



*An tSeirbhís Chúirteanna*  
Courts Service



COURTS SERVICE

ANNUAL REPORT

**2009**

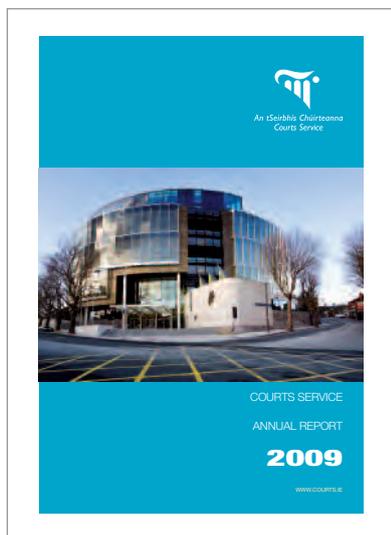
[WWW.COURTS.IE](http://WWW.COURTS.IE)



Mission Statement

To manage the courts,  
support the judiciary and  
provide a high quality and  
professional service to all  
users of the courts

# Contents



Photographs of Criminal Courts of Justice (including cover photograph) by Joshua St John.

Photographs of Thurles Courthouse by Gerry O'Leary.

	Page
Message from the Chief Justice and Chairman of the Board	4
Introduction by the Chief Executive Officer	6
Chapter 1 About the Courts Service	9
Chapter 2 Our achievements	19
Chapter 3 The year in focus	39
Chapter 4 Court statistics	47
Chapter 5 Internal controls	77
Chapter 6 Annual Financial Statements	81
Chapter 7 Court Rules Committees' Reports	91
Chapter 8 Glossary of terms	99
Chapter 9 Additional information	103



# Message from the Chief Justice and Chairperson of the Board



From the date of its establishment the Courts Service has successfully met many challenges most of them stemming from a rapidly changing society mirrored by changes in the legal environment as well as the need to modernise the administrative framework supporting the administration of justice.

The present economic climate means that the Courts Service has had to confront new and different challenges of not only maintaining established services but of enhancing or expanding them to meet the persisting increase in the workload of the Courts.

These challenges are all the greater because of an inevitable decrease in the funding available to resource its work. However, this change in circumstances has not prevented the Service from achieving considerable success. By adopting a practical, consensus and partnership approach to problem solving both internally and externally the Service continued to make much progress during the year.

This Report highlights a tenth successive year in which the Service has undoubtedly developed better services for those who seek redress before the courts. The challenge of providing services in a 'more for less' environment has been to ensure that the courts around the country, some 100 of them, are organised, staffed, in good condition, and ready to support the role of the judiciary. It is, for example, to the credit of all personnel of the Service that despite the economic climate no court sittings were cancelled during the year. In fact in many areas additional sittings were held to deal with increasing workloads.

In the last decade, the Service has progressed from venturing into new areas, to consolidating its many gains, and now looks to complete its many ambitious programmes. These include capital building, information and communications technology programmes and the development of modern management systems. The resulting improvements are, and will continue to be, the result of a partnership involving the judiciary, staff of the Service and the various organisations that comprise the legal community.

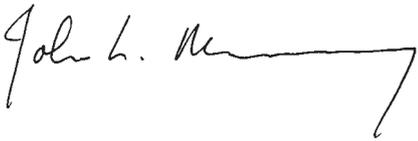
Throughout this Report one can read about the everyday work of the Service, and the continuing developments overseen by a dynamic public service body.

Highlights during 2009 included:

- the work of the group examining how the Service might transform administration and structures in the courts (TASC)
- the construction of the new Criminal Courts of Justice in Dublin was completed and the first sittings took place. It is the first new court building of monumental proportions to be constructed in the State since the Four Courts was built in 1796
- work on standardising processes in civil and family law cases and laying the groundwork for a civil case management system
- family law case progression in the Circuit Court with county registrars playing a key role in overseeing the preparation of cases for trial
- the use of video conferencing systems between courts and prisons introducing a more cost efficient and effective way to deal with remand hearings
- over two million visits to our website last year - up over 25% - named, by Justice Served, as one of the 'Top10 Court Related Websites' in the world

I have no doubt that the work and commitment of my colleagues on the Bench, on the Board of the Service and in all areas and departments of the Service will ensure that the courts continue to be in a position to meet the increasing demands made of them. I extend on behalf of the Board my deepest appreciation of their efforts in the last year and look forward to working with them in what will be another challenging year ahead.

I acknowledge, again on behalf of the Board, all who support the work of the Service including the legal community and the other justice agencies and in particular the Minister for Justice, Equality and Law Reform, the Secretary General and staff of his department for their continued support and co-operation over the past year.

A handwritten signature in black ink, appearing to read "John L. Murray". The signature is written in a cursive style with a long, sweeping horizontal line at the end.

John L. Murray

# Introduction by the Chief Executive Officer



This, our tenth annual report, charts the progress made in a year when reduced resources and the need for savings were central to the operation of every public service body. The Courts Service, in our support for the Programme for Government, continues to work to ensure that all courts operate effectively and efficiently, that the use of available resources is optimised and that the best possible service is provided to court users.

During 2009 the benefit of our investment in information and communications technology (ICT) initiatives became ever more relevant as we realised greater and much needed efficiencies in staff time and in interfacing with court users. By centralising the processing of payments (including the payment of fines online and the electronic payment of family law maintenance), and providing other electronic services including Small Claims Online, and the exchange of data with An Garda Síochána, we ensured that front line services continued despite the major reductions in funding and the changing working environment.

We continued to drive a substantial programme of legislative and procedural reform to enable the improved operation of the courts, bringing with it efficiencies in the employment of court resources and reducing the cost of litigation. Some 150 pieces of secondary legislation have been promulgated in the last five years and a range of primary legislation enacted at the suggestion of the Service.

The highlight of 2009 was the handing over of the Criminal Courts of Justice. We grasped a 'once in a generation' chance to design and realise this great complex. At 23,000 square metres and with 22 courtrooms it provides world class facilities for all court users. Technology-enabled and with universal access, the new complex is already part of the Dublin cityscape and will transform the organisation of the courts in Dublin.

The resulting increased availability of court rooms in the Four Courts has allowed for the continued reduction in waiting times with earlier trial dates in all lists removing the need for the use of provincial venues. The resulting savings in expenditure have also assisted us to ensure that court hearings and services are not affected by the reduced budgetary allocations.

In 2009 we showed measurable increased productivity and value for money in the delivery of services. The average cost to the Service of a case was reduced from €138 in 2006 to €117 in 2009 – an improvement of 15%. Waiting times decreased in many instances, or stayed unchanged, despite substantial increases in the number of cases coming before the courts and the constant demands on the workforce.

The number of judges increased by 29% between 2002 and 2009; the case load in the courts grew by 40% between 2006 and 2009 from 590,364 to 830,000; yet the number of staff remained almost unchanged between 2005 and 2009.

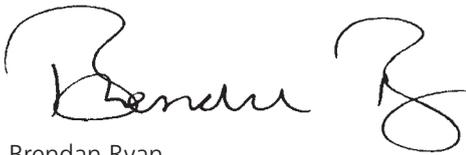
We conducted a comprehensive review of our structures and methods of service delivery during the year. The review titled 'Transforming Administration and Structures in the Courts' (TASC) examined how we deliver our services, and what restructuring of the organisation is required to achieve a better service for court users. The review was conducted in the context of the challenges facing the Service with regard to year on year increases in the volume of cases and significant reductions in the funding available both for the day to day operation of the courts and for capital projects. The review examined a number of areas and a final report was considered by the Board at the end of the year. Consultation will continue throughout 2010 and beyond.

We continued to work with the judiciary to deliver on a number of initiatives including case progression, call over of lists and additional sittings, and supported projects to reform and develop the court system.

Central to our success in 2009, as in previous years, has been the unstinting dedication of our staff. Throughout the length and breadth of the country they continue to provide an outstanding service to court users

notwithstanding a constantly changing working landscape. Indeed on my visits to many offices during the year, I witnessed first hand the dedication and commitment of our staff to the two key principles underpinning our Strategic Plan – putting the needs of court users first and supporting the judiciary. I thank them most sincerely for their efforts.

I also thank the Chief Justice, other members of the judiciary and the Board of the Service for their support and leadership throughout the year. I acknowledge the support of the Minister for Justice, Equality & Law Reform and the Secretary General and staff of his department. To all in the legal community who have assisted us in our task over the past year I wish them well and look forward to another year of endeavour and success in 2010.

A handwritten signature in black ink, appearing to read 'Brendan Ryan', with a stylized flourish at the end.

Brendan Ryan



## Chapter 1

# About the Courts Service

## Chapter 1 – About the Courts Service

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

The Board of the Service consists of a Chairperson and 16 members. Its functions are to consider and determine policy in relation to the Service and to oversee the implementation of that policy by the Chief Executive Officer (*see also page 78*).

## The Board of the Courts Service



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



The Hon. Mr. **Justice Nial Fennelly**, elected by the judges of the Supreme Court (replaced the Hon. Mr. Justice Nicholas Kearns in October 2009)



The Hon. Mr. **Justice Nicholas Kearns**, President of the High Court (replaced The Hon. Mr. Justice Richard Johnson in October 2009)



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



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



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



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



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



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



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



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



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



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



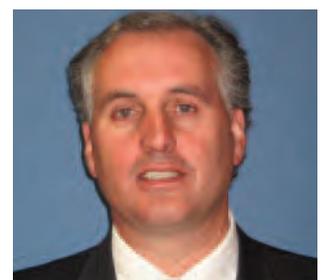
Mr. **Noel Waters**, an officer of the Minister, nominated by the Minister



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



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



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

## Standing Committees of the Board

### Finance Committee

- The Hon. Mr. Justice John L. Murray - *Chairperson*
- The Hon. Mr. Justice Nicholas Kearns, President of the High Court (*replaced The Hon. Mr. Justice Richard Johnson in October 2009*)
- The Hon. Mr. Justice Kevin Feeney
- The Hon. Mr. Justice Matthew Deery
- Her Honour Judge Miriam Malone
- Mr. Brendan Ryan
- Mr. Noel Waters

### Audit Committee

- Mr. Tom O'Higgins, Chartered Accountant, *external member – Chairperson*
- His Honour Judge Ray Fulham, judge of the Circuit Court
- Judge Cormac Dunne, judge of the District Court
- Mr. Noel Waters
- Mr. Jim Farrell, former Director of the National Treasury Management Agency, *external member*

### Building Committee

- The Hon. Mr. Justice John Quirke - *Chairperson*
- The Hon. Mr. Justice Iarfhlaith O'Neill, judge of the High Court
- His Honour Judge Gerard Griffin, judge of the Circuit Court
- His Honour Judge Michael White, judge of the Circuit Court
- Judge Catherine Murphy, judge of the District Court
- Mr. Brendan Ryan
- Mr. Fergal Foley, The Bar Council

- Mr. Gerard Doherty
- Mr. Michael Haugh, Office of Public Works
- Mr. Brian Leonard
- Mr. Liam Berney
- Mr. Liam Farrell
- Mr. Paul Burns, Head of Directorate, Infrastructure Services, Courts Service

### Family Law Court Development Committee

- His Honour Judge Michael White - *Chairperson*
- The Hon. Mr. Justice Henry Abbott, judge of the High Court
- Judge Gerard Haughton, judge of the District Court
- Ms. Catherine Forde, The Bar Council
- Mr. David Bergin, The Law Society
- Ms. Mary Southwell
- Ms. Nuala McLoughlin, Head of Directorate for Supreme Court & High Court Operations, Courts Service
- Mr. John Coyle, Head of Directorate for Circuit Court & District Court Operations, Courts Service

## Board Committees to address specific issues:

### Family Law Reporting Project Committee

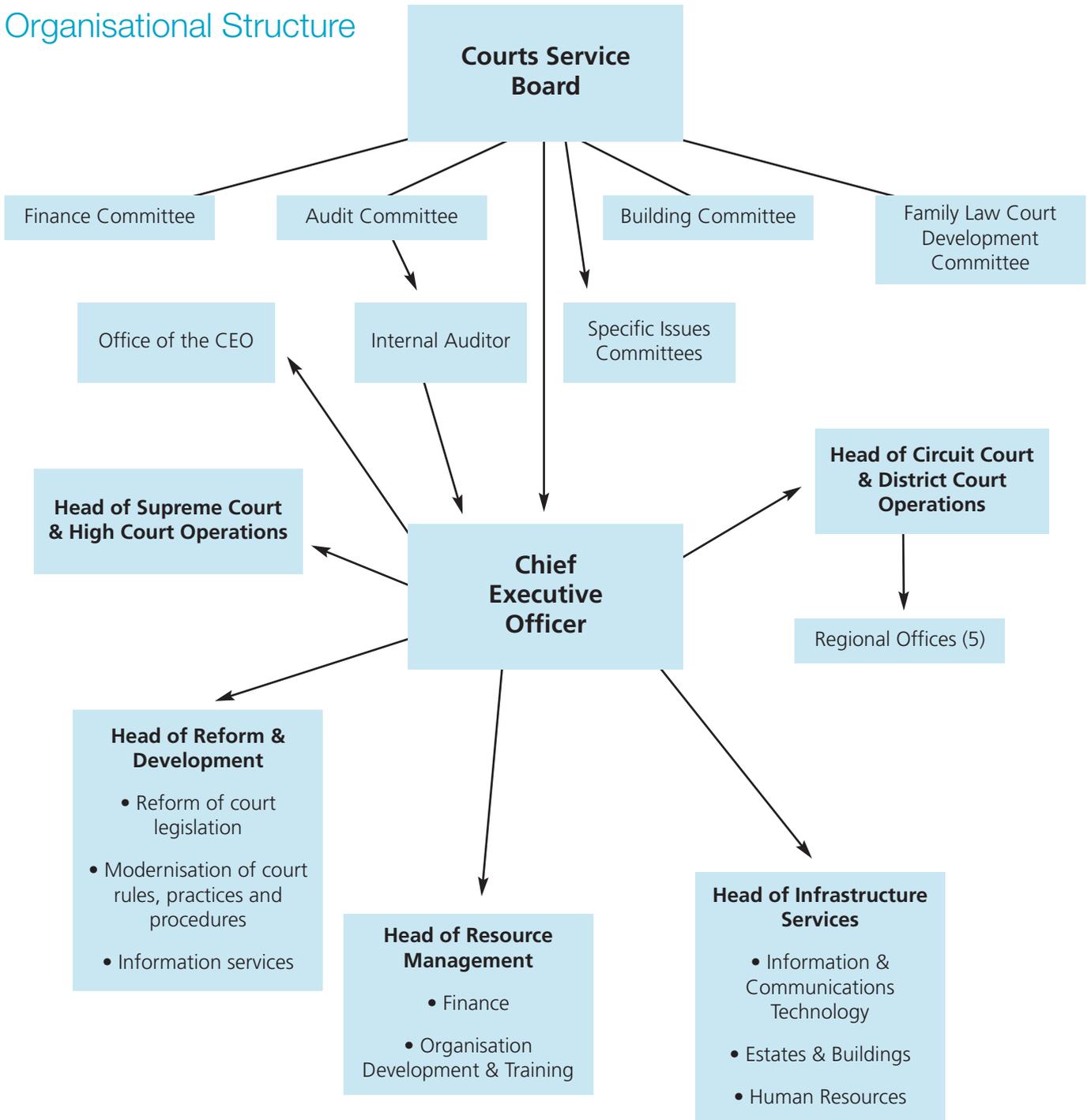
- The Hon. Mr. Justice Nicholas Kearns - *Chairperson*
- The Hon. Mrs. Justice Catherine McGuinness, President of the Law Reform Commission
- The Hon. Mr. Justice Henry Abbott
- His Honour Judge Michael White
- Judge Gerard Furlong, judge of the District Court
- Mr. Kevin Fidgeon, Dublin Circuit Court Office
- Ms. Olive Braiden

- Ms. Esther Lynch
- Ms. Nuala McLoughlin
- Ms. Helen Priestley, Information Officer, Courts Service
- Ms. Margaret O'Neill, Circuit & District Court Operations, Courts Service

#### Irish Sentencing Information Systems (ISIS) Committee

- The Hon. Mrs. Justice Susan Denham, judge of the Supreme Court – *Chairperson*
- The Hon. Mr. Justice Michael Peart, judge of the High Court
- The Hon. Mr. Justice Esmond Smyth, judge of the Circuit Court
- Her Honour Judge Miriam Malone, President of the District Court
- Professor Thomas O'Malley, Faculty of Law NUI Galway

## Organisational Structure



## Chief Executive Officer and Senior Management Team

The Chief Executive Officer is responsible for the implementation of policies approved by the Board, the day-to-day management of the staff, administration and business of the Service and is also the Accounting Officer for the Service. (see also page 78)

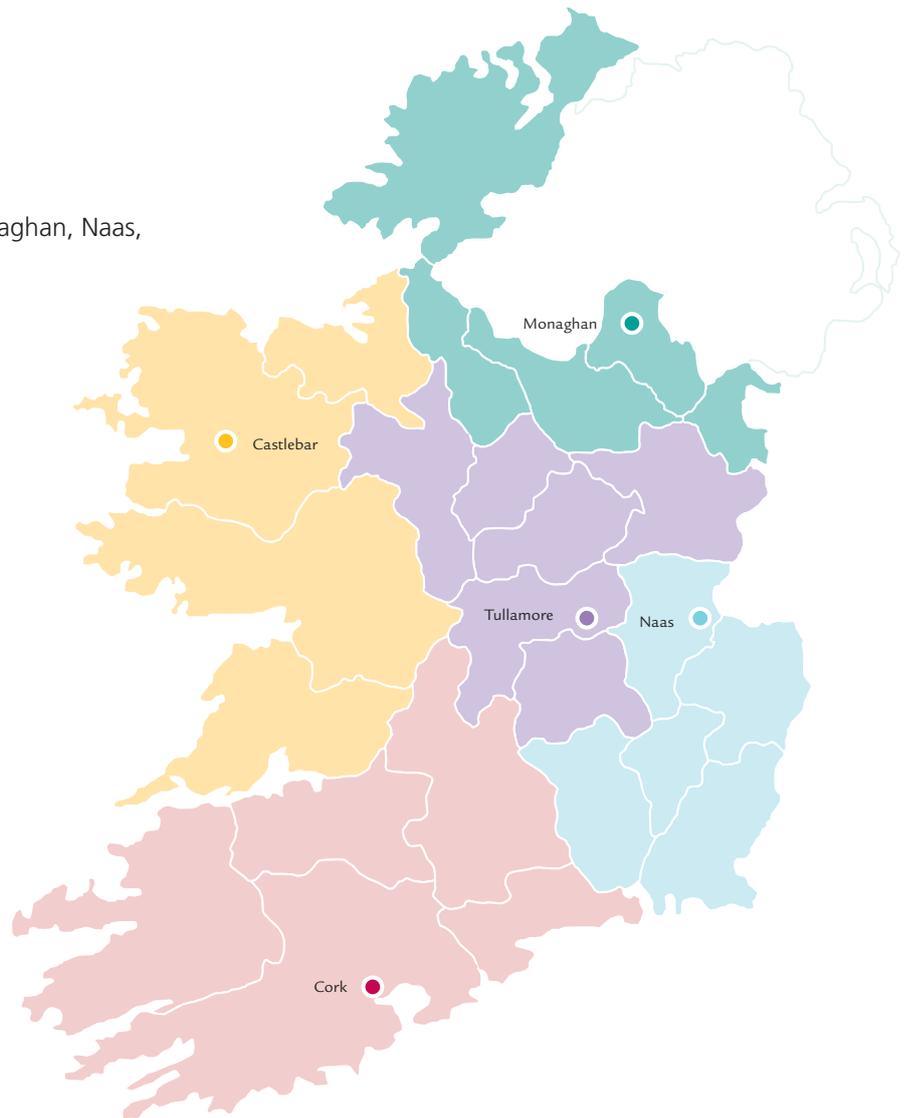
The Chief Executive Officer is supported by the Senior Management Team comprising a Head of Directorate for Supreme Court and High Court Operations, a Head of Directorate for Circuit Court and District Court Operations and three support Heads of Directorates: Reform and Development, Resource Management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



*Chief Executive Officer and Senior Management Team*

## Regional Support Offices

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



## Funding and staffing of the Service in 2009

Funding provided by the State	€122 million
Budget:	
Revenue	€93 million
Capital	€29 million
Staff	1,081
Funds managed in a trustee capacity	€1.053 billion
Fees collected	€49 million
Fines collected	€24 million (motor and exchequer only)
Offices nationwide	78
Number of court venues	149 (131 outside Dublin)

## Structure of the Courts





# Chapter 2

# Our

# achievements



## Chapter 2 – Our achievements

The Service was guided in 2009 by the objectives and goals set out in the fourth Strategic Plan and the Government's modernisation programme for the public service.

