



An tSeirbhís Chúirteanna  
Courts Service

**Annual Report 2012**







*An tSeirbhís Chúirteanna*  
*Courts Service*

## **MISSION STATEMENT**

**TO**

**MANAGE THE COURTS,**

**SUPPORT THE JUDICIARY**

**AND**

**PROVIDE A HIGH QUALITY AND PROFESSIONAL SERVICE**

**TO**

**ALL USERS OF THE COURTS.**





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## MESSAGE FROM THE CHIEF JUSTICE AND CHAIRPERSON OF THE BOARD



The Courts Service faced many challenges in 2012. The Service manages courts across 96 venues, outside of Dublin, and has first hand knowledge and experience of what is required to be a lean, efficient, and proactive organisation.

The service delivered in 2012 was provided with almost 5.6% less cost to the State than in 2011, bringing an overall reduction of 41% since 2008. Compared to 2008 wage costs have decreased by 15%, administrative costs by 38% and capital funding by nearly 80%.

There have been root and branch administrative changes, which commenced several years ago and continued during 2012, and so, notwithstanding the continued reduction in resources, the Courts Service provided a commendable service to the people of Ireland.

### *A look at the work of the courts*

The courts do not operate in a vacuum, but rather their work can be seen as a reflection of the prevailing climate in our society.

The Supreme Court received 605 appeals in 2012, a 21% increase on 2011, and issued 114 judgments, a 56% increase on the 73 delivered in 2011. Although company related debt matters and Commercial Court cases are both down by 13%, there was a 50% increase in orders to restrict company directors and a three and a half fold increase (350%) in the number of company directors disqualified. Despite a general drop of 3% in civil matters across the system, domestic violence applications increased by 19%, with a 34% increase in safety orders and 23% in protection orders sought. At the same time judicial separation applications decreased by 6%. In the District Court almost 60% of summary matters were road traffic related. There was a general 14% reduction in more minor criminal matters.

### *Working to reduce waiting times*

The Presidents increased the numbers of sittings across the country in 2012. The judiciary and the staff of the Courts Service are to be commended for their flexibility in the success of these arrangements.

The reduced waiting times achieved in the High Court in 2011 continued in 2012 with waiting times in asylum cases where leave to appeal has been granted, reduced to four months – a four year low. The President of the High Court has enabled senior registrars to conduct pre trial hearings and make orders and give directions as Deputy Masters to streamline the process and facilitate the more efficient disposal of cases.

We continue to support alternatives to full scale court processes, such as mediation in civil and family law areas. In Dolphin House several hundred cases have reached a formal agreement rather than go to hearing in the family courts.

The Courts Service and judiciary have been flexible and creative so as to streamline services as unexpected, and often unexplained, increases and decreases emerge year by year and across decades. I congratulate all involved in the operation of the court system who have delivered the improvements necessary.

### *Gratitude*

I thank the Board, my judicial colleagues, our CEO Mr. Brendan Ryan and his management team, the staff of the Service, and all those in the professions and agencies of the Justice community, for their efforts and continued co operation over the past year.

Finally, I commend this report to all who read it, and in presenting it to the Minister for Justice and Equality offer to him and his departmental colleagues our appreciation for their support and efforts on our behalf throughout 2012.

Susan Denham







## CHAPTER 1 – THE YEAR IN REVIEW

### FROM THE CHIEF EXECUTIVE OFFICER



The challenges posed by the changing economic environment continued to impact on the work of the Service in 2012. However, notwithstanding the difficulties, we remained steadfast in our efforts to maintain and develop a world class organisation with the primary objective of meeting the needs of court users.

Our development plans were adversely affected by the continued application of the Employment Control Framework by the Department of Public Expenditure and Reform. The moratorium on the filling of staff vacancies without the prior sanction of the Department required us to divert staff from support areas to ensure the minimum of disruption to the operation of the courts and court offices.

The reductions in funding which commenced in 2009 continued in 2012 with the net cost to the Exchequer of operating the Service reducing from €62.639m in 2011 to €59.156m in 2012, a reduction of €3.483m (5.6%). These reductions when added to those in the previous three years, show that funding for pay was reduced by €8.8m (15%), non pay by €16.6m (38%), and capital by €28.8m (79%). While the task of formulating a budget for 2012 was difficult, especially as we are committed to protecting frontline court operations, the savings we made following a root-and-branch analysis of all our expenditure and programmes during 2011 were of considerable assistance.

Plans for the development of courthouse projects and the provision of additional information and communication technology systems were particularly curtailed. However the Government decision in July 2012 to provide for a number of courthouse building projects as part of the Infrastructure Stimulus Package *via* the Public Private Partnership route will help to alleviate some of the more pressing issues and will, in time, result in the provision of improved facilities in a number of locations around the country.

A changing landscape also affords opportunities – some, such as our Combined Office Project, were in development in any event but received an added impetus and a renewed urgency in recent times. The Combined Office Project, which evolved following the completion of our internal modernisation review, ‘Transforming Administration and Structures in the Courts’ (TASC), affords us the opportunity to streamline practices and procedures across a range of areas while at the same time providing an improved working environment for our staff. This in turn benefits court users who can avail of more focused services when offices of the Circuit Court and District Court are in one location. The Project, which will be completed by the end of 2013, is delivering improved efficiencies for all who use our courts.

We continued to look at ways of streamlining our service with initiatives underway throughout the organisation to centralise services and improve processes. We continued to cooperate with the judiciary to improve waiting times by assisting with additional sittings in and out of term and undertaking additional functions.

It was a difficult year and yet the dedication and application of those who worked within our organisation and those who supported our work gives me great encouragement for the future. Once again I am indebted to our staff who continued to deliver a professional public service notwithstanding the huge changes being implemented around them.

The Chief Justice and members of the judiciary continued to be an invaluable source of support to me and the Senior Management Team in and about the many initiatives we embarked on during the year.

The support of the Minister for Justice and Equality and his department continues to be much valued. I am also grateful for the support of the legal profession and the many support and other groups with whom we engage.

We have completed another year of endeavour at a time of continued change and increasing demands. All who participate in the partnership that operates throughout the country to deliver the court system can take credit for the continuation of this critically important public service. I greatly appreciate the support and efforts of all concerned.

## DEVELOPMENTS DURING 2012

### Public Service Agreement

The Action Plan of the Service under the Public Service Agreement was revised in January 2012. The Plan identified changes and reforms to structures and processes to ensure that core court services are protected and a high level of service maintained at a time of reducing resources. The Plan was further revised in November to take account of Government policy on public service numbers and payroll reductions for the period 2012-2015 (including the revised Employment Control Framework 2012), relevant decisions arising from the Comprehensive Review of Expenditure and Budget 2012, and the Government's Public Service Reform Plan.

The Service will submit a progress report on the implementation of the Plan to the National Implementation Body *via* the Department of Justice and Equality for the nine month period to 31st December 2012 in early 2013.

### A new Strategic Plan

The fifth Strategic Plan of the Service, for the years 2011-2014, acknowledges that the reduction in resources negatively impacts plans and targets thereby limiting opportunities for development and growth. Accordingly, the expansionist approach of previous plans is replaced with an emphasis on transformation – of structures, processes and procedures – as envisaged by the TASC review. It also provides for the implementation of the modernisation initiatives in the Action Plan of the Service under the Public Service Agreement and the Programme for Government.

The Plan contains six goals each supported by a strategy designed to deliver on the mandates set out in the Courts Service Act, 1998. It emphasises the importance of obtaining value for money and aims to make the best possible use of resources by improving process efficiency, maximising the opportunities offered by technology, making better use of renovated court buildings, developing staff, and working with other agencies in the Justice sector to support the administration of justice.

The Plan also highlights the issues to be factored into any strategic approach to the work of the organisation in the current environment. They include reductions in staff numbers, loss of skills, reductions in funding, and changes in workload.

*“The Strategic Plan takes account of the recommendations made following our internal review, ‘Transforming Administration and Structures in the Courts’ (TASC) and takes full account of the Public Service Agreement and the Programme for Government.”* Brendan Ryan, Chief Executive Officer.

The Corporate Business Plan of the Service for 2012 identified the specific actions to be taken to deliver on the goals set out in the Strategic Plan. It set out the priorities for the Service during 2012 and identified the outputs required and the actions necessary to achieve them. It was complemented by output targets identified under new Government performance budgeting requirements (see page 14 'performance budgeting') introduced in 2012.

