certain other enactments. The Act, insofar as it was not already in operation, was commenced on 25th May 2018.

#### **CENTRAL BANK (NATIONAL CLAIMS INFORMATION DATABASE) ACT 2018**

Section 13 of this Act amends sections 8 and 14 of the Civil Liability and Courts Act 2004. The amendment of section 8 provides that, where a plaintiff in a personal

injuries action fails, without reasonable cause, to serve a written notice within one month from the date of the cause of action, on the wrongdoer or alleged wrongdoer stating the nature of the alleged wrong, the court shall draw such inferences from such failure as appear proper and may penalise the plaintiff in relation to costs as it considers appropriate in the interests of justice. The amendment to section 14 provides for a similar penalty where a plaintiff fails to lodge an affidavit in court verifying any assertions or allegations pleaded by him or her. The Act will be commenced in January 2019.

#### **INTOXICATING LIQUOR (BREWERIES AND DISTILLERIES) ACT 2018**

This Act makes provision for the grant of licences authorising the sale of intoxicating liquor manufactured in accordance with a licence on the premises to visitors to breweries and distilleries and similar premises. The Act was commenced on 3rd September 2018.

#### **INSURANCE (AMENDMENT) ACT 2018**

Section 9 of this Act amends section 2 of the Insurance Act 1964 to provide that the Insurance Compensation Fund which was maintained and administered under the control of the President of the High Court by the Accountant of the Courts of Justice would be maintained and administered under the control of the Central Bank of Ireland. The High Court continues to deal with applications for payments out of the Fund. The Act, with the exception of section 16 thereof, was commenced on 24th July 2018. Section 16 was commenced on 1st December 2018.

#### **ADOPTION (AMENDMENT) ACT 2017**

This Act amends and extends the law in relation to the adoption of children. It amends the Adoption Act 2010 and provides for the repeal of Part II of the Children and Family Relationships Act 2015. Some sections of this Act were commenced on 19th October 2017. An additional section was commenced on 1st February 2018.

#### **CIVIL LIABILITY (AMENDMENT) ACT 2017**

This Act amends the Civil Liability Act 1961 to provide for the award of damages by way of a periodic payments

order in certain circumstances where a plaintiff has suffered catastrophic injuries. The Act also establishes a statutory framework for the treatment of open disclosure of patient safety incidents by health services providers.

Acts amended under this Act are the Insurance Act 1964, the Bankruptcy Act 1988, the Taxes Consolidation Act 1997, and the Civil Liability and Courts Act 2004. Parts of this Act were commenced on 3rd July, 22nd September and 1st October 2018.

### **CRIMINAL JUSTICE (SUSPENDED SENTENCES OF IMPRISONMENT) ACT 2017**

This Act amends section 99 of the Criminal Justice Act 2006 to make provision, among other things, for a court to adjourn consideration of the revocation of a suspended sentence pending an appeal of the conviction giving rise to the need to consider such revocation. The Act will be commenced on 11th January 2019.

### **CRIMINAL JUSTICE (VICTIMS OF CRIME) ACT 2017**

This Act gives effect to provisions of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

Acts amended under this Act are the Criminal Justice Act 1951, the Criminal Procedure Act 1967, the Criminal Law (Rape) Act 1981, the Criminal Evidence Act 1992, the Criminal Justice Act 1993, the Bail Act 1997, the Courts Service Act 1998, the Children Act 2001, the Criminal Justice (Female Genital Mutilation) Act 2012 and the Criminal Law (Sexual Offences) Act 2017. Some sections of this Act commenced on 27th November 2017. Additional sections were commenced on 30th May 2018.

### **CRIMINAL LAW (SEXUAL OFFENCES) ACT 2017**

This Act gives effect to Directive No. 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replaces Council Framework Decision 2004/68/JHA.

Acts amended under this Act are the Punishment of Incest Act 1908, the Criminal Evidence Act 1992, repeal of certain provisions of the Criminal Law (Sexual Offences) Act 1993, repeal of the Criminal Law (Incest Proceedings) Act 1995, and amendment of the Criminal Law (Sexual Offences) Act 2006. Some sections of this Act were commenced on 27th March 2017. Additional sections were commenced on 26th February 2018 and 30th May 2018.

### **MEDIATION ACT 2017**

This Act facilitates the settlement of disputes by mediation, and specifies the principles applicable and the arrangements for mediation as an alternative to civil proceedings. It provides for a body to be known as the Mediation Council of Ireland who will report to the Minister for Justice and Equality as regards mediation in the State. It provides an opportunity for parties to family law proceedings or proceedings under section 67A(3) or 117 of the Succession Act 1965 to attend mediation information sessions.

This Act amends the Guardianship of Infants Act 1964, the Judicial Separation and Family Law Reform Act 1989 and the Family Law (Divorce) Act 1996. The Act was commenced on 1st January 2018.

### **ASSISTED DECISION-MAKING (CAPACITY) ACT, 2015**

The Service continues to make preparations for the commencement of the main provisions of this Act. Some sections were commenced on 17th October 2016. Additional sections were commenced on 17th December 2018.

This Act will make significant changes to the law relating to capacity and decision-making arrangements. It provides for the repeal of the legislation regulating wardship and the replacement of wardship with a new regime of decision-making assistance, support and representation. Jurisdiction under the Act will be exercised primarily by the Circuit Court, with certain jurisdiction being reserved to the High Court.

### **LEGAL SERVICES REGULATION ACT 2015**

The Service continued to plan for the commencement of the main provisions of this Act. It will replace the system of taxation of costs and the function of the Taxing Master with a regime for legal costs adjudication operated by legal costs adjudicators.

Sections of this Act were commenced on 19th July 2016, 5th December 2016, 29th June 2018 and 29th December 2018.

### **GENERAL SCHEME OF A COURTS AND CIVIL LAW (MISCELLANEOUS PROVISIONS) BILL**

The General Scheme is published on the Department of Justice and Equality website. Part 1 contains a number of Heads of Bill to facilitate e-filing of civil claims as well as centralised provision of automated court services across all jurisdictions.

## **ADDITIONAL INFORMATION**

### **CONTACTING OFFICES OF THE SERVICE**

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

### **OTHER INFORMATION**

The Legal Diary with details of cases listed in the Supreme Court, the Court of 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 and other publications are on the website.

### **WEBSITE**

The website can be accessed at [www.courts.ie](http://www.courts.ie).

### **SOLICITORS**

Byrne Wallace, solicitors  
88 Harcourt Street  
Dublin 2.

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

### **AUDITORS**

Office of the Comptroller and Auditor General  
3A Mayor Street Upper  
Dublin 1.  
(Appropriation Accounts)

Grant Thornton  
Chartered Accountants  
13-18 City Quay  
Dublin 2.

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