*A new phase in the modernisation of the Public Service launched by the Taoiseach at the end of 2008 incorporated a package of measures to change the way the Public Service is managed and how it does its business. They included the Government Statement on Transforming Public Services; The Report of the Task Force on the Public Service 'Transforming Public Services'; and the first Report of the Organisational Review Programme (ORP).*

The Strategic Plan was developed around a vision of the Service in the year 2020. It provides the focus and framework to plan and manage services for all citizens and court users, and to support the administration of justice by the judges in the three year period to 2011.

A series of operational priorities in the Strategic Plan represent the core business objectives for the Service. They include putting the needs of court users first, supporting the judiciary, improving access to the courts, transforming service delivery, using resources efficiently and effectively, and developing and training staff. There is a clear alignment between the vision for the Service, the operational priorities and the goals and actions to be implemented during the period of the Plan.

*The Service commenced a major efficiency review in 2009 titled 'Transforming Administration and Structures in the Courts' (TASC) to find potential solutions to the challenges facing the Service and enable it become a more effective and efficient organisation. It followed a commitment in the Strategic Plan to review current structures to ensure that they are appropriate to meet the expectations of court users in a rapidly changing environment.*

*A number of working groups examined aspects of how the Service operates and how it might be improved. A Report based on the work of the groups will be considered by the Board in early 2010.*

The economic challenges facing the country led to a major review of the level of public service expenditure in 2009. There were consequent reductions in funding allocations and reduced staff numbers for State agencies including the Service. The Organisation for Economic Cooperation and Development (OECD) in its economic survey 2009 supported the Government's view regarding the need to cut public expenditure. It also identified scope for efficiency-improving measures, focusing on better value for money and modernising the service to the public.

The Service had already recognised the need to devise a fresh approach to the delivery of services and had identified ways in the Strategic Plan to deliver many of the measures recommended by the Government and bodies such as the OECD. The establishment of the TASC review was a further demonstration of the Service's proactive approach to modernising the courts so as to deliver the highest quality service to all court users.

Notwithstanding the changes in the economic climate and the resulting impact on resources, the Service made substantial progress during 2009 on the implementation of the goals and actions set out in the Strategic Plan.

## Goal 1:

### Serving court users

To manage the courts efficiently and effectively the Service must make ongoing efforts to satisfy the needs of court users. The identification of these needs continued to be a priority during 2009.

#### Planning for the Criminal Courts of Justice

The Service completed the planning process for the relocation of the Dublin criminal courts, associated offices and staff from the Bridewell Courthouse, the Four Courts and Green Street Courthouse to the new Criminal Courts of Justice during the year. (see pages 34 & 35)

There was ongoing communication and consultation with other organisations intending to move to, or operate from, the new facility including the Bar Council, the Law Society of Ireland, An Garda Síochána, the Prison Service and groups supporting victims. Staff of the Service provided tours of the new facility for the judiciary and a variety of groups (including the Justice Committee of the Houses of the Oireachtas) in advance of the transfer of business in late November and early December.

The first sitting of the Central Criminal Court was held in the Criminal Courts of Justice in November. Some sittings of the District Court commenced in December with sittings of the Court of Criminal Appeal, Central Criminal Court, Special Criminal Court and Dublin Circuit Criminal Court scheduled to commence in January 2010.

Some offices of the Service transferred to the new facility during December with the remainder to transfer in early January 2010. An office combining the offices of the Court of Criminal Appeal, Central Criminal Court, Special Criminal Court, Dublin Circuit Criminal Court and offices of Dublin Metropolitan District Court will be operational in the new facility from early 2010. This combined court office, a first for the Service, will provide support services for all the courts in the new facility. This follows the enactment of the Courts and Court Officers Act, 2009 which was signed into law on 24th November.

#### Customer Service Action Plan

A revised Customer Service Action Plan published during the year reflects the commitment in the Strategic Plan to put the needs of court users first. The Plan was prepared with the assistance of a sub-committee of the Central Partnership Committee, and input from user groups and a wide range of staff from all jurisdictions and all levels within the Service.

#### **Representative groups – sharing ideas to improve service**

*Representative groups ensure that the views and suggestions of those intimately involved in the courts system are taken into consideration in the development and operation of policy and initiatives. These groups help improve the efficiency and effectiveness of the system and provide a useful forum for the exchange of ideas between the Service and court users.*

#### Representative Groups

Groups representing court users were regularly consulted in 2009 to better inform the Service of customer needs. The groups include representatives from professional bodies including the Bar Council, the Law Society of Ireland, the Dublin Solicitors' Bar Association, the Family Lawyers' Association, the Office of the Director of Corporate Enforcement, the Consultative Committee of Accounting Bodies in Ireland, the Institute of Chartered Accountants in Ireland, the Prison Service, An Garda Síochána, the Probation & Welfare Service, the Legal Aid Board, the Office of the Director of Public Prosecutions, the Chief Prosecution Solicitor's Office, the Chief State Solicitor's Office, law agencies, groups supporting victims and other groups.

Six Dublin based user groups met at least three times each during 2009. These groups represent users of the civil, criminal and family courts generally in addition to users of more specific areas such as insolvency and probate.

A group comprising organisations involved in the move to the Criminal Courts of Justice met seven times from April to December 2009 to coordinate the transfer of business across all organisations to the new facility.

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

The Service also continued to facilitate meetings with representatives of organisations providing support for litigants particularly in the area of family law. In addition to bringing about practical improvements in customer service these meetings strengthened relationships between the Service and court users.

### Customer Complaints

There were 20 formal customer complaints during 2009. Ten concerned administrative matters which were dealt with through the customer complaints procedure. The remainder related to matters outside the remit of the Service.

### Accessibility

The Service dealt with one query from a court user with a disability.

### Standardising processes for civil and family law

The Service is committed to standardising civil and family law processes within and across court jurisdictions. Work on a standardisation project continued in 2009 and will be completed in 2010. The outcome of the project will be integrated with recommendations in the TASC Report.

### Drug Treatment Court

The Service is assisting in a review, under the auspices of the Department of Justice, Equality & Law Reform, of the existing structures and operation of the Drug Treatment Court. The review, which commenced during the year, will make proposals for the future development of this project.

### Re-organisation of District Court Districts

Work continued on a major reorganisation of the District Court Districts including a review of court venues, sittings and workloads. The project will ensure that the courts operate where facilities are most suitable and that best value for money is achieved from the estate of courthouses. The second phase of the reorganisation affecting counties Donegal, Sligo, Mayo, Leitrim, Roscommon, Galway, Clare, Tipperary, Laois, Offaly, Westmeath and Longford came into effect on 1st January 2009.

The review of District Court Districts is an ongoing process in light of developments in relation to matters such as venues, buildings and the requirements of court users.

### Review of court venues

Court venues continued to be reviewed during 2009 to ensure that the Service achieves its goal of providing the best possible facilities for all court users, taking issues such as health and safety and the need for privacy into account. These reviews consider a range of matters including levels of business, proximity of other court venues (especially as larger venues are refurbished), usage of the building and the standard of facilities available.

#### **Case progression – helping to reduce court waiting times**

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

### Case progression

The implementation of case progression in family law proceedings in the Circuit Court continued during 2009. Under the case progression scheme county registrars have a key role in overseeing preparation of family law cases for trial in the Circuit Court, generally monitoring the progress of a case pre-trial, and making final arrangements for the trial. By year end family law case progression was fully operational in all Circuit Courts.

### **Video conferencing – a more efficient way to hear evidence**

*Video conferencing eliminates the need for witnesses to attend before the court in person. This is of particular benefit when witnesses are abroad. It leads to considerable cost savings especially in respect of 'expert' witnesses.*

#### Video conferencing/ video link / video display

By year end video conferencing facilities had been installed in Dublin in five courtrooms in the Four Courts, in Bow Street Courthouse, in Cloverhill District Court, and in six courtrooms in the Criminal Courts of Justice. They were also available in Castlebar, Cavan, Cork, Dundalk, Limerick, Nenagh and Tullamore courthouses.

Video display facilities were installed in Tralee, Carlow, Longford, Clonmel and Limerick District Court during the year. Existing video facilities in Nenagh were upgraded to the Service standard.

#### Video conferencing between the Service and the Prison Service

Video conferencing between Limerick District Court and Limerick Prison was used for the first time in May 2009. By year end work had commenced to provide video conferencing, video link and video display facilities in Letterkenny and Galway to facilitate links from courts to prisons for remand hearings.

### **Digital Audio Recording – using technology in the courtroom**

*Digital audio recording provides an accurate record of evidence which can subsequently be used for the preparation of transcripts, playback within the courtroom or otherwise as required.*

#### Digital Audio Recording

By year end digital audio recording had been installed in 84 courtrooms in Dublin (including the Four Courts and the Criminal Courts of Justice) and around the country. A project to install digital audio recording in the District Court commenced in December with courts in Naas, Limerick and Dublin selected to pilot the project.

#### Providing information on the courts system to the public

##### **Opening up court buildings**

*The Service joined with Dublin City Council, Kings Inns and the Bar Council to host a walking tour of the legal quarter of Dublin as part of the Council's 'Walk and Talk' initiative in May. Led by historian Pat Liddy over 750 people visited Kings Inns, Henrietta Street, Green Street Courthouse and the Four Courts.*

*Cork Courthouse was opened to the public as part of Heritage Open Day in August. Staff of the Service provided tours for over 250 people who took advantage of the opportunity to learn about how our court system operates.*

The Service continued to provide information to the public using a variety of means including hard copy publications, the website, educational and outreach initiatives, and presentations to visiting groups from Ireland and abroad.

The effectiveness of the information strategy of the Service continued to be assessed using feedback surveys from the various initiatives, *Courts Service News* (the magazine of the Service) and comments to the website.

#### Website

Visits to the website exceeded 2 million for the first time in 2009 with users availing of 24/7 access to obtain information on a range of matters, in particular, cases in the High Court (*High Court Search*), court sittings (*Legal Diary*), court rules and fees (*Rules and Fees*) and decisions of the court (*Judgments*).

## Visits to website

Month	2009	2008
January	144,549	147,201
February	158,542	149,200
March	169,535	140,228
April	148,172	157,469
May	170,483	132,151
June	157,559	133,147
July	194,352	153,190
August	141,976	101,886
September	171,819	108,353
October	230,249	156,252
November	241,689	157,306
December	184,680	115,982
<b>Total</b>	<b>2,113,605</b>	1,652,365

Additions to the site during the year included a section for the assistance of those going to court for the first time including witnesses, jurors, victims and accused persons and a section for family law litigants.

The website was named as one of the 'Top10 Court Related Websites' in the world by *Justice Served*, an alliance of United States court management and justice experts who provide management services, consultation and training to courts and justice agencies. It was also short listed in the Irish language category of the Irish eGovernment awards 2009. The awards organised by *Public Sector Times* and *Elucidate*, celebrate excellence in eGovernment and technology innovation in Ireland. The winners will be announced in February 2010.

## Outreach

The outreach programme of the Service continued to provide school, community and other groups with opportunities to visit the courts during the year. Visits tailored to suit the needs of individual groups included meetings with judges and court staff, visits to court offices, presentations on the court system and explanations of court practice and procedure.

## Young citizens

A DVD and booklet, *'Going to Court'*, to provide young witnesses with basic information about how the court process works and provide guidance as they prepare to go to court was presented to the Chief Executive of Barnardos by the Chief Executive of the Service in April.

## Family Law Reporting Project

The second phase of a pilot project to report on family law concluded with the publication of the seventh issue of *Family Law Matters* in April 2009. *Family Law Matters* featured reports of family law cases from the District Court, Circuit Court and High Court together with statistics, trends and judgments, and interviews with people associated with family law in Ireland.

A committee chaired by a judge of the Supreme Court, and including staff of the Service, considered recommendations contained in an evaluation report prepared at the conclusion of the first year of the pilot reporting project insofar as they related to the Service. Proposals concerning the implementation of the recommendations were made to the Board in May 2009 following which an action plan was drawn up by the Service. The Report was also referred to the Minister for Justice, Equality and Law Reform.

## Media

The Service continued to provide a dedicated Media Relations Service as a single point of reference and source of information for national and local media including television, radio, internet and print. An average of 50 queries were dealt with every day covering a broad range of court related issues with over 90% dealt with on the day of receipt.

## Other information

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

Material was provided for responses to 66 parliamentary questions tabled by members of the Oireachtas. The Service dealt with 442 letters/representations from other government departments, TDs, Senators and members of the public.

The Service received and dealt with 37 formal requests under the Freedom of Information Acts. In addition, 100 written requests were dealt with outside of the Act with further queries dealt with by telephone or email. Many of the queries related to information contained in court records not covered by the Freedom of Information legislation.

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

Freedom of Information Acts requests	
Carried forward from 2008	<b>1</b>
Received	<b>37</b>

Outcome of requests	
Access granted/part granted	<b>24</b>
Refused	<b>11</b>
Transferred/withdrawn	<b>2</b>
Carried forward to 2010	<b>1</b>

The Service dealt with 14 requests under the Data Protection legislation during the year.

## Goal 2:

### Supporting the judiciary

Support for the judiciary in the discharge of their judicial functions is a central part of the work of the Service. Resources continued to be allocated in support of judicial initiatives in matters including rationalisation of procedures, case management and the implementation of procedural solutions for the progression of cases through the courts. (see page 33)

The Service also continued to resource the courts with skilled and trained staff, and provided administrative and research support for the judiciary during the year. Facilities continued to improve in other areas including information and communications technology, and buildings. (see pages 31 and 34)

Judges: at 31st December 2009		
	Allowed by legislation	Serving
Supreme Court	8	7
High Court	37	37
Circuit Court	38	36
District Court	64	62
<b>Total</b>	<b>147</b>	<b>142</b>

Judges: at 31st December 2008		
	Allowed by legislation	Serving
Supreme Court	8	8
High Court	38	38
Circuit Court	38	38
District Court	64	61
<b>Total</b>	<b>148</b>	<b>145</b>

### Reducing waiting times

Initiatives by the judiciary to reduce waiting times were supported by the Service during the year. They related to all court jurisdictions and included:

- **the High Court** where the judge responsible for the Dublin personal injuries list 'called over' 1,400 cases set down for trial up to two and half years previously (see panel below). The judge allocated three days in October for this exercise at the conclusion of which almost 1,400 cases had been removed from the list
- **the Circuit Court** where additional judges were assigned by the President to deal with criminal cases in venues including Trim, Dundalk, Mullingar, Castlebar, Ennis, Tralee, Naas, Clonmel, Donegal, Roscommon, Portlaoise, Longford, Tullamore, Letterkenny and Waterford (where there were five months of full time criminal sittings) and
- **the District Court** where special sittings were held in every district and county and additional sittings were held in Dublin in August and September (facilitating the earlier disposal of approximately 2,000 cases).

#### The value of 'call overs'

Managing lists and waiting times is important for meeting the requirements laid down by the European Court of Human Rights that the State should ensure that cases are dealt with within a reasonable time. Courts often use 'call overs' to ensure that cases progress through the system and that settled cases are not left in the court list. The legal representatives of the parties are required to attend court to confirm that their case remains 'live' and inform the court if they are ready to proceed. Any case in which the parties fail to appear is struck out and can only be re-entered by order of the court.

## Administrative support

The Service continued to provide ongoing support for the judiciary through its Judicial Support Unit. The support includes the provision of a protocol service when judges attend State functions and events. By year end work had commenced on a survey for circulation to the judiciary to identify their level of satisfaction with the support being provided by the Service.