Performance budgeting: Key outputs	
Public Service Activity	2012 Output targets
Delivering high quality service by transforming administrative structures and processes	Progress restructuring in line with internal TASC Report and Public Service Agreement Action Plan. Seventeen combined offices to be completed
Support the judiciary	Provide support for all scheduled court sittings. Provide appropriate support to the judiciary in its managing and listing of cases
Support our people	Ensure staff are adequately trained to perform duties. Deploy resources to best effect. Operate PMDS effectively.
Maximise the use of all accommodation and ICT	Rationalise the number of court venues and offices. Progress usage of online services and deployment of eGovernment initiatives. Implement 'Debt Claims Online' pilot.
Delivery of excellence in governance, accountability and value for money	Effective risk management. Increase fee income. Improve performance reporting.



## GOAL 1: DELIVER HIGH QUALITY SERVICES BY TRANSFORMING ADMINISTRATIVE STRUCTURES AND PROCESSES

### Combining court offices

The Combined Office Project, established following a key recommendation of the internal TASC review, continued during the year. The Project will establish a multi-jurisdictional court office in each county town, replacing the individual Circuit Court and District Court offices in those locations, and is due to be completed at the end of 2013. Offices combined in 13 locations during the year (Galway, Carlow, Carrick-on-Shannon, Waterford, Kilkenny, Cavan, Castlebar, Mullingar, Roscommon, Clonmel, Portlaoise, Dundalk and Tullamore) resulting in a total of 16 combined offices by the end of 2012.

The District Court office in Drogheda combined with the District Court office in Dundalk in line with the policy of the Service to rationalise the number of stand alone District Court offices around the country.

Work commenced on the creation of a single staff pool and the merging of business procedures in Dublin Circuit Court and District Court civil offices in advance of a move to a fully multi-jurisdictional office.

The Office of the Accountant of the Courts of Justice combined with the Courts Accounts Office in June. These offices are responsible for a range of critical accountancy matters including the management and investment of court funds, the collection and payment of family law maintenance and the collection of court imposed fines.

Two High Court offices, the registrar unit and the public office in the Central Office, were combined into one business unit. This reorganisation facilitated improvements in customer service and waiting times, particularly in the Central Office of the High Court.

*"The changes taking place in how we administer court offices will help people who come to court – those whom we serve." Chief Justice, Mrs. Justice Susan Denham*

### Business process and procedural improvement

The TASC review also identified the need to standardise, simplify and streamline processes and procedures across the offices of all court jurisdictions.

A business improvement project (LEAN) continued to review processes in conjunction with the roll out of the Combined Office Project during the year and training was provided to staff in all of the combined offices established. The objective is to implement best practice in work processes, eliminate wasteful duplication and ensure that information technology is used to maximum effect so that offices can operate as efficiently as possible.



*LEAN is essentially any good practices of process/operations improvement that have resulted in a reduction in waste, improved the flow and provided a better concept of customers and process views.*

In the High Court, rule changes facilitated the commencement in January 2012 of non-personal filing providing customers with improved options when lodging documents and saving on legal costs.

### Centralisation of custody cases

A pilot programme to centralise the hearing of custody cases, established following a recommendation of the Efficiency Group (see page 10), was undertaken in four court districts (Letterkenny, Ennis, Gorey and Trim) during 2012. The programme has the potential to deliver significant savings in prisoner transport costs for An Garda Síochána and the Prison Service. The benefits of the programme were being evaluated at year end.

### Review of management structures

A working group was established to review existing regional management structures and examine their effectiveness as support functions to frontline operational offices across the court jurisdictions. The group undertook a variety of consultations during the year and will report in mid 2013.

### Review of delivery of court services

Planning commenced during the year for a review of the delivery of court services across the Circuit and District Court jurisdictions in the greater Dublin area with the review to commence early in 2013.

### Customer service survey

The results of a customer service survey conducted between July and August disclosed that 82.7% of legal professionals and 50% of other visitors who responded were satisfied with the service they receive when they call to court offices. The results also disclosed that 96% of legal professionals and 85% of other visitors to court offices were satisfied with the service they receive when they send documents to court offices by post or document exchange.

Measures were taken to deal with concerns about service arising out of the results of the survey including revised staff rosters and changes in procedures for dealing with callers to court offices. Many of the concerns, which included restricted opening hours and restricted times for dealing with enquiries by telephone in some court offices, arose as a result of reducing staff numbers and the continued focus on court operations.

The customer service survey also disclosed that court users make extensive use of the website of the Service ([www.courts.ie](http://www.courts.ie)) and in particular the sections relating to the Legal Diary, judgments (written reserved judgments), court rules and court fees. Most respondents to the survey confirmed that the site contains the information they need, in particular in respect of court listings and court forms. See also page 15.

### User Groups

User groups continued to assist the Service to maintain a customer centred approach to service delivery. They comprise representatives of organisations and others who use the courts or court offices providing a forum for those intimately involved in the courts system to give views and suggestions in respect of a variety of matters including facilities, procedure and the operation of policy and initiatives.

Dublin based user groups continued to meet regularly during 2012. These groups represent users of the civil and family courts generally in addition to users of more specific areas such as insolvency, probate, child care, domestic violence and the Children Court. A group comprising representatives of organisations using the Criminal Courts of Justice met twice in 2012.

Regional managers, combined office managers and other office managers chaired meetings of representative groups in a variety of regional locations including Castlebar, Dundalk, Ennis, Galway, Naas, Bray, Kilkenny and Wexford. Meetings were held during the year as the needs demanded, some in conjunction with the establishment of combined offices (*e.g.* in Cavan, Clonmel, Dundalk and Waterford).

### Customer complaints

There were 26 formal customer complaints during 2012. Twenty one concerned administrative matters which were dealt with through the customer complaints procedure. The remainder related to matters outside the remit of the Service.

### GOAL 2: SUPPORT THE JUDICIARY

Judges at 31st December 2012	Allowed by legislation	Serving
Supreme Court	8	8
High Court	36	36
Circuit Court	38	38
District Court	64	62
<b>Total</b>	<b>146</b>	<b>144</b>





### Maximising the efficiency of administrative and research assistance

The Service continued to provide administrative and research assistance to the judiciary. During 2012 four judicial assistants were recruited to assist with the work of the Supreme Court and the Court of Criminal Appeal, and ten were recruited to assist judges of the High Court in the asylum, chancery, commercial, competition, judicial review and non-jury lists. A key element of their role is in assisting the judges with the researching and drafting of written judgments. Judicial assistants were also recruited to work as clerks with judges appointed subsequent to 1st January 2012. Their role includes the provision of court and office support to the judges together with research and drafting assistance as required.

A Judicial Information and Communications Technology (ICT) Cross Jurisdictional Committee was established during the year comprising senior staff of the Service and judges from each jurisdiction. The committee will oversee the provision of computer training for judges, encourage the use of (and propose enhancements to) existing ICT services, and propose new developments in the use of computer technology. The committee will report at intervals to the Committee for Judicial Studies.

### Judicial survey

The Service completed a survey among the judiciary during the year to assess levels of satisfaction with the services and support provided in key areas and to ascertain additional support requirements. Key areas included judicial support services, operational and organisational support, information and communications technology, and accommodation. The results showed an overall high level of satisfaction with the services provided. The Service is committed to addressing areas where there were lower satisfaction levels, *e.g.* accommodation.

### Judges' Intranet

The Service supported the continued development of an electronic information database to provide judges with easy access to research materials. The most recent version of the database, The Judges' Intranet, was launched by the Chief Justice in November.

### Support for court sittings

The Service continued to prioritise all actions necessary to ensure that the courts sat as scheduled during 2012. Frontline service delivery plans in court offices enabled the Service maintain best service levels within the constraints of the Employment Control Framework and reduced funding.

Support was provided for 4,650 scheduled civil sittings of the High Court and 17,000 scheduled sittings of the Circuit Court and District Court.

In Circuit Courts outside Dublin there were 767 weeks of sittings, an increase on the 674 weeks in 2011. The additional sittings were provided across crime, family law and other civil matters. There were 1,502 extra sittings of the District Court - 640 special sittings and 862 out of hours sittings.