In addition to providing support for judges in Ireland, the Unit facilitated visits of delegations from countries including Australia, Bosnia & Herzegovina, Canada, Georgia, Germany, Lithuania, Malawi, Nigeria, Norway, Poland, Russia, Tanzania, Thailand and the United States of America. Programmes tailored to suit the requirements and specific interests of each delegation included meetings with judges, visits to court buildings in Dublin and provincial locations, and presentations on the Irish courts system.

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

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

## Library and research facilities

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

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

Staff of the library provided training and assistance in the use of various information resources for readers, including a number of library induction tours during the year. Library personnel availed of opportunities for continuing

professional development and training to keep abreast of trends and best practices.

## Support for the Chief Justice

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

## Judicial fellows

Judicial fellows continued to provide support to judges of the High Court comparable to that provided for judges of the Federal Courts of the United States and Australia, and the European Courts in Luxembourg and Strasbourg. They are assigned by the President of the High Court to a particular area of court business and work alongside an individual judge. In 2009 judicial fellows supported judges in the asylum, chancery, commercial, competition and judicial review lists. A key element of the fellow's role is in the provision of assistance with the drafting of written judgments.

An evaluation of the effectiveness of the judicial fellow scheme was conducted in consultation with the President and judges of the High Court during the year. It disclosed a high level of satisfaction among the judiciary with the scheme.

## Judicial researchers

Judicial researchers continued to provide assistance to members of the judiciary during the year. In addition to conducting research, they compile an annual digest of reported and unreported judgments for District Court judges, up-date and expand the range of bench books for all jurisdictions, proof read judgments for judges of the Supreme Court and High Court, and provide assistance to judges of all jurisdictions who are writing conference papers and other articles.

## Video conferencing

As mentioned on *page 23* work continued during the year to increase the number of courtrooms where evidence can be given using video conference/video link facilities.

## Accommodation, technological, financial and human resource support

The Service continued to provide modern accommodation for all court users through the Capital Building Programme (see *page 34*). All new and refurbished courthouses include accommodation and other facilities for judges. This includes buildings completed during the year in Kilmallock, Thurles and the Criminal Courts of Justice.

Judicial facilities in the Criminal Courts of Justice reflect the scale of court business to be transacted there from early 2010. Judges of all court jurisdictions will deal in one location with the large volume of work of the Dublin criminal courts. Separate circulation routes for judges are complemented by office, dining, meeting and research facilities designed to meet judicial needs. *Further details about the Criminal Courts of Justice are on pages 34 and 35.*

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

## Goal 3:

### Developing our staff

The Service recognises that a skilled, well trained workforce operating in a culture of high performance is vital to the success of the organisation. The Service continued to encourage staff creativity and innovation as the working environment faced an unprecedented level of change.

#### Human Resource Workforce Strategy

As part of the TASC review (see page 20) work commenced on a Human Resource Workforce Strategy to maximise the potential of staff. The Strategy will address a range of matters including training and development, effective performance management (including management of underperformance), improved communications and the maintenance of a positive working environment.

#### Staff relations

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

#### Partnership

The Central Partnership Committee chaired by the Chief Executive Officer met six times during 2009 to address issues of interest and concern to the Service.

The involvement of staff at all grades in partnership sub-committees on matters such as performance management and development, the Criminal Courts Complex and customer service continued to prove particularly constructive.

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

#### Performance Management and Development

The Service continued to operate a performance management and development system which includes the completion of a role profile and two performance reviews - an interim review in June and an annual review in December. In 2009, a role profile was agreed for 98% of staff.

The partnership committee on performance management and development made preparations for the introduction of feedback from staff to managers ('upward feedback') as part of the performance management and development process.

#### Staff satisfaction survey

The second staff satisfaction survey was undertaken by the Public Appointments Service on behalf of the Courts Service in 2009. The survey examined key business areas including performance management, training and development, management style and leadership, business planning, technology, communications, and changes within the organisation. There was a 67% response rate to the survey. The responses will be released in early 2010.

#### Staff support

The Service continued to provide an employee assistance service in 2009. The service is an in-house counselling, information, support and referral service. The Employee Assistance Officer (EAO) is an accredited psychotherapist and group therapist who consults with and provides support to managers dealing with sensitive staff welfare issues.

At year end, 3.2% of staff had a disability as defined in the Disability Act, 2005. The Disability Officer of the Service provides information and advice regarding disability matters, and assistance and support to staff with disabilities, their colleagues and supervisors.

## Work/Life Balance

The Service continued to offer staff a range of flexible working arrangements including term-time and flexi-time during the year. Eighty eight staff availed of work share arrangements with 68 staff availing of the shorter working year scheme which replaced the term time scheme in October 2009.

## Incentivised scheme of early retirement

The Service supported the incentivised scheme of early retirement introduced to facilitate a permanent, structural reduction in Public Service numbers in as timely a manner as possible. Applications could be made between 1st May 2009 and 23rd October 2009 and 22 applications were approved.

## Special Civil Service Incentive Career Break Scheme 2009

Under this career break scheme staff could take a break of up to three years and be paid an incentive payment of one third of gross annual payment up to a maximum payment of €12,500 (for full time staff). Nine applications were approved following the 1st July applications deadline.

## Goal 4:

### Optimising the use of technology

The information and communications technology (ICT) strategy 2006-2010 of the Service continued to guide the development of electronic services in 2009.

#### Review of ICT strategy

An external mid-term review of the ICT strategy was carried out during the year. The review assessed performance to date and re-aligned the strategy with the Strategic Plan 2008-2011. It also identified and prioritised the most important strategies and ICT projects in the context of limited resources and a challenging implementation period. The significant progress made by the Service in the delivery of the strategy was noted in the review. There was also an acknowledgement that the investment in ICT in the nine years to 2009 was central to the transformation of the operation and management of the courts and the improved delivery of services to court users.

It was accepted that 2009 and the following two years will be challenging for the Service and characterised by significant change across many areas including organisation structure, staffing, processes, and funding.

*"While the long term vision set out in the ICT strategy 2006-2010 for the Courts Service remains valid, implementation of this strategy needs to be examined in light of the changing environment in which the Courts Service operates. In particular, due to the wider economic climate, it is anticipated that resources available in the coming years will be significantly more constrained than would have been envisaged in 2006" Review of ICT strategy*

#### Upgrading infrastructure

A project to replace the database server platform which hosts the strategic applications of the Service including the Criminal Case Management System, the Courts Accounting System and the Funds Accounting System was completed during the year.

There were further improvements in the communications infrastructure of the Service. Contracts to provide mobile voice and data services were awarded as part of the Government's Mobile Framework. Contracts to upgrade the wide area network which links locations around the country to a data centre in Dublin were also awarded. This upgrade will enable a substantial improvement in the ICT service to individual court offices. It will also facilitate the further development of applications of the Service, links with the criminal justice sector and greater integration of the ICT networks.

#### Criminal Case Management System

A new system for the combined criminal court office in the Criminal Courts of Justice in Dublin (see page 21) was substantially developed during the year. This is an integrated system to track cases in the Circuit Court, Central Criminal Court, Special Criminal Court and the Court of Criminal Appeal in advance of the extension of the Criminal Case Management System to all jurisdictions.

#### Civil Case Management System

The standardisation of processes relating to civil and family law cases in all jurisdictions is an important precursor to the introduction of a civil case management system. As indicated on page 22 work on this project continued in 2009 and will be completed in 2010.

Planning for the new management system, which will be built in modules, continued throughout the year. Analysis and design work will commence in early 2010 to coincide with the outcome of the standardisation of processes project and the implementation of any TASC-related recommendations relevant to the new system.

## Integrated service across the criminal justice system

The Service continued to work with other justice agencies to provide integration across the criminal justice system by participating in programmes designed to deliver 'joined up' services.

The Criminal Justice Interoperability Project (CJIPP) enables the Service receive summons applications from An Garda Síochána and transfer case results electronically from the criminal case management system to An Garda Síochána, the Prison Service and the Department of Transport. In 2009, over 2.2 million court outcomes, bail and warrant details were successfully transferred to An Garda Síochána while the Service received almost 200,000 summons applications electronically from An Garda Síochána.

## Goal 5:

### Procedural Reform

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

#### Proposals for Rules of Court

A proposal by the Service that case progression be applied in cases other than family law (*see page 22*) (for example, equity and succession law) was accepted by the Circuit Court Rules Committee during the year.

Other proposals by the Service accepted by the various rules committees included the:

- expansion of the District Court Small Claims procedure to provide for a claim by a business purchaser against a business vendor
- introduction of common rules of procedure in relation to statutory applications and appeals in the Circuit Court
- listing of certain matters before county registrars in circuits outside Dublin
- provision for personal service of Circuit Court documents
- provision of a new procedure for the recovery of land in the Circuit Court and
- electronic discovery of electronically stored information in the High Court

#### Reports of the Rules Committees

The reports of the rules committees for 2009 are in Chapter 7 of this Report.

#### Other initiatives

The Service summarised recommendations by various committees and bodies for the establishment of a pre-trial procedure in respect of indictable offences for consideration by the senior judiciary during the year.

The Service continued to collaborate with the Law Reform Commission and the Department of Justice, Equality and Law Reform in a joint project to prepare a scheme for a Courts Bill to consolidate and reform the Courts Acts. The first stage of the project involved the publication by the Commission of a Consultation Paper on the subject in July 2007.

A draft revised family law writ for use in the High Court was submitted to members of the High Court judiciary for consideration.

The Service collated over 900 court forms relating to civil and criminal proceedings in the District Court. At year end the forms were being evaluated to identify forms which may be dispensed with and replaced with a template form, forms which should remain scheduled to the rules of court, and forms which should be excluded from the forms schedule of the rules and included in an electronic bench book.

Templates to assist District Court clerks signing certain categories of orders and warrants following the amendment of the Courts Act, 1971 by the Civil Law (Miscellaneous) Provisions Act, 2008 were provided by the Reform and Development Directorate.

## Goal 6:

### Providing court accommodation and facilities

The Service spent €20.4 million on capital works under the Capital Building Programme in 2009. The implementation of the Programme continues to be overseen by the Building Committee (see page 12)

#### Projects completed in 2009

Work was completed on a new courthouse facility in **Kilmallock** as part of a joint civic centre project with Limerick County Council. The scheme consists of a non jury courtroom with ancillary facilities including secure judicial and staff accommodation, cell accommodation and consultation facilities.

**Thurles** courthouse was refurbished in 2009. The courthouse has two courtrooms and office accommodation with public counter facilities. Ancillary accommodation includes victim support and consultation facilities.

#### Projects in progress at the end of 2009

Work on the refurbishment of **Kilkenny** courthouse continued and will be completed in mid 2010. Work on the refurbishment of **Monaghan** courthouse will be completed by the end of 2010.

Construction of a new courthouse in **Gorey** as part of a joint development with Wexford County Council continued and will be completed in 2010.

Project planning and consultations with court users began in 2009 in respect of the provision of refurbished accommodation in **Mullingar** and **Waterford** and the provision of a new courthouse in **Wexford**.

## Public Private Partnerships

### Criminal Courts of Justice

Construction of the Criminal Courts of Justice was completed in 2009. It is a ten storey over basement building with over 23,000 square metres of accommodation including 22 courtrooms, judicial and staff facilities, and a jury reception area for up to 300 jurors with dining facilities on site. There is cell capacity in a secure facility for over 100 defendants in custody. Victims are provided with a support suite and there are dedicated facilities for vulnerable and child witnesses. Organisations with accommodation within the building include the Law Society of Ireland, An Garda Síochána, the Probation Service and the Director of Public Prosecutions. The Bar Council has accommodation and facilities for 200 barristers.

The project was delivered by means of a public private partnership. The operator of the building will provide a range of services including maintenance, security, jury minding, catering, and cleaning. Court sittings in the Criminal Courts of Justice commenced in November 2009 with the official opening by the President of Ireland planned for January 2010.

### Other Public Private Partnership projects

A detailed appraisal of public private partnership projects in **Limerick, Letterkenny** and **Cork (District Court)** was completed in August 2009 and submitted to the Department of Justice, Equality and Law Reform.

### Development of Civil Court Complex

A detailed appraisal and business case for the redevelopment of the Four Courts as a civil courts complex was approved by the Board and was being considered by the Department of Justice, Equality and Law Reform at the end of 2009.

## Criminal Courts of Justice – a court facility for the future



The Criminal Courts of Justice is a state of the art criminal justice facility suited to the administration of criminal justice in twenty first century Ireland. The building is designed to concentrate all central Dublin criminal business in one serviced location and overcome the problems associated with running trials in a number of sites dispersed throughout the Four Courts campus and in adjacent buildings.

The new building, a major civic addition to the Dublin cityscape, provides a much improved service to all court users including the public, witnesses, victims, jurors, judiciary, court staff, legal professionals, and persons in custody.

## Goal 7:

### Managing performance

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

#### Performance standards

The Service is committed to developing performance standards for administrative, financial and non-financial activities. They will be directly linked to the operational priorities in the Strategic Plan and will provide a basis for assessing how effective the Service is in the delivery of services and of its statutory mandates. Corporate key performance indicators were developed during the year and will be agreed in early 2010.

#### Key Performance Indicators – a valuable assessment tool

Key Performance Indicators will assist the Service to:

- assess how well it is meeting its strategic objectives and
- give clear focus and direction to the business planning process and performance management generally.

#### Annual Output Statement

The Annual Output Statement sets out the major outputs to be achieved by the Service on foot of the funding provision in the annual estimates process and allows for enhanced Dáil scrutiny of the process.

The Service published its third Annual Output Statement in 2009. The key objectives identified and achieved were completion of the installation of digital audio recording in all Supreme, High and Circuit Court courtrooms in Dublin, completion of the construction of the Criminal Courts of Justice and establishment of a combined office, and implementation of family law case progression by county registrars. *For details on the outputs achieved see pages 21, 22, 23, 34 and 35.*

#### Courts Accounting System

*“The Courts Accounting System has released significant resources for the Service and facilitated an improved customer service in a number of ways including more convenient methods of payment of fines and lodgment and payment of maintenance.”*  
 Chief Executive Officer, Brendan Ryan

By year end the Courts Accounting System had been fully implemented in 41 provincial District Court offices, ten offices in the Dublin Metropolitan District Courts and the Appeals Section of Dublin Circuit Court. The system operates as a shared services centre for these offices and processed over 1 million financial transactions during 2009 associated with a range of matters including family law, fines, bail and poor box.

By year end, 83% of the 4,270 maintenance payments totalling approximately €440,000 paid every week by the Service were being paid by electronic funds transfer via the Courts Accounting System.

The number of people using the *Online Fine Payment* facility also continued to increase. More than 16,000 people paid over €4,000,000 in fines online during the year. In addition, a reminder notice in respect of outstanding court fines introduced in August 2009 using the Courts Accounting System generated receipts of over €700,000.

## Management of court funds

### Court Funds

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

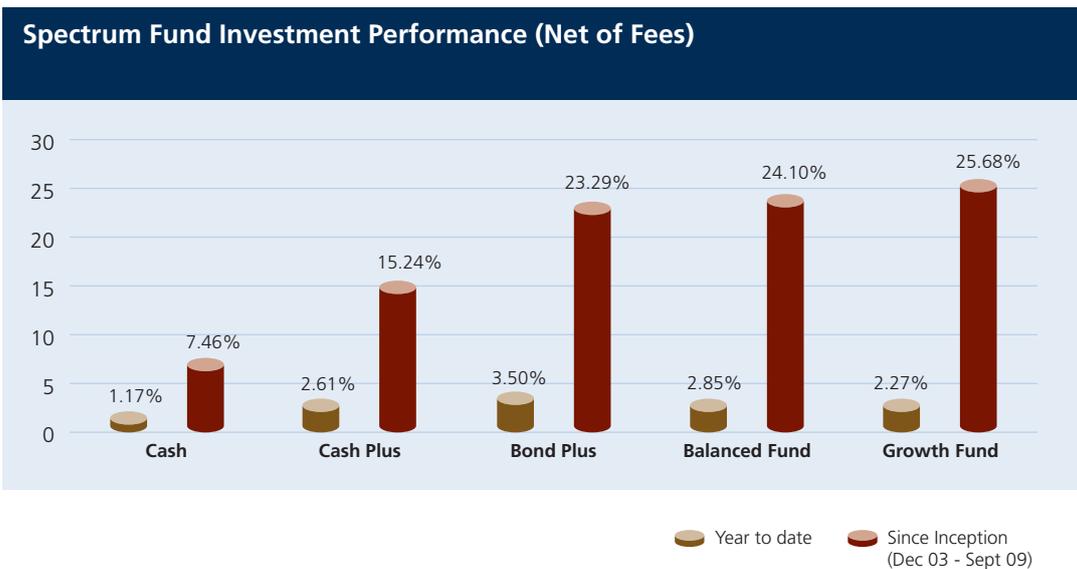
Total assets managed by the Accountant's Office were €1.053 billion at the end of the financial year to September 2009, an increase of €20 million on 2008. The increase was attributable to an increase in capital transactions of €2 million and a net increase from investment activities of €18 million. The Service operates a very conservative investment policy, with a significant element (almost 80% of funds) held in cash based assets and bonds. Of the total assets managed €820 million were invested in Spectrum Funds with €195 million placed on deposit with various financial institutions.

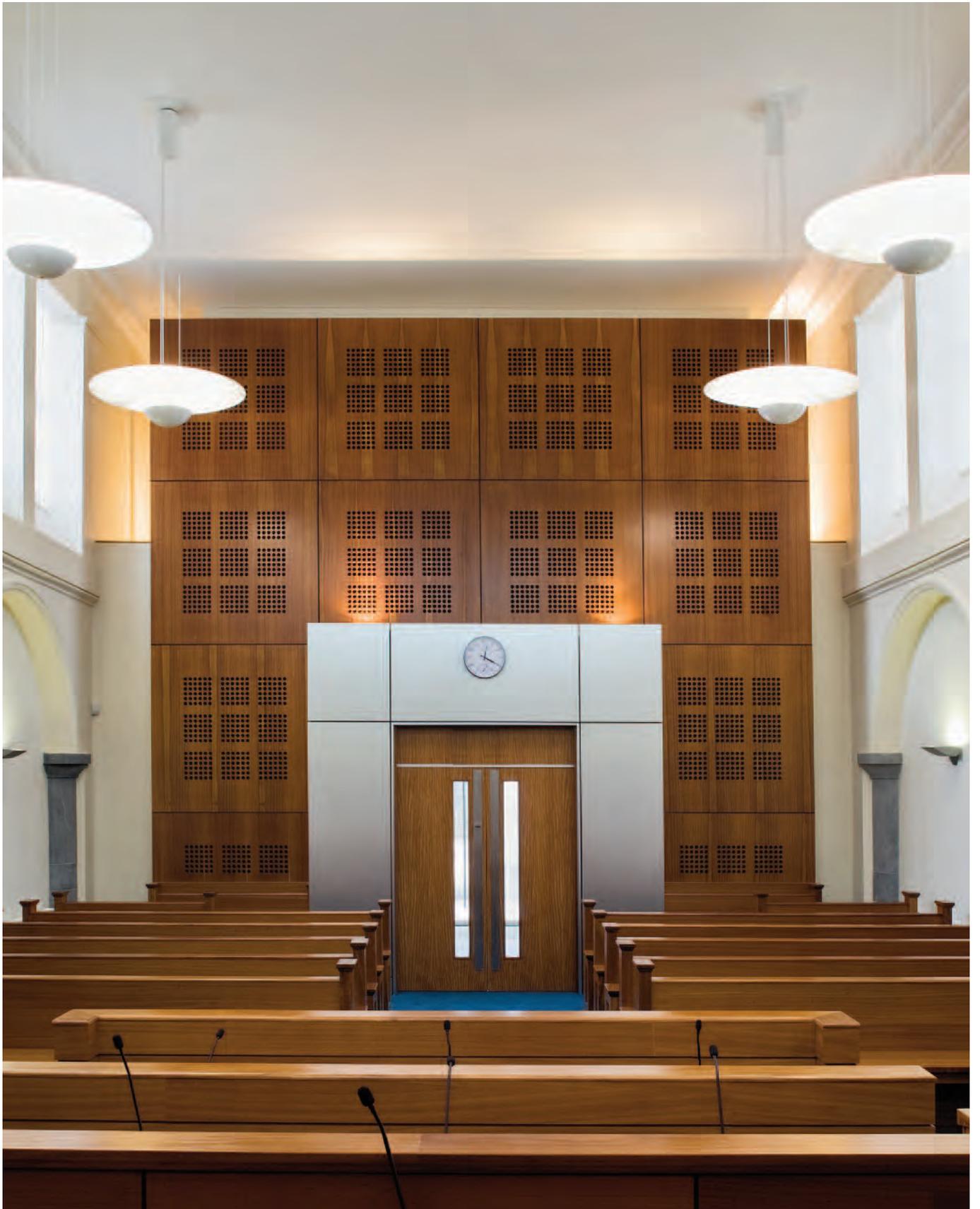
The strong investment performance exhibited by court funds since the current investment strategies were established in December 2003 have cushioned them from the worst impacts of the global financial crisis.

The Investment Committee, chaired by the President of High Court, continues to monitor the investment performance of court funds and related matters.

The Annual Financial Statements for the Accountant's Office were audited by Deloitte & Touche, who provided an unqualified audit report. The Statements were considered by the Audit Committee in December and submitted to the Minister for Finance and the Minister for Justice, Equality and Law Reform. *Extracts are on pages 85-87.*

The Service commenced a review, in conjunction with its investment advisors, of all aspects of the management and investment of court funds in 2009. The review will be completed in early 2010.





# Chapter 3

# The Year

# in Focus



## Chapter 3 – The Year in Focus

### Highlights of 2009

- 53 new murder cases in the Central Criminal Court – the highest number since 2002
- 49 new rape cases in the Central Criminal Court - the lowest number since 2005
- 320 European Arrest Warrant applications in the High Court – a 40% increase on 2008
- 31 accused persons before the Special Criminal Court - the highest number since 2004
- 1,586 theft and robbery offences dealt with in the Circuit Criminal Court - an increase of 28% on 2008
- 954 drugs offences dealt with in the Circuit Criminal Court – an increase of 23% on 2008
- 17,620 drug offences dealt with in the District Court – an increase of 12% on 2008
- 51 sentences of 10 years or more imposed in the Circuit Criminal Court - mostly for drugs offences
- 235 sentences of between five and ten years imposed in the Circuit Criminal Court - more than half for drugs offences
- Over 1,000 sentences of between two and five years imposed in the Circuit Criminal Court - 38% for theft and robbery offences, 23% for drug offences
- 333,161(64%) of summary cases disposed of in the District Court related to road traffic offences, a decrease of 7% on 2008
- Orders made in the High Court to wind up 128 companies - a 66% increase on 2008
- Applications made in the High Court to restrict the directors of 65 companies – a 35% increase on 2008
- 17 new bankruptcies in the High Court – a 110% increase on 2008
- 7 new arranging debtors in the High Court compared to one in 2008
- 373 new cases admitted to the Commercial List in the High Court - an increase of 53% on 2008 - 304 cases disposed of
- 40% of all cases admitted to the Commercial List in first quarter of 2009 commenced as a claim for a liquidated sum on a summary summons. By the fourth quarter it was 52%
- 293 orders for possession made in the High Court - a 23% increase on 2008
- 304 orders for possession made in the Circuit Court – a 35% increase on 2008
- 5,653 claims for recovery of liquidated amounts (debt) in the High Court – a 48% increase on 2008
- 1,884 undefended judgments for liquidated amounts in the High Court – an increase of 59% on 2008
- 347 judgments in defended cases for the recovery of liquidated amounts (Master's orders) – a 43% increase on 2008
- 13,613 judgments for liquidated amounts in the Circuit Court - a 33% increase on 2008
- 29,285 judgments for liquidated amounts in the District Court – an 18% increase on 2008
- 1,317 applications for judicial review in the High Court – a 5% decrease on 2008
- 57% of all judicial review applications relate to asylum
- 1,627 applications for judicial separation – a 19% decrease on 2008 – majority of applications by wives (83% in the High Court; 73% in the Circuit Court)
- 3,716 applications for divorce – a 13% decrease on 2008 – majority of applications by husbands in the High Court (64%) and by wives in the Circuit Court (54%)
- 55 applications for nullity – a 10% decrease on 2008 – majority (60%) made by husbands
- 152 appeals to the High Court from the Circuit Court in family law cases – a 27% increase on 2008
- 957 applications for custody in the District Court – a 27% increase on 2008
- 4,348 applications for access in the District Court – a 25% increase on 2008
- 9,856 applications under domestic violence legislation - a 5% decrease on 2008
- 192 pub licences granted in the Circuit Court – a 26% decrease on 2008
- 34 restaurant licences granted – a 51% decrease on 2008
- 21 hotel licences granted – a 43% decrease on 2008

In the civil courts, the change in the economic climate brought a change in workload in 2009. There was a considerable increase in cases of a commercial nature particularly those involving claims for the recovery of debt and those affecting companies. In the criminal courts, cases involving murder, drugs, theft and robbery, and road traffic offences continued to increase. Family law cases seeking judicial separation and divorce decreased as did applications under the domestic violence legislation.

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

## The Supreme Court

There were 341 Supreme Court appeals disposed of in 2009 - 228 by the Court and 113 withdrawn by letter to the Supreme Court Office. This compares with 334 appeals disposed of in 2008 - 229 by the Court and 105 withdrawn by letter. Of the 499 appeals lodged, 15% were by appellants in person.

## Criminal

### Criminal business

The courts dealt with over 500,000 criminal matters in 2009. There were 229 appeals disposed of in the Court of Criminal Appeal (an 18% decrease on the 279 disposed of in 2008); 108 cases in the Central Criminal Court (one more than in 2008); 10 cases in the Special Criminal Court (the same as in 2008); 2,985 in the Circuit Court (a 6% increase on the 2,817 in 2008); and 532,830 in the District Court (a 5% decrease on the 550,694 in 2008).

In addition, there were 854 orders made in habeas corpus and European Arrest Warrant cases in the High Court and 11,772 offences sent forward for trial to higher courts from the District Court.

### The Court of Criminal Appeal

Appeals lodged in the Court of Criminal Appeal continued to increase in 2009. There were 324 appeals lodged, a 6% increase on the 305 appeals lodged in 2008. The majority of appeals (251 or 77%) were against sentence only. There were 39 appeals (12%) against conviction and sentence with 30 appeals (10%) against conviction only.

The Court disposed of 229 appeals, an 18% decrease on the 279 disposed of in 2008. 70% (161) of appeals related to Circuit Court cases and 14% (31) to Central Criminal Court cases. The Director of Public Prosecutions brought 31 appeals on the grounds of undue leniency. The Court refused 90 appeals and a further 51 were withdrawn.

### Central Criminal Court / High Court

#### Murder

The Central Criminal Court received 53 new murder cases, the highest number since 2002, and disposed of 49. Pleas of guilty were entered in 15 cases while 31 went to trial. Of the 31 trials, three defendants were found not guilty by reason of insanity, one was acquitted and the remainder were convicted. There were 18 convictions for murder and 22 convictions for offences other than murder e.g. manslaughter. Nineteen life sentences were imposed with four sentences imposed for periods over 10 years.

#### Rape

There were 49 new rape cases received the lowest figure since 2005 and a decrease of 37% on the 2008 figure of 78. The court disposed of 52 cases. Eighteen guilty pleas were entered with 25 cases going before a jury. Three life sentences were imposed with five sentences over 12 years and 13 sentences of between five and 12 years.

#### Competition Acts

There were seven Competition Act cases disposed of in 2009. The defendants in four cases pleaded guilty, the remaining three cases went to trial. Fines of up to €30,000 were imposed on the defendants who pleaded guilty. The defendants who went to trial were all acquitted by a jury.

#### European Arrest Warrant applications

There was an increase in applications for European Arrest Warrants in the High Court with 320 applications made, a 40% increase on the 230 applications made in 2008. There were 644 orders made, an increase of 38% on the 2008 total of 466.

## Special Criminal Court

As in 2008 there were 10 trials in the Special Criminal Court. There were 31 accused persons the highest number since 2004 and an increase of 40% on the 22 persons in 2008. The most common offence was membership of an illegal organisation with possession of firearms, ammunition and an explosive substance accounting for the other offences.

## Circuit Court

New cases received in the Circuit Court increased by 1% in 2009 from 3,261 in 2008 to 3,302. Cases disposed of increased by 6%, from 2,817 in 2008 to 2,985 in 2009.

Cases disposed of comprised 6,105 offences. Theft and robbery continued to be the largest category of offence with 1,586 dealt with, an increase of 28% on the 1,234 dealt with in 2008. Assaults remained the second largest category with 5% more dealt with – 1,151 compared to 1,091 in 2008. Drugs offences increased by 23% to become the third largest category of offence. 954 offences involving drugs were dealt with in 2009, up from 774 in 2008. Offences involving child abuse and child trafficking increased from 10 in 2008 to 397 in 2009. Most of this increase was accounted for by two cases, each involving more than 180 offences.

Fifty one sentences of 10 years or more were imposed, mostly for drugs offences. Two hundred and thirty five sentences of between five and ten years were imposed - more than half of these for drugs offences. Over 1,000 sentences of between two and five years were imposed - 38% for theft and robbery offences with a further 23% for drug offences. Eight hundred and seventy suspended sentences were imposed. The majority of criminal trials were disposed of in five days or less.

## Appeals

Appeals from the District Court to the Circuit Court increased by 6% from 7,152 in 2008 to 7,573. Appeals disposed of increased by 10% from 6,722 in 2008 to 7,412.

## The District Court

Criminal matters disposed of by the District Court decreased by 5% from 550,694 in 2008 to 521,058 in 2009. There were 11,772 offences sent forward for trial to higher courts, a decrease of 9% from the 2008 figure of 12,965.

Summary offences disposed of decreased by 6% from 482,203 in 2008 to 451,280. Indictable offences dealt with summarily increased by 2% to 69,778 from the 2008 figure of 68,491.

64% (333,161) of summary cases disposed of related to road traffic offences, a decrease of 7% on the 358,371 disposed of in 2008. People prosecuted and convicted for drink driving and dangerous driving decreased in 2009. There were 5,704 dangerous driving offences (a decrease of 6% on the 2008 figure of 6,077) involving more than 4,000 people. Drink driving offences decreased by 13% to 24,467 from 28,215 in 2008. There were 22,992 people involved, a similar decrease (13%) on the 2008 figure of 26,585.

Offences involving public order and assault remained the second highest category of offence. The number of offences and people prosecuted decreased by 7%. There were 64,748 offences in 2009 compared to 69,248 in 2008 and 39,599 defendants compared to 42,605 in 2008.

Drug offences increased by 12% to 17,620 from 15,658 in 2008. People prosecuted for drug offences also increased from 10,698 in 2008 to 11,993.

Of the 521,058 offences disposed of, 189,102 (or 36%) were struck out, a decrease on the 2008 figure of 197,853. Fines imposed decreased by 7%, to 116,722 from 125,063 in 2008. Imprisonments increased by 5% to 17,289 from 16,432 in 2008.

## Juvenile crime

Offences before the Children Court decreased by 5% from 8,922 in 2008 to 8,428 in 2009. Defendants prosecuted increased by 1% to 3,222 from 3,180 in 2008. Nearly 47% of all offences were struck out or taken into consideration with other offences compared to 48% in 2008. Fines imposed increased by 19% to 516 from 435 in 2008.

## Civil

### Cases issued

There were 152,872 civil cases issued in 2009 – 27,465 in the High Court (an increase of 20% on the 2008 figure of 22,861); 44,266 in the Circuit Court (an increase of 20% on the 2008 figure of 36,763); and 81,141 in the District Court (an increase of 5% on the 2008 figure of 77,026). There was a 12% increase overall on the 136,650 civil cases issued in 2008.

The main driver of the increase in civil business in the courts in 2009 was, as in 2008, actions relating to the recovery of debt and commercial concerns generally.

### Personal injury

There were 14,098 personal injury suits filed - 7,099 suits in the High Court (a 10% increase on the 6,466 in 2008) and 6,999 suits in the Circuit Court (a 1% increase on the 2008 total of 6,931).

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

There were 331 applications to the High Court for an order to wind up a company, a 65% increase on the 201 such applications in 2008. Winding up orders were made in respect of 128 companies, a 66% increase on 2008. There was also a significant increase in applications to the High Court for the restriction of persons from acting as company directors. Applications were made to restrict the directors of 65 companies, a 35% increase on 2008. Applications were made to disqualify the directors of 13 companies in 2009, an increase over the 10 applications made in 2008. Note that each application refers to a company and may restrict or disqualify a number of individuals.

### Bankruptcy

Adjudications of bankruptcy also continued to increase. During 2009, 17 new adjudications were made, compared to 8 in 2008. There were seven arranging debtors compared to one in 2008. At year end, the Office of the Official Assignee in Bankruptcy had a caseload of 451 bankruptcies and 31 arranging debtors.

## Commercial List

The business of the High Court Commercial List continued to increase. There were 373 new cases admitted to the list, an increase of 53% on the 243 admitted in 2008. By the end of 2009, 1,069 cases had been admitted to the list and 920 had been disposed of (304 in 2009 alone).

Despite the increase in cases admitted to the list the average time for disposal remained at 21 weeks, with 25% of all cases being disposed of in less than 4 weeks, and 90% of all cases being disposed of within 50 weeks.

An increasing number of cases entering the list commence as a claim for a liquidated sum on a summary summons. In the first quarter of 2009, 40% of all cases admitted to the list had commenced in this way. In the fourth quarter, 52% of all new cases admitted to the list were on foot of summary summonses.

### Breach of contract

In the Circuit Court, breach of contract was the main cause of action in 2009 accounting for 28,394 or 64% of cases issued compared to 21,304 or 58% of cases in 2008.

### Possession summonses and orders

There were 985 new cases in the High Court claiming possession of lands or premises, a 30% increase on the 759 issued in 2008. The Court made 293 orders for possession, a 23% increase on the 238 orders made in 2008. Possession orders made in the Circuit Court increased by 35% from 225 in 2008 to 304 while ejectment proceedings decreased by 39%, from 1,459 in 2008 to 890 in 2009.

### Recovery of debt

In the High Court, claims for the recovery of debt (summary summonses) increased by 48%, to 5,653 from 3,808 in 2008. The increase in proceedings for recovery of debt was once again matched by an increase in the number of undefended judgments. Judgment was marked in the Central Office in 1,884 undefended cases (default judgment), an increase of 59% on the 1,186 in 2008. There were 347 judgments in defended cases for the recovery of debt (on foot of Master's orders) a 43% increase on the 241 in 2008.

Judgment was marked in Circuit Court offices in 13,613 cases, an increase of 33% on the 10,244 in 2008. Summary judgments in the District Court increased by 18%, from 24,873 in 2008 to 29,285 in 2009.

### Enforcement of judgments

*Judgments for liquidated sums obtained in the High Court, the Circuit Court or the District Court can be registered in the High Court in registers open to public inspection on payment of a fee.*

*Judgment for a liquidated sum can also be registered as a mortgage by filing an affidavit for that purpose. These affidavits are then lodged with the Property Registration Authority to create a charge on lands or premises owned by the judgment debtor. A revised and simplified form of judgment mortgage affidavit was introduced by the Land and Conveyancing Law Reform Act, 2009, which came into force on 1st December 2009. Court offices now certify, on the original judgment mortgage affidavit, that the judgment was obtained.*

#### High Court

The High Court issued 2,514 execution orders in 2009, an increase of 57% on the 1,601 issued in 2008. There were 5,661 judgments registered, a 16% increase on the total in 2008. There were 1,108 judgment mortgage affidavits and certificates dealt with, an increase of 72% on the 643 affidavits in 2008.

#### Circuit Court

Execution orders lodged increased by 56%, from 6,170 in 2008 to 9,655 in 2009.

#### District Court

Business in relation to the enforcement of court orders in the District Court was affected by the High Court decision in *McCann v The Judge of Monaghan District Court & others [2009 IEHC 296]* on the constitutionality of some provisions of the Enforcement of Court Orders Act, 1940. Committal orders for non-payment of debts decreased by

40% from 4,620 in 2008 to 2,761. Summonses for attendance by a debtor remained almost unchanged at 13,067 (13,079 in 2008) while instalment orders increased by 3% from 9,271 to 9,523.