Sittings of the High Court on Circuit were rationalised and integrated with High Court personal injury sittings in regional venues from January 2012. This reduced the number of judge sitting days outside Dublin with a corresponding reduction in travel and subsistence costs for these sittings, and increased judicial availability to deal with other court applications (including trials) in Dublin.

### Support for judicial bodies

The Judicial Support Unit of the Service continued to provide ongoing support for the judiciary including a protocol service when judges attend State functions and events, and arrangements for visitors from abroad. During 2012, the Unit facilitated delegations from Australia, Canada, China, the European Courts, Germany, Lesotho, Libya, Lithuania, Norway, Thailand, United Kingdom, and the United States.

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





### **Library and research facilities**

The Judges' Library continued to provide a service to judges, judicial researchers and to the staff of the Service. Subscriptions were maintained to the core journals, law reports, legislation, and text books, though a reduced budget required some cancellations which were made following consultation with the Judges' Library Committee. Staff of the library provided training and assistance in the use of various information resources for readers, including a number of library induction tours, meetings with all newly appointed judges, and detailed training on online databases. They also availed of opportunities for continuing professional development (CPD) and training to keep abreast of trends and best practices, and contributed to the profession by involvement in professional bodies.

### **Support for the Chief Justice**

The Executive Legal Officer (ELO) continued to provide legal and administrative support for 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, and supervising the Job Bridge interns engaged to assist with work on the Irish Sentencing Information System database.

### **Provision of courtroom technology**

#### *Video viewing facilities*

Video viewing facilities continue to allow for viewing of evidence including recordings of interviews in garda stations and security footage. They can be used to display video and data evidence from sources including computers, VHS, DVD, digital cameras and camcorders. The Service provided a mobile video viewing facility during 2012 to facilitate the use of mobile equipment in courtrooms without built-in viewing facilities.

#### *Video conferencing facilities*

Video conferencing eliminates the need for witnesses to attend before the court in person. In addition to traditional ISDN connections, the Service provided Video over Internet Protocol (Video over IP) during the year providing faster and higher quality connections in all courts where video conference facilities are available. It was used to allow witnesses from abroad give evidence in civil and criminal cases and was used by District Courts to connect to prisons for remand cases.

The Service does not charge a fee for using video conferencing facilities in civil cases and continued to promote the use of facilities during the year. This included writing to medical consultants who frequently give evidence in High Court personal injury cases inviting them to take part in a test usage of the equipment, and liaising with the Law Society to explore the inclusion of material on the use of videoconferencing in CPD courses. In 2012, twenty witnesses gave evidence using videoconferencing in civil cases in the High Court.

Video link facilities were used by vulnerable witnesses to give evidence from locations within courthouses in 34 cases. Witnesses in other jurisdictions gave evidence *via* video to facilitate the hearing of cases in Ireland in 14 cases. There was corresponding assistance provided to facilitate the hearing of a case in a foreign jurisdiction with evidence given *via* video before a judge of the District Court.

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

A group comprising representatives of the Service and the Irish Prison Service continued to examine the potential for the use of technology between the two agencies.

Plans were underway at year end to test links between Castlerea prison and Letterkenny Court, Monaghan Court, Sligo Court and Galway Court; Cloverhill Prison and Dundalk Court; and Portlaoise Prison and the Four Courts.

Work continued to develop video links between Cork Courthouse and Nenagh Courthouse and Cork and Limerick prisons.



### Digital Audio Recording

Digital audio recording (DAR) is the standard method of recording criminal cases and producing transcripts of court proceedings. Combined with a revision in work practices, the introduction of DAR has reduced the cost of providing transcripts of evidence. In the High Court the cost was reduced from €205,000 in 2011 to €80,000 in 2012 with plans underway at year end for a pilot initiative to reduce costs in the Circuit Court.

The final phase of the DAR project, involving the installation of recording facilities in courtrooms not on the network of the Service, was completed during the year. This mobile solution was provided to the remaining 36 such courtrooms.

### Management and investment of court funds

The Investment Committee, chaired by the President of the High Court, continued to monitor the investment performance of court funds and related matters. In 2012 the Service concluded a tender exercise to select a provider of investment management services for court funds. New investment arrangements will be implemented in 2013.

## GOAL 3: SUPPORT OUR PEOPLE

### Training and development

The Service recognises that a skilled, trained workforce is essential to the efficient operation of the organisation. While the reduction in funding for the Service impacted adversely on the training budget, work continued to deliver staff training, including training associated with the Combined Office Project, technical training and general management training. A total of 131 training courses were provided with 924 staff attending.

### Management learning and development

Specific emphasis was placed during the year on the improvement and development of the skills and capabilities of those managing projects and staff throughout the Service. A pilot management learning and development programme was delivered by UCD Smurfit Business School to 19 selected managers between October and December. An evaluation of the programme was underway at year end.

### Improving performance management

The Performance Management and Development System (PMDS) continued to provide staff with a planned structure for their work based on individual needs. PMDS includes the completion of role profile forms and two performance reviews (an interim review in June and an annual review in December). During 2012 a total of 91.4% of applicable staff engaged in the PMDS cycle.

The Service considered the more effective operating of PMDS as part of the pilot management programme with UCD Smurfit Business School. In addition, plans were made to introduce the changes to PMDS announced by the Department of Public Expenditure and Reform with effect from 2013.

### Workforce planning

The delivery of effective and efficient services for all court users continued to be impacted by reductions in staff numbers required by the Department of Public Expenditure and Reform under the Employment Control Framework (ECF).

The approved staff number under the ECF was 930 at 31st December 2012. The Service applied for, and was granted, sanction to fill 29 key posts within the ECF limit during the year. However, even when approved, the filling of any post is contingent on the availability of sufficient funding from within the budget of the Service.

Employee Control Framework: Analysis	2009	2010	2011	2012
Approved staff number	1,081	1,002	972	<b>930</b>
Reduction		-79	-109	<b>-151</b>
% Reduction		-7%	-10%	<b>-14%</b>

The Service engaged with the Department of Public Expenditure and Reform to develop a Workforce Plan to inform future staffing and recruitment needs.

*"Notwithstanding the efficiency measures pursued by the Service, the inability to recruit or promote staff without the prior sanction of the Department of Public Expenditure and Reform placed considerable strain on the remaining workforce and necessitated the curtailment of non-court services in a number of areas." Brendan Ryan, Chief Executive*

### Internal communications policy

A policy to improve communications within the Service was approved by the Board in December.

## GOAL 4: SUPPORT CASE MANAGEMENT AND LISTING

### Supporting the judiciary to minimise waiting times

Work with the judiciary continued, in particular with the Presidents of the various court jurisdictions, to improve waiting times for court hearings.

In general, waiting times in the High Court improved during the year. While the waiting time for asylum and pre-leave applications remained high (at 33 months) the allocation of additional judges and additional research support for judges assisted in the reduction of post-leave applications to four months - its lowest level since 2009.

Waiting times in other High Court lists showed some reduction with many maintaining the reduced waiting times achieved in 2011. The implementation of changes to the Dublin personal injuries list resulted in increased certainty in cases proceeding as scheduled. (see further page 54)

The President of the High Court, following consultation with judges and proposals by court registrars, introduced a number of initiatives to reduce waiting times including reorganising sittings of the High Court outside Dublin and arranging for court sittings during court recesses. From June senior registrars (Deputy Masters) dealt with applications in and about the management of certain High Court lists and cases. Functions allocated to these Deputy Masters by the President included making orders and giving directions in a wide range of pre-trial applications.



Litigants and practitioners in the Supreme Court continued to experience lengthy waiting times - in excess of 40 months in the general list at the end of 2012. Waiting times in the priority list averaged 9 months. Whilst priority appeals were managed to a relatively speedy conclusion, the position in the general list reached an unsustainable level by the end of 2012. This was so notwithstanding proactive case and list management initiatives to assist with better movement of the lists and to optimise the use of preparation, research, court and judgment writing time.

Following a recommendation of the Efficiency Group (see page 11) a new pre-trial procedure was introduced in some Circuit Criminal Courts on a pilot basis in December. The new procedure is intended to avoid unnecessary delays in criminal proceedings, identify cases in which pleas may be entered in advance of a trial date and facilitate the commencement of trials in criminal proceedings in the Circuit Court at the time and date appointed.

*"The Service continued to support the judiciary in the administration of court business. Vacancies in court registrar posts were among those prioritised by the Service to be filled within the ECF limit during the year." Brendan Ryan, Chief Executive.*

### Developing the role of the county registrar

The Service continued to develop, with the co-operation of the Department of Justice and Equality, the role of the county registrar in the exercise of pre-trial preparation and adjudicative functions. Subordinate legislation was prepared to assign to county registrars the function of taking evidence on behalf of courts of other member states in civil and commercial matters, under Council Regulation (EC) No 1206/2001.



### Supporting new legal costs assessment regime

In a submission to the Department of Justice and Equality on provisions of the Legal Services Regulatory Bill the Service proposed that county registrars be authorised to exercise the function of legal cost adjudicators.

### Consolidating the District Court Rules

The Service continued to co-operate with the District Court Rules Committee and the Department of Justice and Equality to consolidate the District Court Rules and rationalise District Court forms. The text of consolidated rules was approved in principle by the Committee during the year with work on proofing of the full text to be completed by mid 2013.

### Participating in cross justice sector initiatives

During 2012 the Service cooperated with the judiciary to implement initiatives in relation to court procedures arising from the report of a cross agency working Group, viz. the Working Group on Efficiency Measures in the Criminal Justice System - Circuit and District Courts. The Group was established by the Chief Justice and the Minister for Justice and Equality to identify and implement efficiency measures with a specific focus on those courts, and presented its first report to the Chief Justice and the Minister in November. Measures identified by the Group include the centralisation of custody cases (see page 5), the use of alternative courts in the District Court, a pre-trial procedure introduced in the Dublin, Midland and South Eastern Circuit Criminal Courts by practice direction on a pilot basis (see page 10), increased use of video links between courts and prisons (see page 8), and the provision of same day probation reports.

The Service also continued to participate and be represented on a number of working groups and bodies concerned with reform of aspects of the administration of justice including the Company Law Review Group, the European Commission for the Efficiency of Justice, the Expert Group on Effective Remedies under Article 13 of the European Convention on Human Rights and Fundamental Freedoms, and the Working Group on Medical Negligence and Periodic Payments.

### Supporting mediation initiatives

A pilot initiative, supported by the Service and the Mediators' Institute of Ireland, was introduced in Dublin Circuit and District Civil Court in early 2012 to encourage lay litigants to use the mediation process provided by three service agencies when seeking certain court remedies. In 2012, parties in 28 cases met representatives of one of the agencies, following their appearance in court or at the court office. There were 16 final agreements reached.

The Service continued to support a service in Dublin District Family Court to encourage litigants who would ordinarily seek court remedies in cases involving the welfare of children to resolve their disputes using mediation. During 2012 over 1,700 people were provided with information on the service which is provided by the Family Mediation Service (FMS) of the Legal Aid Board. There were 374 agreements finalised by couples with the assistance of the FMS during the same period - giving a total of 580 mediated agreements concluded since the initiative commenced in March 2011.

### Supporting other initiatives

The Service continued to facilitate support and referral services in the District Family Court in Dolphin House in Dublin. A service for women seeking legal protection from domestic violence offers emotional support, helps them prepare for court and refers them to other domestic violence services for on-going support. During 2012, 226 women attended the service during 239 drop-in visits. They reported instances of abuse in a range of categories including emotional, physical, sexual, and financial. On foot of these reports, 238 referrals were made to other agencies, including domestic violence services, legal aid, An Garda Síochána, social services, solicitors and refuges.

A similar service, commenced on a pilot basis in the District Family Court in Dundalk courthouse in December, will be reviewed in mid 2013.

An outreach service for men was provided from Dolphin House during the year by a State-sponsored NGO working with male victims of domestic violence.

*"In accommodating these groups with facilities or referrals, the Courts Service is ensuring a wide spectrum of advice and options is made available – in one place – before people of either gender decide to go into the courtroom."*  
Chief Justice, Mrs. Justice Susan Denham.



## GOAL 5: MAXIMISE THE USE OF ACCOMMODATION AND INFORMATION AND COMMUNICATIONS TECHNOLOGY

Activity	Number as of 31st December 2012
Courthouses meeting modern standards	52
Court venues with videoconferencing facilities	16 (27 courtrooms)
Courtrooms with digital audio recording facilities	209

### Reviewing court venues

The Strategic Plan commits to rationalising the number of court venues to ensure that venues comply with disability and health and safety requirements and to achieve value for money from the significant capital investment in court venues in county towns. By year end the number of venues outside Dublin had been reduced to 96 from over 250 when the Service was established in 1999.

Venues were closed during the year in Athenry, Ballymote, Borrisokane, Boyle, Castlecomer, Castleisland, Castletownbere, Claremorris, Ennistymon, Kiltimagh, New Ross, Portarlinton, Roscrea, Shannon, and Templemore following consultation with court users. The court business dealt with in these venues was transferred to adjacent venues where improved facilities for all court users can be provided. A methodology and consultation process for future venue closures was approved by the Board in June.

### Building projects

The Service undertook preparatory work on seven courthouse construction and/or refurbishment projects included in the Government's Infrastructure Stimulus Package announced in July. The projects, in Cork, Drogheda, Letterkenny, Limerick, Mullingar, Wexford, and Waterford will be procured as Public Private Partnership projects with the assistance of the National Development Finance Agency. The Office of Public Works is undertaking the design work on these projects.

By year end detailed designs had been completed in respect of Mullingar and Wexford, the design of Waterford was at an advanced stage, output specifications had been completed for Limerick, Cork and Letterkenny, and work was progressing on the design of Drogheda.

### Awards

Monaghan courthouse was the winner in the Conservation/Restoration category of the Royal Institute of Architects in Ireland (RIAI) awards 2012. The awards are the Institute's main way of communicating to the public the variety and quality of contemporary Irish architecture and of promoting design quality.

### Making buildings accessible

The Office of Public Works agreed during the year to assist the Service to undertake audits of court buildings to assess compliance with the Disability Act 2005.

### Managing energy usage

The main energy users in the Service are courthouse buildings and office accommodation. The Service occupies over 100 buildings throughout the country. Some are used infrequently (once or twice per month), others are shared with other organisations (e.g. local authorities) while others are rented on court days. It is accordingly not feasible to provide precise figures in relation to all buildings occupied by the Service. In 2012 the Service consumed 16,981MWh of energy consisting of 9,273MWh of electricity and 7,708MWh of fossil fuels.

### Actions undertaken in 2012

The Service undertook a range of initiatives to improve energy performance including the installation of passive infrared sensors (PIR Sensors) in Phoenix House and the upgrading of insulation at Blanchardstown courthouse. These works were grant aided by the Sustainable Energy Authority of Ireland. The Service also continued to promote the Office of Public Works 'Optimising Power at Work' scheme at numerous locations throughout the country.





*Actions planned for 2013*

The Service intends to further improve energy performance by continuing to promote the establishment of 'energy teams' at offices throughout the country and by rationalising the courthouse network thereby concentrating activities in more energy efficient buildings.

**Planning for the future of information and communications technology (ICT)**

The Board approved the ICT Strategic Plan 2011-2014 in April. The Plan identifies projects to be carried out subject to the availability of funding. They include the development of new architecture to deliver applications in modules, to include, managing debt claims online (see below), electronic registers of judgment, case management, a new probate system including online registers and a jury management system.

The Plan reflects and supports the objectives set out in the Strategic Plan of the Service and the eGovernment Strategy 2012-2015 of the Government. It identifies the key challenges and opportunities facing the organisation during the period and aims to support the Service in maintaining court services in the context of reducing resources. The Plan places an increased emphasis on value for money and reduces the cost of the provision of ICT facilities.

Major cost reductions in the delivery of information and communications technology services achieved during the year enabled the Service continue to provide high quality services to staff, judges and court users. It also allowed a number of other initiatives to proceed such as planning for a new desktop and remote access infrastructure. Plans were also developed to implement a more robust disaster recovery solution. These initiatives will be implemented in 2013.

*'Supporting Public Service Reform eGovernment 2012-2015', approved by the Government and published in April 2012, contains 44 actions across eight key priority areas to ensure that Ireland will be in a position to benefit from the opportunities offered by existing and emerging technologies.*

**Criminal Case Management System and Courts Accounting System**

The legislative changes proposed in the Fines (Amendment) Bill 2012 require that the District Court Criminal Case Management System and the Courts Accounting System be further developed, in particular to facilitate enforcement and payment of fines by instalments. The Service worked during the year to design new work processes to cater for the changes and to make the necessary technical changes to upgrade the systems' infrastructure.