### Small claims

Applications in the District Court under the Small Claims procedure decreased by 12% from 4,145 in 2008 to 3,633. There were 1,844 applications online as compared to 1,877 in 2008, accounting for 51% of all applications received compared to 45% in 2008.

10% (361) of claims related to electrical goods with 9% (343) related to furniture. Claims in relation to holidays decreased by 65% from 403 (10% of claims) in 2008 to 142, representing less than 4% of claims. Claims relating to buildings which had almost doubled in 2008 decreased by 63% to 78 from 213. Applications in relation to dry cleaners decreased to 97 from 220 in 2008.

Applications which could not be dealt with under the Small Claims Procedure, increased by 82% to 776 from 426 in 2008. Applications referred to court decreased by 43% to 584 from 1,030 in 2008. Referrals to court accounted for 18% of claims finalised. Applications settled by Small Claims Registrars decreased by 30% to 1,200 from 1,723 in 2008. Claims settled by the registrars remain the largest category of finalised claims (38%). Decrees by default decreased by 20% to 281 from 349 in 2008. Applications not proceeded with decreased by 10% to 350 from 388 in 2008. Decrees were granted in 45% of the 584 cases referred to court. Only 13% (75) of cases referred to court were dismissed compared to 20% in 2008. The remaining 244 cases were struck out or withdrawn.

### European Small Claims Procedure

A procedure to provide an alternative method of commencing and dealing with civil and commercial matters in respect of a small claim in cross-border cases was introduced with effect from 1st January 2009. A cross-border case is one 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 procedure operates in the same way as the Small Claims procedure through local District Court offices. In Dublin District Court, which accounted for 66% of all Small Claims procedure applications in 2009 only 25 applications were received under the new procedure.

## Judicial review

There were 1,317 applications to the High Court for judicial review in 2009, a 5% reduction on the 2008 figure of 1,379. There was a similar decrease in new asylum-related applications for judicial review. These are applications for the judicial review of decisions of the Office of the Refugee Applications Commissioner, the Refugee Appeals Tribunal, and the Minister for Justice, Equality and Law Reform. In 2009 there were 749 asylum-related applications, compared to 785 in 2008. As in 2008, asylum-related judicial review applications represented 57% of all judicial review applications.

## Family law

### Judicial separation

There was a 19% reduction in applications for judicial separation in 2009. There were 1,627 applications - 35 in the High Court (down from 42 in 2008) and 1,592 in the Circuit Court (down from 1,966 in 2008). The majority of applications in both jurisdictions were by wives - 29 (83%) in the High Court and 1,159 (73%) in the Circuit Court. There were 1,100 orders granted - 20 in the High Court and 1,080 in the Circuit Court.

### Divorce

There was a 13% reduction in applications for divorce. There were 3,716 applications - 33 in the High Court (down from 43 in 2008) and 3,683 in the Circuit Court (down from 4,214 in 2008). The majority of applications in the High Court were by husbands - 21 (64%) while the majority in the Circuit Court were by wives (1,994 or 54%). There were 3,341 orders granted - 39 in the High Court and 3,302 in the Circuit Court.

### Nullity

Applications for nullity decreased by 10% from 61 to 55. All were made in the Circuit Court. Unlike 2008 the majority of applications (33 or 60%) were made by husbands. There were 20 orders granted - one in the High Court and 19 in the Circuit Court.

## Appeals

Appeals from the Circuit Court to the High Court in family law cases continued to increase, with 152 appeals in 2009, a 27% increase on the 2008 figure of 120. There were 827 appeals from the District Court to the Circuit Court.

### Supervision and care orders

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

The majority of applications are made by the HSE in the District Court. Supervision orders made by the District Court decreased by 22% to 627 from 804 in 2008 while care orders decreased by 10% to 941 from 1,044.

Twenty five applications solely relating to the guardianship of minors were made to the High Court in 2009, nine of which were brought by or against the HSE, five as between parents and one was initiated by a local authority in the UK. The High Court made 135 orders in these cases during 2009.

### Child abduction

There were 45 applications to the High Court under the Hague Convention of child abduction, the same number as in 2008, with a total of 128 orders in all cases.

### Notice/age of marriage

The Circuit Court can exempt persons wishing to marry from the requirement to give three months notice to the Registrar of Marriages. It can also exempt persons from the age requirements for marriage. There were 664 applications received compared with 673 in 2008 with 516 applications granted compared with 550 in 2008.

## Guardianship, custody, access

Applications to the District Court for guardianship, custody and access increased by 15% to 6,281 from 5,483 in 2008. Custody applications increased by 27% to 957 from 751 in 2008. Access applications increased by 25% to 4,348 from 3,491 in 2008. Applications for custody and access decreased by 22%, to 976 from 1,241 in 2008. Applications for guardianship by unmarried fathers was almost unchanged at 2,463 (2,448 in 2008).

## Domestic Violence

There was a 5% decrease in applications under the domestic violence legislation, from 10,401 in 2008 to 9,856. Applications for interim barring orders decreased by 12%, from 623 in 2008 to 545. Applications for barring orders decreased by 8% and for protection orders by 6.5%. Applications for safety orders were almost unchanged - 3,322 compared to 3,328 in 2008.

Orders granted under domestic violence legislation decreased by 6% from 6,158 in 2008 to 5,763 in 2009. Barring orders decreased by 12% to 1,106 from 1,251 in 2008. Safety orders decreased by 11% to 1,339 while protection orders decreased by 3% to 2,867. Interim barring orders increased to 451 from 445 in 2008.

The majority of applicants under the domestic violence legislation were spouses. However, applications by common law partners for interim barring orders were greater than those by spouses for the first time. These applications increased by 27% from 214 to 271 while applications by spouses fell by 33% to 240. Applications by spouses for protection orders also decreased from 2,087 in 2008 to 1,247 accounting for 40% of all applications. Applications by common law partners increased to 1,584 from 1,036 accounting for 50% of applications.

## Licensing

Licensing applications to the Circuit Court and District Court continued to decline in 2009.

In the Circuit Court applications decreased by 20%, from 458 in 2008 to 388 while licences granted decreased by 30%, from 407 in 2008 to 292. Pub licence applications decreased by 15%, to 237 from 278 in 2008 while licences granted decreased by 26%, to 192 from 260 in 2008. Restaurant licences granted decreased by half – from 70 in 2008 to 34. The 40% decrease in hotel licences granted in 2008 was followed by a 43% decrease in 2009, to 21 from 37 in 2008.

In the District Court the 12% decrease in 2008 was followed by a further 16% decrease in 2009, to 78,747 from 94,277. The decrease is almost completely accounted for by the decline in the number of special exemption orders, from 78,711 in 2008 to 64,011 in 2009.

Lottery licences increased by 6% to 1,394 from 1,311 in 2008.

## Chapter 4

# Court Statistics

# Chapter 4: Court Statistics

	Page
Introduction	
<b>Section 1 Supreme Court</b>	<b>50</b>
<b>Section 2 Criminal</b>	<b>51</b>
Court of Criminal Appeal	
Central Criminal Court	
High Court (Bail)	
Special Criminal Court	
Circuit Criminal Court	
District Court.	
<b>Section 3 Civil</b>	<b>59</b>
High Court	
Circuit Court	
District Court	
Small Claims Procedure	
<b>Section 4 Family Law</b>	<b>66</b>
High Court	
Circuit Court	
District Court	
<b>Section 5 Licensing</b>	<b>71</b>
Circuit Court	
District Court	
<b>Section 6 Waiting Times</b>	<b>72</b>

# Introduction

The statistics in this chapter are for the period from 1st January 2009 to 31st December 2009. They are presented by reference to specific categories of law: criminal, civil (including family) and licensing. In some instances statistics for 2008 and previous years are provided for comparison purposes. A focus on the work of the courts in 2009 is contained in Chapter 3.

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

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

<b>LAW TERMS 2009</b>	
Hilary	12th January to 3rd April
Easter	20th April to 28th May
Trinity	10th June to 31st July
Michaelmas	5th October to 21st December

A glossary of terms is contained in Chapter 8.

## Section 1: Supreme Court

### Trends: Appeals 2002-2009

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

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

### Outcome of appeals disposed of by the Court

	2009	2008
Appeal dismissed: High Court order affirmed	<b>100</b>	125
Appeal allowed: High Court order set aside	<b>35</b>	41
Appeal allowed: High Court order varied	<b>27</b>	14
Appeal struck out certified and uncertified	<b>65</b>	46
Cases stated determined	<b>0</b>	1
Referred to Europe	<b>1</b>	1
No jurisdiction	<b>0</b>	2
<b>Total</b>	<b>228</b>	<b>230*</b>

\* 2008 total amended as 'Referred to Europe' category was not reported in 2008

### Appeals from appellants in person\*

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

\* persons not legally represented

### Judgments

	2009	2008
Judgments reserved	<b>96</b>	97
Appeals/motions disposed of by reserved judgments delivered	<b>98</b>	101
Individual judgments delivered	<b>98</b>	104

### Length of appeal

	2009	2008
One day or less	<b>181</b>	211
Two days or more	<b>27</b>	18

### Other documents filed

	2009	2008
Commissioners appointed	<b>23</b>	26
Notaries Public appointed	<b>18</b>	16
Certificates of authentication issued	<b>6,129</b>	16,127
Called to the Inner Bar	<b>20</b>	20
Called to the Outer Bar	<b>125</b>	244
Declarations made by newly appointed judges	<b>5</b>	6
Extensions of time granted to County Registrars / District Judges	<b>5</b>	5

## Section 2:

# Criminal

## Criminal Business: Overview

Cases disposed of

	2009	2008
Court of Criminal Appeal	229	279
Central Criminal Court	108	107
Special Criminal Court	10	10
Circuit Court	2,985	2,817
District Court	521,058	550,694
<b>Total</b>	<b>524,390</b>	<b>553,907</b>

Other matters

	2009	2008
High Court:		
Habeas Corpus (orders made)	210	278
European Arrest Warrants (orders made)	644	466

## Court of Criminal Appeal

	On hand 01/01	Received	Disposed of	On hand 31/12
Appeals from Circuit Criminal Court	156	221	161	216
Appeals from Central Criminal Court	53	35	31	57
Appeals from Special Criminal Court	7	8	5	10
Appeals from Courts-Martial Appeal Court	0	1	0	1
Appeals against sentence by the Director of Public Prosecutions (undue leniency)	41	57	31	67
Appeals against dismissal of charges by the Director of Public Prosecutions	1	1	1	1
Appeals alleging miscarriage of justice	2	1	0	3
<b>Total</b>	<b>260</b>	<b>324</b>	<b>229</b>	<b>355</b>

Nature of appeal	On hand 01/01	Received	Disposed of	On hand 31/12
Against conviction and sentence	48	39	22	65
Against conviction only	49	30	26	53
Against sentence only	162	251	180	233
Against dismissal of charges	1	1	1	1
Refusal to restore driving licence	0	1	0	1
Against costs order	0	2	0	2
<b>Total</b>	<b>260</b>	<b>324</b>	<b>229</b>	<b>355</b>

Outcome of appeals against conviction and sentence	2009	2008
Refused	12	16
Conviction affirmed, sentence varied	2	10
Conviction quashed, re-trial directed	5	2
Conviction quashed (no re-trial)	0	9
Appeal struck out	0	0
Adjourned generally with liberty to re-enter	0	0
Liberty to withdraw granted	1	1
Applicant abandoned appeal	2	0
<b>Total</b>	<b>22</b>	<b>38</b>

Outcome of appeals against conviction only	2009	2008
Refused	22	11
Conviction quashed, re-trial directed	0	0
Conviction quashed re-trial directed and admit to bail	0	2
Conviction quashed (no re-trial)	2	3
Conviction quashed, Section 9 certificate granted	1	0
Appeal struck out	0	3
Adjourned generally with liberty to re-enter	0	0
Liberty to withdraw granted	0	1
Applicant abandoned appeal	1	0
<b>Total</b>	<b>26</b>	<b>20</b>

Outcome of appeals against sentence only (severity)	2009	2008
Refused	43	45
Liberty to withdraw granted	12	18
Original sentence quashed and sentence imposed in lieu	46	45
Appeal struck out	0	6
Adjourned generally with liberty to re-enter	0	1
Applicant abandoned appeal	48	0
<b>Total</b>	<b>149</b>	<b>115</b>

Outcome of appeals against sentence only (leniency) by D.P.P.	2009	2008
Refused	13	14
Original sentence quashed and sentence imposed in lieu	15	30
Struck out	2	0
Liberty to withdraw granted	1	3
<b>Total</b>	<b>31</b>	<b>47</b>

Appeals withdrawn in the office	2009	2008
	51	59

Trends: Appeals received and disposed of 2002-2009	Received	Disposed of
<b>2009</b>	<b>324</b>	<b>229</b>
2008	305	279
2007	267	232
2006	244	329
2005	257	290
2004	257	266
2003	257	347
2002	237	273

## HIGH COURT: Central Criminal Court

### Murder

Trends: 2002-2009	Received	Disposed of
<b>2009</b>	<b>53</b>	<b>49</b>
2008	51	35
2007	39	44
2006	33	52
2005	35	42
2004	28	59
2003	39	58
2002	55	48

Cases disposed of	2009	2008
Convicted of murder	<b>18</b>	16
Convicted of offences other than murder	<b>22</b>	12
Found not guilty by reason of insanity	<b>3</b>	2
Acquitted	<b>1</b>	3
Other	<b>5</b>	2
<b>Total</b>	<b>49</b>	<b>35</b>

Sentences imposed	2009	2008
Life imprisonment	<b>19</b>	16
Over ten years	<b>4</b>	1
Over five years to ten years	<b>11</b>	8
Over three years to five years	<b>2</b>	3
Other	<b>14</b>	2
Not guilty by reason of insanity	<b>3</b>	2

Pleas/jury trials	2009	2008
Guilty pleas	<b>15</b>	9
Jury trials	<b>31</b>	24

### Rape and sexual assault

Trends: 2002-2009	Received	Disposed of
<b>2009</b>	<b>49</b>	<b>52</b>
2008	78	72
2007	73	76
2006	58	61
2005	44	75
2004	40	72
2003	52	100
2002	82	93

Cases disposed of	2009	2008
Convicted of rape	<b>12</b>	27
Convicted of rape and other offences	<b>11</b>	9
Convicted of other sexual offences	<b>6</b>	6
Acquitted	<b>12</b>	15
Other (including nolle prosequi)	<b>11</b>	15
<b>Total</b>	<b>52</b>	<b>72</b>

Sentences imposed	2009	2008
Life	<b>3</b>	1
Over 12 years	<b>5</b>	5
Over five years to 12 years	<b>13</b>	24
Up to five years	<b>8</b>	12
Other*	<b>23</b>	2

\* Includes suspended sentences, bench warrants

Pleas/jury trials	2009	2008
Guilty pleas	<b>18</b>	29
Jury trials	<b>25</b>	27

### Competition Act

	Received	Cases disposed of
	0	7

	Cases disposed of
Guilty Pleas	4
Trials	3

## High Court:

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

Bail	2009	2008
Orders made on own surety	<b>527</b>	477
Orders made on own surety and cash lodgement	<b>159</b>	146
Orders made on third party surety	<b>401</b>	269
Refused	<b>339</b>	367
Revoked	<b>55</b>	57
Withdrawn	<b>9</b>	166
Struck out	<b>13</b>	62

Habeas Corpus	2009	2008
Cases issued	<b>139</b>	164
Orders made	<b>210</b>	278

European Arrest Warrants	2009	2008
Cases issued	<b>320</b>	230
Orders made	<b>644</b>	466

## Special Criminal Court

Trends: Analysis of cases 2002-2009

	Trials	Accused persons	Convicted on plea of not guilty	Convicted on plea of guilty	Struck out/nolle prosequi/acquitted
<b>2009</b>	<b>10</b>	<b>31</b>	<b>10</b>	<b>17</b>	<b>4</b>
2008	10	22	6	10	6
2007	7	10	3	7	0
2006	10	16	12	0	4
2005	6	21	10	11	0
2004	15	30	13	10	7
2003	9	19	7	6	6
2002	13	22	10	9	3

Offence	Convicted
Membership of an unlawful organisation	10
Possession of firearms	7
Possession of ammunition	6
False imprisonment	0
Murder	0
Attempted murder	0
Causing serious harm	0
Possession of an explosive substance	4

## Circuit Court

	Road traffic	Drug offences	Sexual offences	Firearms offences	Theft/ Fraud / Robbery	Assault	Child Abuse	Manslaughter	Other	Total
<b>Cases disposed of</b>										
Offences	425	954	469	290	1,586	1,151	397	28	805	6,105
Defendants	237	732	128	165	1,085	820	12	5	305	3,489
Guilty pleas	196	690	79	139	1,004	681	10	2	225	3,026
Trials	41	42	49	26	81	139	2	3	80	463

<b>Outcome of trials</b>										
Convicted	14	18	17	4	20	33	1	1	12	120
Acquitted	15	13	23	5	33	58	0	2	21	170
Nolle prosequi	12	11	9	17	28	48	1	0	47	173

<b>Sentences (all cases)</b>										
Community Service	8	24	1	3	49	66	0	0	8	159
Suspended sentence	33	202	24	40	247	246	7	0	71	870
Fine	20	8	1	4	19	16	0	0	47	115
Imprisonment up to 2 years	59	91	22	24	245	157	1	2	26	627
Over 2 years to 5 years	80	244	41	51	409	189	24	2	38	1078
Over 5 years to 10 years	9	127	16	16	49	14	0	0	4	235
Over 10 years	1	35	2	4	8	1	0	0	0	51
Other	12	9	8	6	36	57	1	0	38	167

## District Court

	2009	2008
Summary offences disposed of	<b>451,280</b>	482,203
Indictable offences dealt with summarily	<b>69,778</b>	68,491
Totals	<b>521,058</b>	550,694
Sent forward for trial	<b>11,772</b>	12,965

Nature of cases disposed of	2009	2008
Public Order/Assault	<b>64,748</b>	69,248
Drugs	<b>17,620</b>	15,658
Theft	<b>31,711</b>	30,821
Road Traffic Offences	<b>333,161</b>	358,371
Sexual Offences	<b>1,352</b>	2,017
Other *	<b>72,466</b>	74,579
<b>Total</b>	<b>521,058</b>	550,694