*"The limited opportunities in current systems for court users to conduct activities online means a significant requirement for intervention by staff of the Service, putting pressure on offices to maintain a high level of customer interface via telephones and public counters." Brendan Ryan, Chief Executive Officer*

**Civil case management system**

Development of new architecture for a civil case management system continued during the year to replace the current configuration of disparate ICT systems. The initial phase of the system, Debt Claims Online, will allow applicants to issue District, Circuit or High Court proceedings (depending on the amount claimed) for the recovery of a liquidated debt. Defendants will be able to enter an appearance or to lodge a notice of intention to defend online, and where the claim is undefended, plaintiffs will be able to apply online to mark judgment in default of appearance / defence for that liquidated debt.

At year end development of the information and communications technology infrastructure to support the system was well advanced. Implementation was dependent on the inclusion of certain legislative provisions in the Legal Services Regulation Bill 2012.

The legislative underpinning of a centralised office to process liquidated debt cases across jurisdictions provides the opportunity to build on this model of central processing for other business areas to achieve improved service delivery and the more efficient use of staff resources. The centralisation of suitable court office processes was a recommendation of the TASC review.

*"The processing of debt claims online is the first manifestation of the centralisation exercise. During 2012 the Service identified other business areas appropriate for centralisation of administration. They are the processing of small claims, the summoning of jurors, the functions of the Central Administration and Processing Unit of the Service (CAPU) and the Courts Accounts System (CAS), probate, and procurement." Brendan Ryan, Chief Executive Officer.*

In addition, as part of the overall civil case management system, the Service cooperated with the Department of Justice and Equality and the proposed Insolvency Service of Ireland in the design of an electronic data exchange system for personal insolvency applications to be made under the Personal Insolvency Act 2012.

### **Interim criminal case management system**

Work continued on the development of an interim case management system for the Court of Criminal Appeal, Central Criminal Court, and Circuit Criminal Court. Following successful installations in offices in the Criminal Courts of Justice in Dublin, the system was installed in several provincial offices during 2012.

### **Communications infrastructure**

A new Voice over Internet Protocol (VoIP) telephone system was installed for the Dublin offices of the Service in August 2012. At the same time the Service consolidated telephone lines - lowering costs per telephone call. The new phone system was installed in offices in Monaghan, Clonmel, Cavan, Portlaoise Carlow, Dundalk and Naas. At year end work was underway to provide the remaining provincial offices with the new VoIP system.

### **Promoting the use of online services**

The Service continued to promote the use of online services as a more efficient method of service delivery. Plans were well advanced by year end to migrate eSmall Claims cases to the new architecture for the Civil Case Management System.

The payment of fines using the online payment method continued to increase with 29% paid online compared with 26% in 2011 and 21% in 2010.

## **GOAL 6: DELIVER EXCELLENCE IN GOVERNANCE, ACCOUNTABILITY AND VALUE FOR MONEY**

### **Risk management**

The management of risk assumes additional significance in times of continued reductions in funding and staff resources. The risks facing the Service are identified in a Corporate Risk Register which in turn provides the context through which Heads of Directorates prepare individual directorate risk registers.

The Corporate Risk Register is updated and reviewed on a regular basis by the Chief Executive Officer, the Senior Management Team, the Audit Committee and the Board. (see page 64 for additional information)

### **Performance budgeting**

The introduction of performance budgeting as part of the Estimates 2012 process brought a new focus to the matter of performance measures for the business units of the Service. The new format, which replaces the Annual Output Statement of previous years, requires the identification of key outputs which includes public sector activity, context and impact indicators. The 2012 performance budgeting targets for the Service were set out in the Revised Estimates Volume for 2012. They complement the actions set out in the Corporate Business Plan 2012 to deliver on the goals in the Strategic Plan. These targets and their corresponding outputs are on page 4.

### **Containing expenditure within funding limits**

In line with reductions in funding allocations the Service reduced spending across a number of headings during the year. Overall expenditure was contained within approved budget limits.

### **Additional fee income generation**

Revised court fees orders, approved by the Minister for Justice and Equality in March, came into effect in April 2012. Further revisions to court fees were approved by the Board in December for submission to the Minister.



## COMMUNICATING WITH THE PUBLIC

### Website

There were almost 2.5 million visits to the website during the year. The most visited sections were Legal Diary, Judgments and High Court Search. In response to the increasing use of mobile devices the Service developed a mobile app to enable users access the Legal Diary.

Website: Visits	
<b>2012</b>	<b>2,434,487</b>
2011	2,007,950

Website: Visits by mobile device	
Mobile device	Visits
Apple iPhone	145,751
Apple iPad	54,440
Samsung GT-19100 Galaxy SII	8,480
SonyEricsson LT15i Xperia Arc	6,419
Samsung GT-19000 Galaxy S	5,705
Other	8,832
<b>Total</b>	<b>229,627</b>

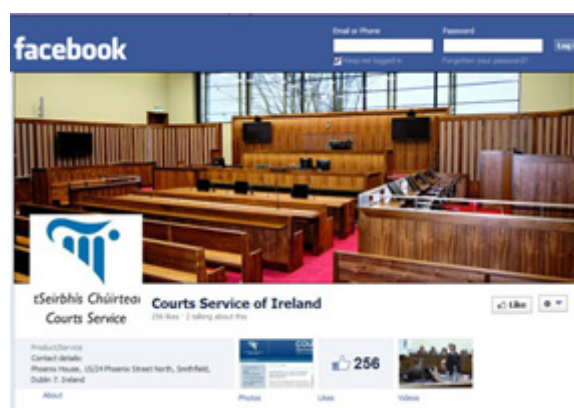


### Social media

The Service continued to keep pace with the ever changing face of social media. Work commenced on a project to enable users follow court lists *via* a Twitter/RSS feed. In addition, news of initiatives, events and court sittings were posted regularly on Facebook.

### Outreach

The Service continued to encourage the public to learn about the courts system. Over 5,000 second level and third level students, and community and other groups availed of the Outreach Programme with visits tailored to meet their various interests.



Court buildings, including the Criminal Courts of Justice, were made available for numerous mock trial and other competitions with a legal theme. The Service also participated in several initiatives to encourage the public to visit court buildings and facilitated the use of the buildings for a variety of community and other uses. These included an art exhibition in Galway courthouse, a book launch in Castlebar courthouse, and carol singing in Sligo courthouse. The Criminal Courts of Justice was made available during the Irish Architecture Foundations' Open House programme, and for events associated with the Annual Conference of the International Bar Association and the General Assembly of the European Network Council for the Judiciary.

### Media

The Media Relations Service continued to provide a single point of reference and source of information for local, national and international media including television, radio, internet and print. In excess 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. The Service also continued to interact with schools of journalism with the Media Relations Service providing lectures and familiarisation visits for student journalists.

### 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 171 parliamentary questions tabled by members of the Oireachtas with 349 letters/representations from other government departments, TDs, senators and members of the public dealt with.

There were 14 formal requests under the Freedom of Information Acts and a further 60 written requests dealt with outside of the Acts. Additional queries were dealt with by telephone or email, many relating 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.

The 'Guide to the Courts Service' published in accordance with the provisions of the Freedom of Information Act was updated for the period 2013-2016 and published on the website. (see also page 85)

Requests: Freedom of Information Acts	
On hand 01/01	1
Received	14
Dealt with	15
On hand 31/12	0

Outcome of requests dealt with	
Access granted/part granted	9
Refused	2
Transferred/withdrawn	4

The Service dealt with 31 requests under the Data Protection legislation during the year.



## CHAPTER 2 – ABOUT THE COURTS SERVICE

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

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

The Courts Service Act, 1998 which established the Service provides that the Board may establish committees to advise it in relation to the performance of its functions and may appoint committee members who are not members of the Board but have a specialist knowledge and experience related to the purposes of the committee.

### THE BOARD OF THE COURTS SERVICE



The Hon. Mrs. Justice  
**Susan Denham**,  
*Chairperson, Chief Justice*



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



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



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



The Hon. Mr. Justice  
**Raymond Groarke**,  
*President of the Circuit Court*



His Hon. Judge **Rory MacCabe**, elected by the  
judges of the Circuit Court



Her Hon. Judge **Rosemary Horgan**, *President of the District Court*



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



The Hon. Mr. Justice  
**Paul Gilligan**, nominated  
by the Chief Justice



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



Mr. **David Nolan**, S.C.,  
nominated by the Bar Council  
of Ireland



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



Mr. **John Glennon**  
elected by the staff of the  
Service



Dr. **Deirdre O'Keeffe**,  
an officer of the Minister,  
nominated by the Minister



Mr. **Pat Doyle**,  
nominated by the Minister



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



Mr. **Shane Browne**,  
nominated by the Minister



## **STANDING COMMITTEES OF THE BOARD**

### **FINANCE COMMITTEE**

The Honourable Mrs. Justice Susan Denham - *Chairperson*  
The Honourable Mr. Justice Nicholas Kearns  
The Honourable Mr. Justice Kevin Feeney  
The Honourable Mr. Justice Raymond Groarke  
Her Honour Judge Rosemary Horgan  
Mr. Brendan Ryan  
Dr. Deirdre O’Keeffe

### **AUDIT COMMITTEE**

Mr. Jim Farrell, external member – *Chairperson*  
His Honour Judge Ray Fullam, nominee of the President of the Circuit Court  
Judge Patrick McMahon, nominee of the President of the District Court  
Dr. Deirdre O’Keeffe  
Mr. Pat Doyle  
Mr. Shane Browne

### **BUILDING COMMITTEE**

The Honourable Mr. Justice Kevin Feeney – *Chairperson*  
The Honourable Mr. Justice Paul Gilligan  
His Honour Judge Gerard Griffin  
Judge David McHugh, judge of the District Court  
Mr. Brendan Ryan  
Mr. Liam Berney  
Mr. John Glennon  
Mr. John Coyle, Head of Circuit and District Courts Operations, Courts Service  
Mr. Paul Burns, Head of Infrastructure Services, Courts Service  
Mr. Ciaran O’Connor, Office of Public Works  
Mr. Fergal Foley, the Bar Council of Ireland  
Mr. Gerard Doherty, the Law Society of Ireland

### **FAMILY LAW COURT DEVELOPMENT COMMITTEE**

The Honourable Mr. Justice Michael White, judge of the High Court – *Chairperson*  
The Honourable Mr. Justice Henry Abbott, judge of the High Court  
Her Honour Judge Mary Faherty, judge of the Circuit Court  
Judge Gerard Furlong, judge of the District Court  
Mr. Pat Doyle  
Mr. Shane Browne  
Ms. Nuala McLoughlin, Director of Supreme and High Courts Operations, Courts Service  
Mr. John Coyle  
Mr. Tom Ward, Chief Clerk of the Dublin Circuit and District Civil Courts, Courts Service  
Mr. Fintan Murphy, nominee of the County Registrar’s Association  
Ms. Catherine Forde, the Bar Council of Ireland  
Mr. Donagh McGowan, the Law Society of Ireland

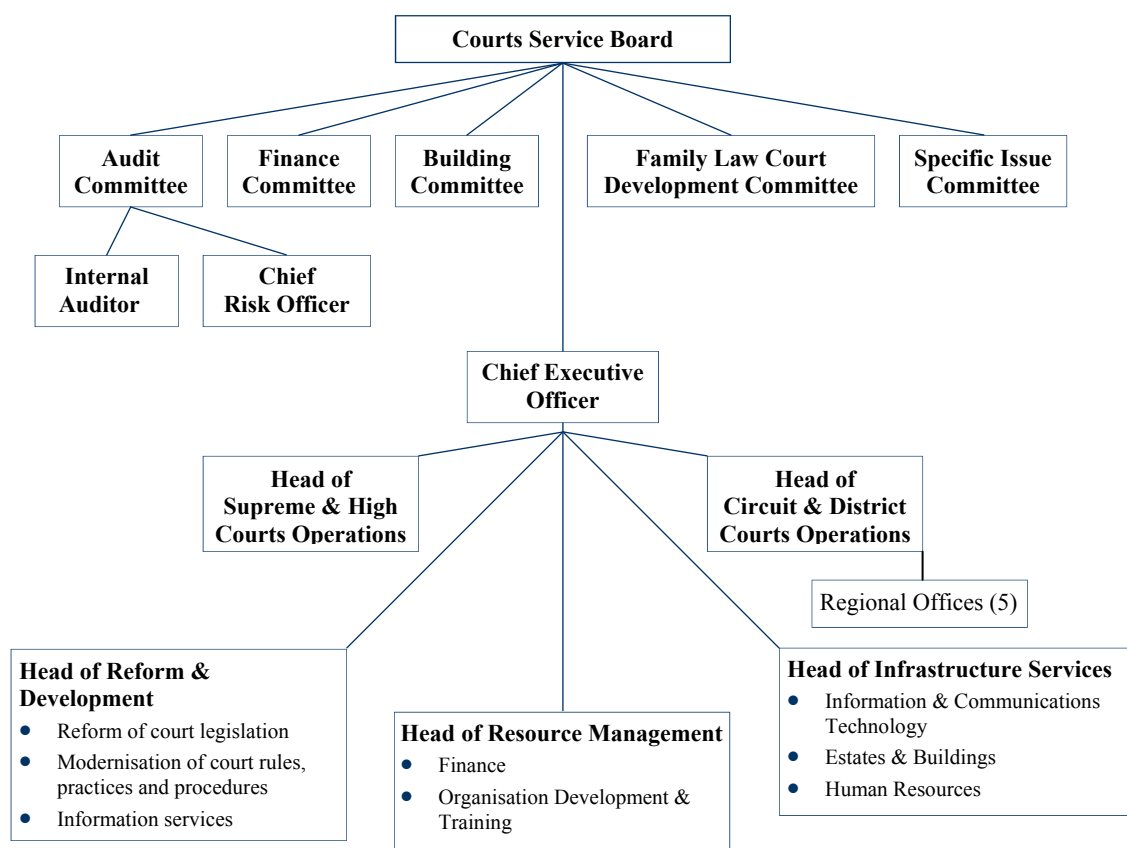
### **BOARD COMMITTEE TO ADDRESS SPECIFIC ISSUE:**

#### **IRISH SENTENCING INFORMATION SYSTEMS (ISIS) COMMITTEE**

The Honourable Mrs. Justice Susan Denham, Chief Justice – *Chairperson*  
The Honourable Mr. Justice Michael Peart, judge of the High Court  
Her Honour Judge Mary Ellen Ring, judge of the Circuit Court  
Her Honour Judge Rosemary Horgan, President of the District Court  
Professor Thomas O’Malley, Faculty of Law NUI, Galway