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

Sentences	Public Order/Assault		Drugs		Theft		Sexual Offences		All Road Traffic	
	Offences	Defendants	Offences	Defendants	Offences	Defendants	Offences	Defendants	Offences	Defendants
Imprisonment / Detention	6,039	4,139	1,504	1,161	7,194	3,348	66	54	5,161	3,709
Fines	11,789	8,090	3,561	3,104	2,863	2,348	55	47	73,272	59,919
Community Service / Probation/ Dismiss under Probation of Offenders Act	8,598	5,198	2,554	2,013	3,573	2,267	60	56	7,527	5,426
Struck Out	12,901	8,481	3,189	2,328	4,809	3,063	92	39	147,870	74,646
Dismiss	2,001	1,486	314	256	488	374	8	7	9,615	6,647
Taken Into Consideration **	15,124	6,018	2,380	1,145	6,240	2,093	39	28	51,405	20,307
Other	6,532	4,752	3,745	1,658	5,144	2,303	999	185	37,591	28,552
Peace Bond	1,764	1,435	373	328	1,400	955	33	28	720	630
<b>Total</b>	<b>64,748</b>	<b>39,599</b>	<b>17,620</b>	<b>11,993</b>	<b>31,711</b>	<b>16,751</b>	<b>1,352</b>	<b>444</b>	<b>333,161</b>	<b>199,836</b>

Specific road traffic	Dangerous Driving		Drink Driving		Unauthorised taking of motor vehicles	
	Offences	Defendants	Offences	Defendants	Offences	Defendants
Community Service Order	33	28	112	104	16	16
Probation / Dismiss under Probation of Offenders Act	100	75	125	119	107	83
Dismiss	151	137	851	824	28	28
Fines	973	881	9,277	8,888	80	70
Imprisonment / Detention / Imprisonment / Detention Part Suspended	414	245	679	546	349	256
Imprisonment Suspended	96	72	302	276	96	87
Peace Bond	53	43	153	147	66	55
Struck Out	1,362	825	1,228	1,140	247	225
Taken Into Consideration	761	463	1,125	1,014	253	201
Disqualification	1,209	949	10,152	9,491	228	177
Other	552	430	463	443	309	238
<b>Total</b>	<b>5,704</b>	<b>4,148</b>	<b>24,467</b>	<b>22,992</b>	<b>1,779</b>	<b>1,436</b>

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

## Appeals

District Court to Circuit Court	2009
Received	<b>7,573</b>
Disposed of	<b>7,412</b>

## Juvenile Crime

	Offences	Defendants
Community service	85	30
Detention	603	272
Detention part suspended	8	7
Detention suspended	179	126
Dismiss	297	155
Dismiss on probation	555	286
Disqualified	220	134
Fine	516	277
Other	58	38
No order	185	112
Peace Bond	234	141
Poor Box	9	8
Probation order	994	280
Strike out	2,024	700
Taken into consideration	1,923	359
Returned to higher Court for trial	272	133
Withdrawn	266	164
<b>Total</b>	<b>8,428</b>	<b>3,222</b>

## Section 3: Civil

### Civil Business: Overview

#### Cases issued

	2009	2008
High Court	<b>27,465</b>	22,861
Circuit Court	<b>44,266</b>	36,763
District Court	<b>81,141</b>	77,026
<b>Total</b>	<b>152,872</b>	<b>136,650</b>

#### Cases disposed of

High Court	2009	2008
Orders made	<b>28,782</b>	25,734
Settled	<b>5,656</b>	4,631

Circuit Court	2009	2008
Settled ( <i>consent decree</i> )	<b>4,237</b>	4,488
Dealt with by court	<b>5,898</b>	5,575

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

High Court	2009	2008
	<b>139,783</b>	119,499

#### Written judgments

High Court	2009	2008
Reserved 01/01	<b>85</b>	73
Delivered	<b>579</b>	449
Reserved at 31/12	<b>106</b>	85

## Personal Injury

#### High Court

Cases issued	2009	2008
Personal injury summonses	<b>7,099</b>	6,466
Medical negligence	<b>529</b>	481

Listed for hearing	2009	2008
On hand 01/01	<b>7,200</b>	8,074
Received	<b>5,558</b>	5,195
Disposed of (including cases settled prior to listing)	<b>7,162</b>	6,033
On hand 31/12	<b>5,596</b>	7,200

Outcome of cases disposed of	2009	2008
Orders made	<b>4,243</b>	3,617
Settled	<b>2,802</b>	3,337
Withdrawn	<b>117</b>	118

## High Court

*Awards made*

*Awards were made or approved in 408 personal injury cases. The lowest amount awarded was €3,000, the highest €3,500,000. The total amount awarded in all cases was €72,475,096.*

Amount	Cases
€0 to €37,999	120
€38,000 to €99,999	172
€100,000 to €199,999	38
€200,000 to €999,999	56
€1m+	22
<b>Total</b>	<b>408</b>

## Circuit Court

	2009	2008
Cases issued	<b>6,999</b>	6,931
Notice of trials disposed of	<b>3,148</b>	3,209

Outcome of notice of trials disposed of	2009	2008
Settled	<b>1,771</b>	1,932
Dealt with by court	<b>1,377</b>	1,277
<b>Total</b>	<b>3,148</b>	<b>3,209</b>

*Awards made*

*Awards were made or approved in 931 personal injury cases involving persons under 18 years. The lowest amount awarded was €170, the highest €86,896. The total amount awarded in all cases was €12,405,343.39.*

Amount	Cases
€0 to €9,999	<b>369</b>
€10,000 to €19,999	<b>398</b>
€20,000 to €29,999	<b>124</b>
€30,000 +	<b>40</b>
<b>Total</b>	<b>931</b>

## Commercial Matters

## Restore company to register

High Court	2009	2008
Received	<b>167</b>	145
Orders made/cases disposed of	<b>172</b>	144

## Examinership

High Court	2009	2008
Received	<b>40</b>	41
Orders made:		
Appoint Interim Examiner	<b>36</b>	37
Appoint Examiner	<b>43</b>	39

## Wind up company

High Court	2009	2008
Received	<b>331</b>	201
Orders made	<b>128</b>	77
Cases disposed of ( <i>Examiner's Office</i> )	<b>44</b>	70

## Restrict Directors

High Court	2009	2008
Received	<b>65</b>	48
Orders made:*		
Restriction order granted	<b>102</b>	95
Restriction order refused	<b>16</b>	14

\* Each order may restrict a number of directors

## Disqualify Directors

High Court	2009	2008
Received	<b>13</b>	10
Orders made:*		
For the disqualification of directors	<b>13</b>	10
Refusing the disqualification of directors	<b>8</b>	4

\* Each order may disqualify a number of directors

## Bankruptcy

High Court	On hand	Received	Disposed of	On hand 31/12
Bankruptcies	450	17	16	451
Arrangements with debtors	25	7	1	31

Cases disposed of	2009	2008
Discharged	<b>15</b>	19
Annulled	<b>1</b>	0
Other	<b>0</b>	1

Financial overview	2009		2008	
	Amounts	Cases	Amounts	Cases
Funds received	<b>€1,034,769.35</b>	<b>27</b>	€1,233,712.14	30
Total payments out	<b>€ 2,599,893.83</b>	<b>70</b>	€1,867,573.30	70

European Communities (Personal Insolvency) Regulations 2002	
Entries on 01/01	23
Entered during 2009	9
Entries on 31/12	32

## Commercial List

High Court	2009	2008
On hands 01/01	<b>132</b>	96
Entered into list	<b>373</b>	243
Disposed of	<b>304</b>	205
On hands 31/12	<b>203</b>	*132

\* 2008 figure revised

Analysis of cases disposed of	2009	2008
Motion to dismiss	<b>8</b>	*4
Settled after entry	<b>15</b>	8
Settled after directions hearing	<b>55</b>	*48
Settled after hearing date set	<b>42</b>	*21
Settled after pre-hearing conference	<b>0</b>	0
Settled at hearing	<b>32</b>	31
Full hearing	<b>129</b>	66
Other	<b>23</b>	34

\* 2008 figure revised

## Chancery

High Court	2009	2008
Specific Performance	<b>562</b>	589
Injunction	<b>418</b>	590
Declaration	<b>448</b>	553
Listed for hearing	<b>739</b>	*395
Orders made/cases disposed of	<b>1,780</b>	1,273

\* 2008 figure revised

## Equity

Circuit Court	2009	2008
Received	<b>2,040</b>	2,589
Disposed of	<b>975</b>	1,282

## Mortgage suit

High Court	2009	2008
Received	<b>76</b>	105
Orders made	<b>36</b>	43
Disposed of ( <i>Examiner's Office</i> )	<b>15</b>	20

## Possession

High Court	2009	2008
Received	<b>985</b>	759
Orders made	<b>293</b>	238

Circuit Court	2009	2008
Orders made	<b>304</b>	225

District Court: Ejectment	2009	2008
Received	<b>890</b>	1,459

## Breach of contract

High Court	2009	2008
Received (includes negligence)	<b>1,594</b>	1,507
Orders made	<b>535</b>	416

Circuit Court	2009	2008
Received (includes recovery of debt)	<b>28,394</b>	21,304
Cases disposed of	<b>1,880</b>	686

## Employment law

Circuit Court	2009	2008
Received	<b>368</b>	266
Disposed of	<b>183</b>	134

## Summary judgment (recovery of debt)

High Court	2009	2008
Summary Summonses	<b>5,653</b>	3,808
Revenue Summonses	<b>1,409</b>	1,609

## Filings to assist recovery of debt

High Court	2009	2008
Execution orders	<b>2,514</b>	1,601
Renew execution order	<b>69</b>	71
Default judgment	<b>1,884</b>	1,186
Judgment mortgage affidavit*	<b>1,058</b>	643
Judgment mortgage certificate	<b>50</b>	N/A
Judgment on foot of Master's Order	<b>347</b>	241
Satisfaction piece	<b>48</b>	68
Registered High, Circuit and District Court judgments	<b>5661</b>	4886

\* no longer required since 1st December 2009 – replaced by judgment mortgage certificate, see page 44.

Circuit Court	2009	2008
Orders for possession	<b>304</b>	225
Execution orders	<b>9,655</b>	*6,170
Judgement mortgage affidavit	<b>2,396</b>	1,571
Satisfaction piece	<b>140</b>	224
Judgment marked in the office	<b>13,613</b>	10,244

\* 2008 figure revised

District Court	2009	2008
Summary judgment	<b>29,285</b>	24,873
Summons for attendance of debtor	<b>13,067</b>	13,079
Instalment orders	<b>9,523</b>	9,271
Committal orders	<b>2,761</b>	4,620

## Appeals

Dublin Circuit Civil Court to High Court	2009	2008
Received	<b>473</b>	373
Orders made	<b>328</b>	409

District Court to Circuit Court	2009	2008
Received	<b>482</b>	601
Orders made	<b>463</b>	375

## Regulation of professions

### High Court

Medical Council matters	2009	2008
Received	<b>16</b>	19
Orders made	<b>23</b>	24

Nurses Acts	2009	2008
Received	<b>21</b>	20
Orders made	<b>26</b>	19

Solicitors Acts	2009	2008
Received	<b>105</b>	86
Orders made	<b>214</b>	207

## Judicial Review

### High Court

Asylum *	2009	2008
Received	<b>749</b>	785
Orders made	<b>1,319</b>	1,465

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

Certiorari	2009	2008
Received	<b>357</b>	315
Orders made	<b>130</b>	158

Certiorari and declaration	2009	2008
Received	<b>27</b>	34
Orders made	<b>7</b>	12

Injunction	2009	2008
Received	<b>18</b>	31
Orders made	<b>7</b>	3

Mandamus	2009	2008
Received	<b>70</b>	70
Orders made	<b>9</b>	5

Planning	2009	2008
Received	<b>38</b>	79
Orders made	<b>17</b>	21

Prohibition	2009	2008
Received	<b>57</b>	63
Orders made	<b>13</b>	8

Public procurement	2009	2008
Received	1	2
Orders made	0	2

## Jury

### High Court

Received	2009	2008
Defamation	127	132
False imprisonment	10	13
Assault	142	124

Disposed of	2009	2008
Final Orders	13	15
Actions settled	39	28

## Cases Stated

District Court to High Court	2009	2008
Received	31	32
Orders made	25	39

Revenue (District Court) to High Court	2009	2008
Received	0	0
Orders made	1	3

Circuit Court to Supreme Court	2009	2008
Received	3	4
Orders made	0	1

Case stated appeals from High Court to Supreme Court	2009	2008
Received	5	0
Orders made	0	0

## Other

### High Court

Garda compensation	2009	2008
Received	325	227
Orders made	235	251

Hepatitis C appeals	2009	2008
Received	20	6
Orders made	9	12

Criminal Assets Bureau	2009	2008
Received	26	29
Orders made	117	130

Masters Court	2009	2008
Orders made	4,011	3,814

## Wards of Court

	2009	2008
Wardship cases	2,367	2,310
Applications awaiting hearing	*53	60
Miscellaneous Applications	**72	76
<b>Total</b>	<b>2,492</b>	<b>2,446</b>

\* approximate number of cases pending at any one time

\*\* number of miscellaneous letters received in 2009.

Enduring Powers of Attorney registered	2009	2008
	288	241

### General Solicitor for Minors and Wards of Court

	2009	2008
Wardship cases	490*	473 *
Sub cases	326	367

Reason person admitted to Wardship*	2009	2008
Acquired Brain Injury	52	51
Elderly Mental Infirm	155	154
Learning or Intellectual Disability	111	108
Minor	8	11
Pending cases	9	4
Psychiatric Illness	153	143
Residential Abuse	2	2
<b>Total</b>	<b>490</b>	<b>473</b>

## Estates of deceased persons (Probate)

High Court (Probate)	2009	2008
Cases issued	26	17

Probates (and administrations with wills annexed)	2009	2008
High Court: Principal Registry	5,531	6,074
Circuit Court: Local registries	5,912	5,906
<b>Total</b>	<b>11,443</b>	<b>11,980</b>

Intestacies (no valid will)	2009	2008
High Court: Principal Registry	1,712	2,067*
Circuit Court: Local registries	2,242	2,253
<b>Total</b>	<b>3,954</b>	<b>4,298</b>

\* 2008 figure revised

## Taxation of Costs

High Court	2009	2008
Costs claimed	€62,945,537	€45,825,687
Costs allowed	€45,141,854	€31,637,301
Total Fees collected	€2,652,557	2,004,775
Duty on summonses (included in total fees)	€452,750	€286,420

## Small Claims Procedure

District Court Applications received	2009	2008
Holidays	142	403
Professional services	265	211
Dry cleaners	97	220
Building	78	213
Damage to private property	212	288
Key money	87	56
Electrical goods	361	359
Audio/computer	192	161
Clothing	98	94
Shoes	51	57
Furniture	343	340
Carpets/flooring	54	100
Doors/roofs	135	97
Cars	359	372
Other	1,159	1,174
<b>Total</b>	<b>3,633</b>	<b>4,145</b>

Disposed of	2009	2008
Cases not covered by procedure	776	426
Cases not proceeded with	350	388
Decrees by default	281	349
Settled by Registrar	1,200	1,723
Referred to court	584	1,030
<b>Total</b>	<b>3,191</b>	<b>3,916</b>

Adjudicated by court	2009	2008
Decrees granted	265	442
Cases dismissed	75	201
Cases struck out/withdrawn	244	385
<b>Total</b>	<b>584</b>	<b>1,028</b>

## Section 4: Family Law

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

### Judicial Separation, Divorce and Nullity

Trends: Applications received

	Judicial separation		Divorce		Nullity	
	High	Circuit	High	Circuit	High	Circuit
<b>2009</b>	<b>35</b>	<b>1,592</b>	<b>33</b>	<b>3,683</b>	<b>0</b>	<b>55</b>
2008	42	1,966	43	4,214	0	61
2007	52	1,689	28	4,081	0	60
2006	50	1,789	39	3,986	1	60
2005	49	1,658	30	4,096	1	50
2004	48	1,654	34	3,880	0	51
2003	53	1,802	42	3,733	1	92
2002	59	1,871	33	3,912	2	52

Trends: Orders granted

	Judicial separation		Divorce		Nullity	
	High	Circuit	High	Circuit	High	Circuit
<b>2009</b>	<b>20</b>	<b>1,080</b>	<b>39</b>	<b>3,302</b>	<b>1</b>	<b>19</b>
2008	45	1,180	42	3,588	0	48
2007	18	1,167	26	3,658	1	27
2006	27	1,072	47	3,420	0	25
2005	23	950	20	3,391	6	37
2004	42	1,216	42	3,305	5	20
2003	26	1,206	41	2,929	4	33
2002	28	940	20	2,571	1	40

### Judicial separation

	Commenced by wife	Commenced by husband
High Court	29	6
Circuit Court	1,159	433

### Divorce

	Commenced by wife	Commenced by husband
High Court	12	21
Circuit Court	1,994	1,689

### Nullity

	Commenced by wife	Commenced by husband
Circuit Court	22	33

## Cases Disposed of

High Court	Judicial separation	Divorce	Circuit Court appeals
Settled prior to hearing	2	6	-
Settled during hearing	4	6	-
Full hearing	14	27	65

Circuit Court	Judicial separation	Divorce	Nullity	District Court appeals
Settled out of court	342	1,013	1	14
Settled in court	249	1,106	6	68
Full hearing	479	1,154	27	130

Circuit Court: Orders Made	Judicial separation	Divorce	Nullity
Pension adjustment	470	1,251	0
Transfer of family home	453	562	3
Sale of family home	181	188	2
Residence in family home	225	226	0
Other property order	230	332	2
Extinguish succession rights	786	3,003	22

## Maintenance

Circuit Court: Orders made	Judicial separation	Divorce
Periodic payment to spouse	232	337
Periodic payment to child	352	568
Lump sum payment to spouse	225	346
Lump sum payment to child	15	33

District Court: Married applicants	2009	2008
Granted	<b>1,157</b>	1,179
Refused	<b>64</b>	225
Withdrawn/struck out	<b>450</b>	247

District Court: Unmarried applicants	2009	2008
Granted	<b>2,205</b>	2,349
Refused	<b>97</b>	439
Withdrawn/struck out	<b>645</b>	365