## ORGANISATIONAL STRUCTURE



## CHIEF EXECUTIVE OFFICER AND SENIOR MANAGEMENT TEAM

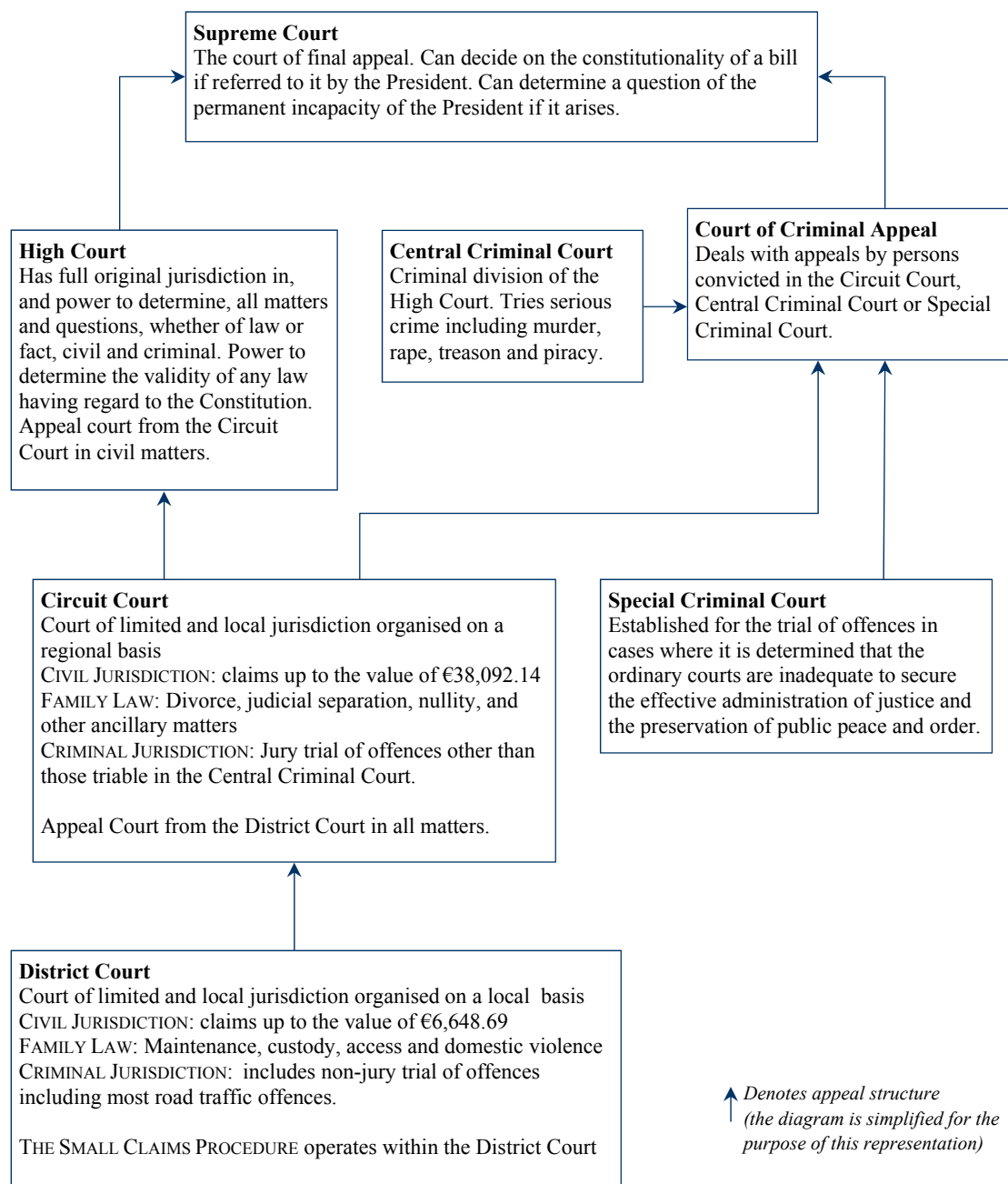
The Chief Executive Officer is responsible for the implementation of policies approved by the Board, the day-to-day management of the staff, administration and business of the Service and is also the Accounting Officer for the Service. (see also page 63.)

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



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

## STRUCTURE OF THE COURTS



## CHAPTER 3 – COURT STATISTICS

The statistics in this chapter are for the period from 1st January 2012 to 31st December 2012. They are presented by reference to criminal and civil law across the four court jurisdictions (Supreme Court, High Court, Circuit Court and District Court). In some instances statistics for 2011 and previous years are provided for comparison purposes.

The statistics refer to the major areas of work of the courts. Additional statistics 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, Injuries Board Ireland, the Office of the Director of Corporate Enforcement and the Health Service Executive.

### COURT STATISTICS: AT A GLANCE

Court	Matters
<b>Supreme Court</b>	<b>605</b>
<b>Court of Criminal Appeal</b>	<b>346</b>
<b>High Court</b>	
Civil	35,173
Criminal	3,626
<b>Total</b>	<b>38,799</b>
<b>Special Criminal Court</b>	<b>61</b>

Court	Matters
<b>Circuit Court</b>	
Civil	42,947
Criminal	16,994
<b>Total</b>	<b>59,941</b>
<b>District Court</b>	
Civil	174,797
Criminal	372,706
<b>Total</b>	<b>547,503</b>

<b>Total all jurisdictions</b>	<b>647,255</b>
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### COURT STATISTICS: HIGHLIGHTS

#### CRIMINAL CASES –

- 346 appeals in Court of Criminal Appeal – a 10% increase on 2011
- 31 murder cases in Central Criminal Court – a 20% decrease on 2011
- 83 rape cases in Central Criminal Court – a 4% increase on 2011 and a 32% increase on 2010
- 342 European Arrest Warrant applications in High Court – a 21% decrease on 2011
- 34% of offences in Circuit Criminal Court relate to fraud/theft/robbery with 18% relating to drugs offences
- 58% of orders in summary cases disposed of in District Court relate to road traffic offences
- 15,858 orders in respect of drug offences in District Court – a 10% decrease on 2011
- 48,284 orders in respect of public order and assault offences in District Court – a 22% decrease on 2011
- 12,636 orders in respect of drink driving offences – a 32% decrease on 2011.

## CIVIL CASES –

- 605 appeals in Supreme Court – a 21% increase on 2011
- 16,864 personal injury actions in the High Court and Circuit Court – a 5% increase on 2011
- 269 applications to wind up companies in the High Court – a 13% decrease on 2011
- Orders made in the High Court to restrict the directors of 81 companies – a 50% increase on 2011
- Orders made in the High Court to disqualify the directors of 18 companies – a 350% increase on 2011
- Over 38% of cases admitted to High Court Commercial List relate to summary debt claims
- 456 orders for possession made – a 29% decrease for the High Court and a 27% decrease for the Circuit Court on 2011
- 29,867 summary judgments marked for recovery of debt across all jurisdictions – a 30% decrease on 2011
- 11,185 execution orders issued in High Court and Circuit Court - a 23% decrease for the High Court and an 18% decrease for the Circuit Court on 2011
- 6,360 judgments registered across all jurisdictions - an 18% decrease on 2011
- 1,921 committal orders in the District Court - an 83% increase on 2011
- 440 asylum related judicial review applications in High Court – a 37% decrease on 2011
- 1,290 applications for judicial separation – a 6% decrease on 2011 – majority by wives (76% in High Court; 73% in Circuit Court)
- 3,482 applications for divorce – a 4% increase on 2011 – majority by husbands in High Court (60%) and by wives in Circuit Court (53%)
- 12,655 applications under the domestic violence legislation – a 19% increase on 2011

## COURT STATISTICS: OVERVIEW

### The Supreme Court

There were 605 new appeals lodged, a 21% increase on the 499 filed in 2011. The percentage of appeals filed by personal litigants increased to 26% from 18% in 2011.

The appeals disposals by the Court, motions listed and written judgments figures also increased. There were 255 appeals disposed of - 202 by the Court and 53 withdrawn by letter to the Supreme Court Office. This compares with 258 in 2011 - of which 190 were disposed of by the Court and 68 withdrawn by letter. Appeals in summary judgment cases increased by 146% from 26 in 2011 to 64 in 2012 while appeals in Companies Act cases increased by 138% from 8 in 2011 to 19 in 2012. There were increases also in appeals in common law cases (43%), judicial review of asylum matters (32%) and commercial cases (20%). The Court delivered 114 judgments as compared to 73 in 2011.

### Criminal business

The courts dealt with 390,801 criminal matters involving 159,071 defendants in 2012. There were 173 appeals disposed of in the Court of Criminal Appeal; 867 offences dealt with in the Central Criminal Court; 61 offences dealt with in the Special Criminal Court; 10,597 offences dealt with in the Circuit Court; and 372,706 offences dealt with in the District Court. There were 6,397 appeals from the District Court disposed of in the Circuit Court.

In addition, there were 224 orders made in *habeas corpus* and 1,246 orders made in European Arrest Warrant cases in the High Court, 1,748 orders in bail cases and 14,317 offences sent forward for trial to higher courts from the District Court.

### The Court of Criminal Appeal

Appeals lodged in the Court of Criminal Appeal increased from 314 in 2011 to 346. The majority (243 or 70%) were against sentence only. There were 55 appeals (16%) against conviction and sentence with 41 (12%) against conviction only.





The Court disposed of 173 appeals compared with 290 in 2011. Over 60% (109) related to Circuit Court cases with 24 relating to Central Criminal Court cases. The Director of Public Prosecutions appealed 21 cases on grounds of undue leniency in the original sentence.

### **Central Criminal Court / High Court**

There were 63 jury trials in the Central Criminal Court – 30 in respect of murder and 33 in respect of rape and sexual assault.