## Guardianship

High Court	2009	2008
Received	<b>25</b>	25
Orders made	<b>135</b>	17

## District Court: Unmarried applicants (Section 6(a) Guardianship of Infants Act ,1964)

	2009	2008
Granted	<b>1,861</b>	1,802
Refused	<b>81</b>	283
Withdrawn/struck out	<b>521</b>	363
Total	<b>2,463</b>	2,448

## Custody &amp; Access

Circuit Court	Judicial separation	Divorce	Nullity
Orders made	489	702	0

District Court: Custody & access	2009	2008
Granted	<b>687</b>	857
Refused	<b>46</b>	209
Withdrawn/struck out	<b>243</b>	175
<b>Total</b>	<b>976</b>	1,241

District Court: Custody only	2009	2008
Granted	<b>566</b>	468
Refused	<b>36</b>	68
Withdrawn/struck out	<b>355</b>	215
<b>Total</b>	<b>957</b>	751

District Court: Access only	2009	2008
Granted	<b>3,330</b>	2,723
Refused	<b>157</b>	175
Withdrawn/struck out	<b>861</b>	593
<b>Total</b>	<b>4,348</b>	3,491

## High Court

Adoption	2009	2008
Cases issued	<b>5</b>	8
Orders made	<b>1</b>	9

Hague Convention (child abduction)	2009	2008
Cases issued	<b>45</b>	45
Orders made	<b>128</b>	167

Appeals from Circuit Court	2009	2008
Cases issued	<b>152</b>	120
Orders made	<b>91</b>	192

## Circuit Court

Section 47 Civil Registration Act, 2004*	2009	2008
Received	<b>664</b>	673
Orders granted	<b>516</b>	550

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

Appeals from District Court	2009	2008
Received	<b>827</b>	872
Orders made	<b>538</b>	552

## Domestic Violence

### Circuit Court

	2009	2008
Orders made	<b>163</b>	164

### District Court

TRENDS: 2002-2009	2009	2008	2007	2006	2005	2004	2003	2002
Barring order applications	<b>2,855</b>	3,096	3,355	3,132	3,183	3,210	3,586	4,067
Barring orders granted	<b>1,106</b>	1,251	1,420	1,357	1,265	1,295	1,575	1,740
Protection order applications	<b>3,134</b>	3,354	3,794	3,137	2,850	3,054	3,109	3,677
Protection orders granted*	<b>2,867</b>	2,960 <sup>^</sup>	3,235	2,845	2,622	2,810	2,814	3,248
Safety order applications	<b>3,322</b>	3,328	3,553	3,050	2,866	2,611	2,557	2,814
Safety orders granted	<b>1,339</b>	1,502	1,556	1,221	1,037	987	1,108	1,187
Interim barring order applications*	<b>545</b>	623	692	605	622	698	629	852
Interim barring orders granted	<b>451</b>	445	586	544	550	604	531	706

\* Some interim barring orders were granted on foot of applications for protection orders. Likewise some protection orders were granted on foot of interim barring orders

<sup>^</sup> 2008 figure revised

## District Court

Barring orders	2009	2008
Granted	<b>1,106</b>	1,251
Refused	<b>89</b>	580
Withdrawn/struck out	<b>1,660</b>	1,265

Barring orders: applicants	2009	2008
Spouse	<b>1,594</b>	1,690
Common law partner	<b>861</b>	903
Parent	<b>392</b>	486
Other	<b>2</b>	16
Health Board	<b>6</b>	1

Interim barring orders	2009	2008
Granted	<b>451</b>	445
Refused	<b>56</b>	71
Withdrawn/struck out	<b>38</b>	107

Interim barring orders: applicants	2009	2008
Spouse	<b>240</b>	361
Common law partner	<b>271</b>	214
Parent	<b>28</b>	39
Other	<b>4</b>	2
Health Board	<b>2</b>	7

Safety orders	2009	2008
Granted	<b>1,339</b>	1,502
Refused	<b>116</b>	617
Withdrawn/struck out	<b>1,867</b>	1,209

Safety orders: applicants	2009	2008
Spouse	<b>1,776</b>	1,745
Common law partner	<b>1,037</b>	1,059
Parent	<b>436</b>	451
Other	<b>70</b>	71
Health Board	<b>3</b>	2

Protection orders	2009	2008
Granted	<b>2,867</b>	2,960
Refused	<b>120</b>	256
Withdrawn/struck out	<b>147</b>	138

Protection orders: applicants	2009	2008
Spouse	<b>1,247</b>	2,087
Common law partner	<b>1,584</b>	1,036
Parent	<b>262</b>	203
Other	<b>37</b>	27
Health Board	<b>4</b>	1

## Childcare

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

	2009	2008
Supervision orders granted	<b>627</b>	804
Care orders granted	<b>941</b>	1,044

The court may also grant interim care orders.

## Section 5: Licensing

### Circuit Court

Liquor licences granted	2009	2008
Pub	192	260
Hotel	21	37
Special restaurant	34	70
Club	12	13
<b>Total</b>	<b>259</b>	<b>380</b>

### District Court

Applications dealt with	2009	2008
Renewal of publican licences	1,019	956
Temporary transfer of licence	955	817
Annual dance licence	1,503	1,598
Temporary dance licence	314	263
Restaurant certificate	1,018	1,083
Special exemption orders	64,011	78,711
Lottery licence	1,394	1,311
Other	8,533	9,538
<b>Total</b>	<b>78,747</b>	<b>94,277</b>

# Section 6: Waiting Times

## Supreme Court

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

**Priority cases:** Cases where hearings are sought on the grounds of urgency. Hearing dates are allocated, depending on the degree of urgency and the availability of dates – the majority being listed between 6 months and 12 months of admission to the priority list and in certain cases (e.g. child abduction appeals) within weeks.

**Ordinary appeals:** These cases comprise the ordinary waiting list. The waiting time at the end of December 2009 was 33 months.

Average waiting time for all appeals heard in 2009 from both the priority and from ordinary lists was 17.6 months.

## Court of Criminal Appeal

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

Conviction cases	<b>12 months</b>
Sentence appeals	<b>9 months</b>

## High Court: Crime

Waiting time is:

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

Murder and rape trials	<b>10 – 11 months</b>
Bail	date immediately available

## High Court: Civil

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

Personal injury	
Cork	<b>26 months</b>
Dublin	<b>4 weeks</b>
Dundalk	<b>New cases all offered dates in next sittings</b>
Galway	<b>New cases all offered dates in next sittings</b>
Kilkenny	<b>New cases all offered dates in next sittings</b>
Limerick	<b>19 months</b>
Sligo	<b>New cases all offered dates in next sittings</b>
Waterford	<b>3 months</b>

Asylum	
Pre-leave	<b>12 months</b>
Post-leave	<b>9 months</b>

Chancery	
Monday motions list	<b>3 weeks</b>
Certified cases	<b>All cases in list to fix dates offered date for following term</b>
Special summonses	<b>8 weeks</b>
Miscellaneous (motions that require more time than they can be given in the Monday List)	<b>All cases in list to fix dates offered date for following term</b>

**Other commercial**

Commercial List	<b>Date immediately available</b>
Competition List	<b>2 weeks</b>
Restrict Directors	<b>4 weeks</b>

**Family**

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

**Non jury**

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

**Other**

Criminal Assets Bureau	<b>Date immediately available</b>
Common law motions	<b>3 weeks</b>
Garda compensation	<b>4 weeks</b>
Circuit Court appeals	<b>4 weeks</b>
Hepatitis C Tribunal appeals	<b>Within 3 months</b>
Jury list	<b>12 months (priority given to wardship applications)</b>
Judicial review	<b>All cases in list to fix dates offered date for following term</b>
Master's list	<b>15 weeks (3 weeks for family law cases)</b>
Rulings	<b>1 week</b>

**Circuit Court:****Criminal:**

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

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

**Civil:**

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

**Family Law:**

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

**Appeals:**

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

## Circuit Court:

All waiting times shown in months								
	CRIMINAL			CIVIL		FAMILY LAW		
	Trials	Sentences	Appeals	Trials	Appeals	Contested	Non-contested	Appeals
<b>Carlow</b>	9-10	7-8	18	12	9	7-8	Next sitting	7-8
<b>Carrick on Shannon</b>	12	12	6	9	6	6	Next sitting	6
<b>Castlebar</b>	3-6	3-6	3-6	3-6	3-6	3-6	Next sitting	Next sitting
<b>Cavan</b>	9	9	9	18-24	6-9	12	Next sitting	Next sitting
<b>Clonmel</b>	18-24	18-24	24	12-18	12	18-24	3-6	6-12
<b>Cork</b>	Next sitting	Next sitting	6-9	12-18	12-18	3-6	Next sitting	3-6
<b>Dublin</b>	7-8	3	3	1-3	2-4	4-5	1	4-5
<b>Dundalk</b>	15	3-6	9-12	18	6	12	3	6
<b>Ennis</b>	3-6	6	6-9	6-9	6-9	3-6	3	6-9
<b>Galway</b>	4-5	7	3	4-6	4-6	2-4	3	4-6
<b>Kilkenny</b>	18	6	6-9	18	18	Next sitting	Next sitting	Next sitting
<b>Letterkenny</b>	6	12	6	12	12	6	3	6
<b>Limerick</b>	3-6	6-9	3	11	6	6	3	6
<b>Longford</b>	3-6	3	3	12	6-9	6-9	Next sitting	3-6
<b>Monaghan</b>	4	6-12	4	4	Next sitting	Next sitting	Next sitting	Next sitting
<b>Mullingar</b>	12-18	6-9	3-6	12-18	12-18	12-18	Next sitting	6-9
<b>Naas</b>	20	6	18	30	9	20	6	9
<b>Portlaoise</b>	6	7	Next sitting	18	Next sitting	12	Next sitting	Next sitting
<b>Roscommon</b>	3	3-6	3	6-9	3	9	Next sitting	Next sitting
<b>Sligo</b>	6	6	Next sitting	6	6	6	Next sitting	Next sitting
<b>Tralee</b>	3	3	3	3-6	3-6	3	3	3
<b>Trim</b>	12-24	6	6-12	24	3	12	6	3-6
<b>Tullamore</b>	3	5	3	8	6	3-6	Next sitting	Next sitting
<b>Waterford</b>	12-18	6-12	Next sitting	12-18	Next sitting	12	Next sitting	Next sitting
<b>Wexford</b>	6-9	6-9	6-8	20-24	10	18-20	2-3	8-10
<b>Wicklow</b>	12	6	6	9-12	6	6	Next sitting	Next sitting

## District Court:

All waiting times shown in weeks					
Office	Criminal		Civil	Family Law	
	Summonses	Charge Sheets	Applications	Domestic Violence Applications	Maintenance
<b>Athlone</b>	12-24	Next sitting	8	2	4
<b>Ballina</b>	10-12	Next sitting	6-8	Next sitting	4
<b>Ballinasloe</b>	12-15	Next sitting	8	1	4
<b>Bray</b>	20	Next sitting	12	8	12
<b>Carlow</b>	12	Next sitting	8-12	4	4
<b>Carrick-on-Shannon</b>	12	Next sitting	12	Next sitting	Next sitting
<b>Castlebar</b>	12	Next sitting	8	1	6
<b>Cavan</b>	16	Next sitting	8	4	4
<b>Clonakilty</b>	12	Next sitting	5	Next sitting	Next sitting
<b>Clonmel</b>	10	Next sitting	5	1-2	4
<b>Cork</b>	14	Next sitting	6	10	10
<b>Derrynea</b>	12-16	Next sitting	4-6	Next sitting	4
<b>Donegal</b>	12	Next sitting	8	4	6
<b>Drogheda</b>	13	Next sitting	8	Next sitting	4
<b>Dundalk</b>	14	Next sitting	4	1	3
<b>Ennis</b>	12-15	Next sitting	8-12	2	4
<b>Galway</b>	10-12	Next sitting	4	1	3
<b>Kilkenny</b>	16	Next sitting	8-10	8-10	12
<b>Killarney</b>	12	Next sitting	6-8	Next sitting	4-6
<b>Letterkenny</b>	16-20	Next sitting	8	4	8

District Court waiting time is:

Criminal: Time from receipt of summons application to scheduled date for hearing

Civil: Time from receipt of application to date of listing for hearing.

Family law: Time from receipt of application to scheduled date for hearing

## District Court: All waiting times shown in weeks

Office	Criminal		Civil	Family Law	
	Summonses	Charge Sheets	Applications	Domestic Violence Applications	Maintenance
Limerick	12	Next sitting	8-10	3-5	6-8
Listowel	12	Next sitting	4	4	4
Longford	12	Next sitting	4	1	4
Loughrea	12	Next sitting	8	Next sitting	Next sitting ***
Mallow	15	Next sitting	3-4	Next sitting	Next sitting
Monaghan	12-15	Next sitting	8-10	Next sitting	Next sitting
Mullingar	15-16	Next sitting	8-12	1-3	4
Naas	14-18	Next sitting	6	2	8
Nenagh	12	Next sitting	4	Next sitting	Next sitting
Portlaoise	16-20	Next sitting	16	Next sitting	Next sitting
Roscommon	12-15	Next sitting	4	Next sitting	Next sitting
Sligo	12	Next sitting	8	2	4
Tralee	12	Next sitting	8	4	4
Trim	14	Next sitting	8-12	4-6	4-8
Tullamore	12-15	Next sitting	4	Next sitting	4
Waterford	16	Next sitting	12	8	8
Wexford	12	Next sitting	30	Next sitting	4
Youghal	16-20	Next sitting	12-16	2-3	4-8
Dublin ** section 49	12				
Dublin other	36	Next sitting	8	9-10	9-10

\*\* section 49 refers to drink driving prosecutions

## Chapter 5

# Internal Controls

# Chapter 5

## Internal Controls

The Service operates a series of internal control measures to support the achievement of its strategic policies and objectives while safeguarding the public funds and assets for which it is responsible.

The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the policies and objectives of the Service, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically. The system is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives. It can therefore only provide reasonable and not absolute assurance of effectiveness.

### Governance Framework

Robust governance arrangements are in place throughout the Service at organisational and Board level. They operate via the Courts Service Act, 1998 (as amended), the Governance Framework document, standing orders of the Board, the terms of reference and accountability of committees (in particular the Audit Committee), general policy statements on major areas of expenditure and a strong internal financial control system.

The Service reviewed its corporate governance arrangements during the year in the context of the Code of Practice for the Governance of State Bodies published in June. By year end measures had been identified and put in place to ensure compliance with the Code. This exercise will continue in 2010.

The Governance Framework document, approved by the Board, defines the function of the Board, the Service, the Chief Executive Officer and Committees of the Board.

### Courts Service Board

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

The Board also evaluates the performance of the Service and achievement of the targets set out in the Strategic Plan through twice yearly progress reports. In December,

the Board considered the second progress report for 2009 and was satisfied that significant progress was made during the year on the implementation of the goals in the Plan.

### Chief Executive Officer

The Chief Executive Officer is responsible for the implementation of policies approved by the Board, and the day-to-day management of the staff, administration and business of the Service. The Chief Executive Officer is supported by the Senior Management Team.

The Chief Executive Officer together with the Senior Management Team reviews the annual budget and receives periodic and annual financial reports indicating financial performance against forecasts.

### Accountability

The Service is accountable to the Minister for Justice, Equality and Law Reform, and through the Minister, to the Government. The Chief Executive Officer is the Accounting Officer and in that capacity attends Public Accounts Committee and other Oireachtas Committee meetings as required.

### Financial Controls

As Accounting Officer the Chief Executive Officer prepares a statement of internal financial controls to accompany the annual financial statements. The statement 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.

The system of internal financial controls and its effectiveness are kept under ongoing review. Financial responsibilities are assigned at management level with corresponding accountability. There are reporting arrangements in place where responsibility for financial management has been assigned and formal procedures exist for reporting significant control failures and ensuring appropriate corrective action.

## Audit Committee

The Audit Committee continues to advise the Board on internal audit policies and the management of risk. It also advises the Chief Executive Officer in the discharge of his responsibility for the internal financial control system. The Committee, which includes persons with significant business expertise and experience within the public, semi-state and private sectors, met four times during the year.

## Internal Audit Function

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

The Unit is assisted by service providers engaged by the Service to provide expertise in specialised areas including information and communications technology, and risk management. The Unit completed 19 audits during the year. All reports are submitted directly to the Chief Executive Officer and to the Audit Committee.

## Risk Management

A risk management framework and policy ensures that risks are identified and assessed, that mitigating actions are put in place and that risks are monitored on an ongoing basis. Further progress continued to be made during 2009 in embedding risk management into the business planning process. The Chief Executive Officer together with the Senior Management Team monitored the implementation and operation of the framework and reported thereon to the Audit Committee on a quarterly basis.

## Capital Expenditure

The Service adheres to guidelines issued by the Department of Finance for the appraisal and management of capital expenditure proposals. An independent external report conducted during 2009 by way of a 'spot check' review of the Service's Capital Programme 2008 concluded that the appropriate guidance had been followed and that strong control procedures were in place.

The Service also has systems in place to ensure the security of the information and communications technology systems and formal project management disciplines in respect of all major projects.

## Procurement

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



## Chapter 6

# Annual Financial Statements

# Chapter 6

## Annual Financial Statements

### Appropriation Account

The Appropriation Account is the annual published financial accounts of the Service. It is furnished to the Comptroller and Auditor General on or before 31st March each year. It is compiled on foot of the approved Estimates by the Oireachtas and prepared by the Accounting Officer to meet his statutory requirements to specify how the amount voted was spent in the financial year.

The Chief Executive Officer is the Accounting Officer for the purposes of the Appropriation Account and the person the Minister for Finance has assigned in accordance with section 22 of the Exchequer and Audit Department Act, 1866 to prepare the annual account for the vote under his charge.

The table on page 83 contains the main statement of the Appropriation Account for 2009 submitted to the Comptroller and Auditor General and the comparable statement for 2008 (as audited by the Comptroller and Auditor General).

*Note: the figures for 2009 are provisional and subject to audit by the Comptroller and Auditor General.*

Extract from the Appropriation Account 2009

## Expenditure and Income

	<b>2009</b> <b>€,000</b>	<b>2008</b> <b>€,000</b>
<b>Current Expenditure</b>		
Salaries and Wages	58,181	58,343
Travel and Subsistence	3,954	4,673
Staff and judicial training	469	793
Stenography and other fees	6,041	6,347
Legal services	1,010	1,162
Postal services	1,359	1,484
Telecommunications	1,426	1,750
Office equipment and materials	951	1,568
Courthouse maintenance	10,348	12,991
Heat, light and fuel costs	2,161	2,833
Furniture and fittings	361	621
Leases	7,436	5,539
Consultancy ( Non I.T related)	102	595
Incorporated Council of Law Reporting of Ireland	-	41
Incidental/ miscellaneous costs	3,213	3,938
Value for Money & Policy Review	-	82
<b>Total Current Expenditure</b>	<b>97,012</b>	<b>102,760</b>
Telecommunications systems	45	123
Computer systems	8,288	9,865
Courthouses and other buildings	20,427	25,290
<b>Total Capital Expenditure</b>	<b>28,760</b>	<b>35,278</b>
<b>Total Expenditure</b>	<b>125,772</b>	<b>138,038</b>
<b>Income ( Appropriations - in -Aid)</b>		
Fees	47,429	38,105
Miscellaneous	1,234	913
Pension Levy	2,695	
<b>Total Income</b>	<b>51,358</b>	<b>39,018</b>
<b>Net Expenditure</b>	<b>74,414</b>	<b>99,020</b>

# Court Fees and Fines

## Fees

Fees are received in respect of legal documents lodged and services provided in court offices. In addition, the Service collects a range of fees on behalf of the Property Registration Authority and the Revenue Commissioners. The Property Registration Authority fees relate to access to documents held locally in court offices. The fees collected on behalf of the Revenue Commissioners include excise duties on certain applications to court. This is mainly in relation to licensing (for example, applications for hotel and pub licences).

	2009 (€,000)	2008 (€,000)
Revenue Commissioners	<b>7,771</b>	9,416
Retained by the Service	<b>49,000</b>	37,689
Land Registry	<b>48</b>	41
<b>Total</b>	<b>56,819</b>	47,146

## Fines

The Service collects fines imposed by the courts. These are transferred to the Exchequer and a number of government agencies or public bodies (for example, fisheries fines are transferred to the Department of Communications, Marine and Natural Resources).

	2009 (€,000)	2008 (€,000)
Exchequer (Motor Fines)	<b>15,665</b>	15,680
Revenue Commissioners	<b>2,473</b>	2,570
Department of Communications, Marine and Natural Resources	<b>195</b>	500
Exchequer	<b>8,507</b>	7,394
<b>Total</b>	<b>26,840</b>	26,144

# Office of the Accountant of the Courts of Justice

EXTRACT FROM THE AUDITED FINANCIAL STATEMENTS AS AT 30 SEPTEMBER 2009

## STATEMENT OF ASSETS AND LIABILITIES

AT 30 SEPTEMBER 2009

	30/9/2009 €	30/9/2008 €
<b>INVESTMENT ASSETS</b>		
Investments	<b>1,035,531,238</b>	1,020,772,928
<b>CURRENT ASSETS</b>		
Debtors	<b>18,047,633</b>	12,964,732
Bank	<b>416,595</b>	766,834
<b>TOTAL CURRENT ASSETS</b>	<b>18,464,228</b>	13,731,566
<b>CURRENT LIABILITIES</b>		
Creditors	<b>(486,243)</b>	(1,481,262)
<b>TOTAL LIABILITIES</b>	<b>(486,243)</b>	(1,481,262)
<b>NET CURRENT ASSETS</b>	<b>17,977,985</b>	12,250,304
<b>TOTAL NET ASSETS</b>	<b>1,053,509,223</b>	1,033,023,232
<b>Represented by:</b>		
Funds held for beneficiaries at year end	<b>1,053,509,223</b>	1,033,023,232

# Office of the Accountant of the Courts of Justice

EXTRACT FROM THE AUDITED FINANCIAL STATEMENTS AS AT 30 SEPTEMBER 2009

## STATEMENT OF OPERATIONS

FOR THE YEAR ENDED 30 SEPTEMBER 2009

	<b>30/9/2009</b> €	30/9/2008 €
<b>NET REALISED AND UNREALISED GAINS</b>		
Net realised gains on investments disposed of during the year	<b>3,244,912</b>	10,164,057
Net unrealised gains/(losses) on investments	<b>14,117,285</b>	(87,733,704)
Losses realised on transfers from funds	<b>(208,919)</b>	(291,211)
	<b>17,153,278</b>	(77,860,858)
<b>NET REALISED AND UNREALISED GAINS/(LOSSES)</b>		
Investment income	<b>2,139,042</b>	3,842,593
	<b>19,292,320</b>	(74,018,265)
Expenses	<b>(1,376,765)</b>	(1,302,133)
<b>INCREASE/(DECREASE) IN NET ASSETS FROM OPERATIONS</b>	<b>17,915,555</b>	(75,320,398)

# Office of the Accountant of the Courts of Justice

EXTRACT FROM THE AUDITED FINANCIAL STATEMENTS AS AT 30 SEPTEMBER 2009

## STATEMENT OF CHANGES IN NET ASSETS

FOR THE YEAR ENDED 30 SEPTEMBER 2009

	30/9/2009 €	30/9/2008 €
<b>INCREASE/(DECREASE) IN NET ASSETS RESULTING FROM OPERATIONS</b>		
Investment income less expenses	762,277	2,540,460
Net realised gains on investments	3,244,912	10,164,057
Net unrealised gains/losses on investments	14,117,285	(87,733,704)
Losses realised on transfers from funds	(208,919)	(291,211)
	<hr/>	<hr/>
<b>INCREASE/(DECREASE) IN NET ASSETS FROM OPERATIONS</b>	17,915,555	(75,320,398)
	<hr/>	<hr/>
<b>CAPITAL TRANSACTIONS</b>		
Receipts	194,371,464	255,543,129
Disbursements	(191,801,028)	(168,952,199)
	<hr/>	<hr/>
<b>INCREASE IN NET ASSETS FROM CAPITAL TRANSACTIONS</b>	2,570,436	86,590,930
	<hr/>	<hr/>
Increase in net assets	20,485,991	11,270,532
Net assets at beginning of year	1,033,023,232	1,021,752,700
	<hr/>	<hr/>
<b>NET ASSETS AT END OF YEAR</b>	1,053,509,223	1,033,023,232
	<hr/> <hr/>	<hr/> <hr/>

The Report and Financial Statements are available from the Office of the Accountant of the Courts of Justice, Phoenix House, 15/24 Phoenix Street North, Dublin 7. Telephone: 01 8886211 and on the website of the Service at [www.courts.ie](http://www.courts.ie).

## Poor Box Receipts through Court Offices 2009

	Opening balance at 01/01/2009*	Receipts	Payments	Closing balance at 31/12/2009
	€	€	€	€
<b>High Court</b>	Nil	Nil	Nil	Nil
<b>Circuit Court</b>	15,779	9,226	13,200	11,804
<b>District Court</b>	443,577	1,969,877	1,631,631	781,823
<b>Total</b>	<b>459,355</b>	<b>1,979,103</b>	<b>1,644,831</b>	<b>793,628</b>

\* The opening balance at 01/01/2009 is €106,502 more than the closing balance in the Annual Report 2008 due to revised details provided by court offices.

## Prompt Payment of Accounts Act, 1997

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

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

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

In accordance with the Prompt Payments of Account Act, 1997, the following information is provided in respect of the financial period ending December 31st 2009:

### (a) Payment practices

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

### (b) Late payments

Invoice amount	No. of invoices	Amount of interest paid in €
Under €100	385	5,310.52
Over €100	12	1,752.38
Total	397	7,062.90



## Chapter 7

# Court Rules Committees' Reports

## Chapter 7

# Court Rules Committees' Reports

### Superior Courts Rules Committee

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

Membership of the Committee at year ending 31st December 2009:

- The Chief Justice, the Hon. Mr. Justice John L. Murray (Chairman)
- The President of the High Court, the Hon. Mr Justice Nicholas Kearns (Vice Chairman)
- The Hon. Mr. Justice Adrian Hardiman, judge of the Supreme Court
- The Hon. Mr. Justice Joseph Finnegan, judge of the Supreme Court
- The Hon. Mr. Justice Liam McKechnie, judge of the High Court
- The Hon. Miss Justice Elizabeth Dunne, judge of the High Court
- The Master of the High Court, Mr. Edmund W. Honohan S.C.
- Mr. Lyndon MacCann S.C., nominated by the Council of the Bar of Ireland
- Mr. Paul McGarry B.L., nominated by the Council of the Bar of Ireland
- Mr. Patrick Groarke, solicitor, nominated by the Council of the Law Society of Ireland
- Mr. Patrick O'Connor, solicitor, nominated by the Council of the Law Society of Ireland
- Mr. Noel Rubotham, Head of Directorate, Reform and Development, Courts Service, to whom membership has been delegated by the Chief Executive Officer of the Courts Service under section 30(2) of the Courts Service Act, 1998
- Ms. Mary Cummins, Office of the Chief State Solicitor – appointed to act in place of the Attorney General under section 36(4) of the Courts and Court Officers Act, 2002
- Ms. Maeve Kane, Registrar of the Supreme Court

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

*Drafting services:* Mr. Sean Barton, solicitor, McCann Fitzgerald Solicitors

The Hon. Mr. Justice Richard Johnson, former President of the High Court, ceased to be a member of the Committee upon his retirement from the Bench in October 2009. On the occasion of his last meeting the Chief Justice paid tribute to Mr. Justice Johnson for the service rendered by him to the Committee over the years initially as a representative of the Bar and later as a judge of the High Court, prior to his assumption of the Vice Chairmanship as President of the High Court.

The Committee met on six occasions during 2009. The following rules of the Superior Courts were signed by the Minister for Justice, Equality and Law Reform between 1st January 2009 and 31st December 2009:-

S.I. Number	Title	Signed by Committee	Effective from
10 of 2009	RSC (Criminal Justice Acts 2006 and 2007), 2008	30 October 2008	9 February 2009
93 of 2009	RSC (Discovery), 2009	30 October 2008	16 April 2009
95 of 2009	RSC (Affidavits), 2009	30 October 2008	16 April 2009
270 of 2009	RSC (Courts-Martial Appeal Court), 2009	19 February 2009	20 July 2009
271 of 2009	RSC (Slip Rule), 2009	11 June 2009	17 August 2009
280 of 2009	RSC (Service of Proceedings (Council Regulation (EC) 1393/2007)), 2009	11 June 2009	20 August 2009
354 of 2009	RSC (Opening Hours of Offices), 2009	11 June 2009	5 October 2009
511 of 2009	RSC (Defamation), 2009	3 December 2009	11 January 2010
582 of 2009	RSC (Combined Court Offices), 2009	3 December 2009	1 January 2010

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

Title	Signed by Committee
RSC (Lodgment of Documents), 2009	23rd July 2009
RSC (Criminal Justice (Mutual Assistance) Act 2008), 2009	21st October 2009
RSC (Land and Conveyancing Law Reform Act 2009), 2009	3rd December 2009
RSC (Order 75), 2009	3rd December 2009
RSC (Trial), 2009	3rd December 2009

**Liz Hughes**  
Secretary

## Circuit Court Rules Committee

The rule-making authority for the Circuit Court is the Circuit Court Rules Committee established under section 69 of the Courts of Justice Act, 1936. The remit of the Committee is fixed partly by section 66 of The Courts of Justice Act, 1924 which empowers it to annul or alter rules and make new rules with the concurrence of the Minister for Justice, Equality & Law Reform, including rules for regulating the sessions, vacations and circuits of the Circuit Judges and the practice, pleading and procedure generally (including liability of parties as to costs and also the entering-up of judgment and granting of summary judgment 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 2009:

- The Hon. Mr. Justice Matthew Deery President of the Circuit Court (Chairman)
- Her Honour Judge Alison Lindsay, judge of the Circuit Court
- His Honour Judge Tony Hunt, judge of the Circuit Court
- Mr. Shane Murphy S.C., nominated by the Council of the Bar of Ireland
- Mr. Fergal Foley B.L., nominated by the Council of the Bar of Ireland

- Mr. Gerard J. Doherty, solicitor, nominated by the Council of the Law Society of Ireland
- Mr. Joseph T. Deane, solicitor, nominated by the Council of the Law Society of Ireland
- Mr. Ronan Boylan, Office of the Chief State Solicitor – appointed to act in place of the Attorney General under section 36(4) of the Courts and Court Officers Act, 2002
- Mr. Noel Rubotham, Head of Directorate, Reform and Development, Courts Service, to whom membership has been delegated by the Chief Executive Officer of the Courts Service under section 30(2) of the Courts Service Act, 1998
- Ms. Susan Ryan, County Registrar, Dublin
- Ms. Patricia Casey, County Registrar, Carlow, nominated by the Chief Executive Officer of the Courts Service under section 69(4)(d) of the Courts of Justice Act, 1936 as amended.

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

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

The Committee met on seven occasions in 2009. The following Rules of the Circuit Court were signed by the Minister for Justice, Equality and Law Reform between the 1st January 2009 and the 31st December 2009:

S.I. Number	Title	Signed by Committee	Effective from
94 of 2009	Circuit Court Rules (Trial) (No.2), 2009	11 November 2008	16 April 2009
132 of 2009	Circuit Court Rules (Service), 2009	11 November 2008	3 April 2009
235 of 2009	Circuit Court Rules (Sittings), 2009	31 March 2009	24 July 2009
251 of 2009	Circuit Court Rules (Miscellaneous), 2009	31 March 2009	28 July 2009
264 of 2009	Circuit Court Rules (Actions for Possession and Well-Charging Relief), 2009	26 May 2009	8 July 2009
375 of 2009	Circuit Court Rules (Service in Member States of Judicial and Extra-Judicial Documents in Civil or Commercial Matters), 2009	14 July 2009	14 October 2009
470 of 2009	Circuit Court Rules (Statutory Applications and Appeals), 2009	13 October 2009	25 December 2009
486 of 2009	Circuit Court Rules (Defamation), 2009	10 November 2009	2 December 2009
539 of 2009	Circuit Court Rules (Case Progression General), 2009	10 November 2009	1 January 2010
583 of 2009	Circuit Court Rules (Combined Court Offices), 2009	8 December 2009	11 January 2010

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

- Circuit Court Rules (Criminal Justice (Mutual Assistance) Act, 2008), 2009
- Circuit Court Rules (Land and Conveyancing Law Reform Act, 2009), 2009

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

- Circuit Court Rules (Taking of Evidence for EU Courts)
- Circuit Court Rules (Nursing Homes Support Scheme Act, 2009)

**Liz Hughes**  
Secretary

## District Court Rules Committee

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

Membership of the Committee at year ending 31st December 2009:

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

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

*Drafting services:* Mr. Sean Barton, solicitor, McCann Fitzgerald Solicitors

The District Court Rules Committee met on seven occasions during 2009 and considered and passed a number of Rules. The following Rules of the District Court were signed by the Minister for Justice, Equality and Law Reform between the 1st January 2009 and the 31st December 2009:

S.I. Number	Title	Signed by Committee	Effective from
92 of 2009	District Court (Forms) Rules, 2009	9 March 2009	23 March 2009
105 of 2009	District Court (Criminal Justice Act 2006) Rules 2009	17 November 2008	24 April 2009
106 of 2009	District Court (Consumer Protection Act 2007) Rules 2009	8 December 2008	24 April 2009
174 of 2009	District Court (Intoxicating Liquor Act 2008) Rules 2009	17 November 2008	25 May 2009
367 of 2009	District Court (Service in Member States of Judicial and Extra-Judicial Documents in Civil or Commercial Matters) Rules 2009	22 June 2009	8 October 2009
519 of 2009	District Court (Small Claims) Rules 2009	19 October 2009	11 January 2010
581 of 2009	District Court (Combined Court Offices) Rules 2009	14 December 2009	11 January 2010

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

- District Court (Criminal Justice (Mutual Assistance) Act 2008) Rules, 2009
- District Court (Criminal Justice (Amendment) Act 2009) Rules, 2009
- District Court (Criminal Justice (Surveillance) Act 2009) Rules, 2009
- District Court (Enforcement of Court Orders) Rules, 2009
- District Court (Enforcement of Maintenance) Rules, 2009
- District Court (Criminal Justice (Miscellaneous Provisions) Act 2009) Rules, 2009
- District Court (Land and Conveyancing Law Reform Act 2009) Rules, 2009

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

- District Court (Service) Rules, 2009

The President of the District Court paid warm tribute to Judge Uinsin MacGruairc on the occasion of his last committee meeting in December and thanked him for his enormous contribution and unstinting attention to detail during his time on the Committee of which he had been a member since May 1998.

**Liz Hughes**  
Secretary



## Chapter 8

# Glossary of Terms

# Chapter 8

## Glossary of Terms

**Affidavit** - a written statement made on oath

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

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

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

**Care order** - an order placing a child in the care of the Health Service Executive until he or she reaches the age of eighteen or a shorter period as determined by the court

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

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

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

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

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

**Deed poll** - a deed completed by one party only, often used to declare an intention to change a name

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

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

**Deponent** - the person who swears an affidavit

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

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

**Ex officio** - by virtue of his/her office

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

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

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

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

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

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

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

**Intestate** - dying without making a valid will

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

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

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

**Lis pendens** - action pending - the registration of an action against an owner of land

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

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

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

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

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

**Plaintiff** - a person who brings a legal action against another

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

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

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

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

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

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

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

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

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

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

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

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



## Chapter 9

# Additional Information

# Chapter 9

## Additional Information

### Contacting offices of the Service

Contact details for the main offices of the Service are published on the website [www.courts.ie](http://www.courts.ie). Details may also be obtained from the Information Office, Courts Service, Phoenix House, 15/24 Phoenix Street North, Smithfield, Dublin 7.

Telephone: 01-8886459.

### Eircom telephone directories

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

### Other information

Details of court cases at hearing are displayed on electronic boards in the Four Courts and Criminal Courts of Justice in Dublin and in the courthouses in Washington Street, Cork and Ennis.

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

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

### Website

The website can be accessed at [www.courts.ie](http://www.courts.ie).

### Solicitors

A & L Goodbody, Solicitors,  
International Financial Services Centre,  
North Wall Quay,  
Dublin 1.

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

### Auditors

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

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

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