#### ***Murder***

The Court received 31 new murder cases and disposed of 41 compared to 39 new cases and 39 cases disposed of in 2011. Pleas of guilty were entered in 10 cases, one defendant was found unfit to plead, and 30 went to trial. One defendant was found not guilty by reason of insanity, four were acquitted, and the remainder were convicted. There were 20 convictions for murder and 15 convictions for offences other than murder *e.g.* manslaughter. Twenty life sentences were imposed with five sentences for periods of more than ten years and ten sentences for periods of between five and ten years.

#### ***Rape***

The 83 new rape cases received by the Court represented a small increase on the 80 cases received in 2011 but a significant increase (32%) on the 63 cases received in 2010. Thirty five guilty pleas were entered and there were 33 jury trials. There were 21 acquittals and 12 *nolle prosequi* entered. The majority of sentences imposed were for periods of between five and twelve years.

#### ***European Arrest Warrant applications***

There was a decrease in applications in European Arrest Warrants cases in the High Court with 342 applications made, a 21% decrease on the 414 applications made in 2011. There were 1,246 orders made, a 9% decrease on the 1,368 orders made in 2011.

#### ***Bail***

Only the High Court has jurisdiction to deal with bail applications where a person is charged with murder. Applications may also be made to the High Court to vary the terms of a bail order made by a District Court judge. In 2012 the High Court made 1,748 orders in bail applications, and 973 orders granting bail, a 19% decrease on the 1,205 such orders made in 2011. There were 465 orders refusing bail, a 9% decrease on the 491 made in 2011.

In addition, €3.15m in bail lodgments was received in the District Court during the year, compared with €4.2 million in 2011.

### **Special Criminal Court**

There were 10 trials in the Special Criminal Court – a decrease from 13 in 2011 – involving 30 defendants, a decrease on the 32 in 2011.

Of the 30 defendants, 18 were convicted – 9 pleaded guilty with 9 found guilty by the Court. The most common offence was possession of firearms or membership of an illegal organisation, with possession of ammunition, possession of an explosive substance and murder accounting for the other offences.

### **Circuit Court**

There were 10,597 offences in the Circuit Court involving 4,184 defendants and 620 trials. Theft and robbery remained the largest category of offence with 3,526 offences dealt with. There were 1,925 drug offences and 1,163 assault offences. Appeals from the District Court to the Circuit Court decreased by 19% - from 6,499 in 2011 to 5,268. Appeals disposed of decreased from 6,437 in 2011 to 6,397.

### **District Court**

There were 400,911 orders made in respect of offences in the District Court, a 14% decrease on the 468,525 in 2011. A further 14,317 offences were sent forward for trial to higher courts, a slight decrease on the 14,476 in 2011. Orders made in respect of summary offences disposed of decreased by 16% from 395,279 to 332,085. Indictable offences dealt with summarily decreased to 68,826 from 73,246 in 2011.

Orders made in respect of offences under the road traffic legislation continued to be the highest category accounting for 58% of orders made in respect of summary offences. There were 4,557 orders made in respect of dangerous driving offences, a decrease of 8% on the 4,961 orders in 2011 and of 15% on the 5,362 in 2010. There were 12,636 orders made in respect of drink driving offences, a decrease of 32% on the 18,669 orders in 2011 and of 40% on the 21,153 in 2010.

Orders made in respect of drugs offences decreased by 10% to 15,858 from 17,715 in 2011. There were 48,284 orders made in respect of public order and assault offences a decrease of 22% on the 61,652 orders in 2011.

### ***Juvenile crime***

Orders made in respect of offences before the Children Court decreased by 29% to 5,769 from 8,093 in 2011. There were 2,815 offences struck out or taken into consideration with other offences. One hundred and fifty two offences were returned to a higher court for trial.

## **Civil**

### ***Cases issued***

There were 180,287 civil cases issued in 2012 – 26,063 in the High Court (compared to 26,378 in 2011); 34,993 in the Circuit Court (compared to 42,696 in 2011); and 119,231 in the District Court (compared to 117,498 in 2011). There was a 3% decrease overall on the 186,572 civil cases issued in 2011.

### ***Personal injury***

There were 16,864 personal injury suits filed – 8,791 (including medical negligence) in the High Court (a 7% decrease on the 8,179 in 2011) and 8,073 in the Circuit Court, a slight increase on the 7,881 in 2011.

### ***Corporate insolvency (companies)***

There were 269 applications to the High Court for an order to wind up a company, a 13% decrease on the 305 such applications in 2011. Winding up orders were made in respect of 105 companies, a 7% increase on the 98 orders made in 2011. Applications were made to restrict the directors of 82 companies, a 60% increase on the 51 such applications made in 2011. There were 81 restriction orders made, an increase of 50% on the 54 such orders made in 2011. Disqualification orders were made in respect of the directors of 18 companies, a 350% increase on the four such orders made in 2011.

### ***Personal insolvency (bankruptcy)***

There were 82 applications (petitions) to have persons adjudicated bankrupt compared with 76 in 2011. There were 35 people adjudicated bankrupt (adjudications), compared with 33 in 2011 and 29 in 2010. At year end, the Office of the Official Assignee in Bankruptcy had a caseload of 133 bankruptcies and 28 arranging debtors.

### ***Commercial list***

There were 215 new cases admitted to the High Court Commercial List, a 13% decrease on the 249 admitted in 2011. There were 274 cases disposed of, a 15% decrease on the 324 disposed of in 2011. By the end of 2012, 1,819 cases had been admitted to the list and 1,715 disposed of since the inception of the List in 2004. The average time for disposal reduced to 20 weeks, with 25% of all cases being disposed of/concluded in less than 3 weeks, and 90% of all cases being disposed of in less than 51 weeks.

### ***Chancery/Equity***

In the High Court, cases based on equitable relief including injunctions, company law matters, specific performance or rescission of contracts, administration of estates of deceased persons or trust actions are dealt with in the Chancery List. Similar cases in the Circuit Court are called equity actions.



In 2012, the High Court made orders in or disposed of 2,107 chancery actions, a 2% increase on the 2,151 cases in 2011. In the Circuit Court there were 1,210 equity cases, a 19% decrease on the 1,493 in 2011.

### ***Possession and mortgage suit cases***

Possession cases include all cases in which the plaintiff is seeking possession of lands and/or premises including family homes. Applications for possession may also form part of mortgage suits. These are cases where the creditor has a mortgage on the property in which the defendant has an interest but does not have power to sell that property unless the court declares the mortgage well-charged on the debtor's interest.

Cases for the recovery of possession of lands and/or premises in the High Court continued to decrease. There were 270 cases in 2012 – a decrease of 43% on the 480 cases in 2011 and a 54% decrease on the 583 cases in 2010. Orders for possession were made in 198 cases, a 29% decrease on the 281 in 2011. In the Circuit Court there were 258 orders for possession compared with 353 in 2011, a 27% decrease.

There were 48 mortgage suit cases issued in the High Court, a 38% decrease on the 78 issued in 2011. There were 58 declaratory well charging orders made, more than twice as many as the 25 made in 2011.

Ejectment proceedings may be brought in the Circuit Court or District Court for possession resulting from matters including non-payment of rent or overholding. There were 1,794 applications for ejectment in the District Court, a 14% increase on the 1,567 in 2011.

### ***Breach of contract and recovery of debt***

In the Circuit Court, breach of contract (which includes recovery of debt) continued to be the main cause of action accounting for 21,499 (61%) of cases. In the High Court, claims for the recovery of debt (summary summonses) decreased by 7.5%, from 6,402 (including revenue claims) in 2011 to 5,921 (including revenue claims). Over 38% of all cases admitted to the Commercial List (83 cases) commenced as a liquidated demand on a summary summons.

Judgments were marked in the High Court in 2,857 cases, a decrease of 24% on the 3,783 in 2011. In the other jurisdictions there was a decrease of 15% in judgment marked in Circuit Court offices (to 11,293 from 13,249 in 2011) and a decrease of 38% in District Court offices (to 15,717 from 25,261 in 2011).

### ***Enforcement of judgments***

#### ***Execution orders***

There were 11,185 execution orders issued in the High Court and Circuit Court – 3,412 in the High Court (a 23% decrease on 2011) and 7,773 in the Circuit Court (an 18% decrease on 2011).

#### ***Committal and instalment orders***

Committal orders for non payment of debts increased by 83% from 1,051 in 2011 to 1,921. Summonses for attendance by a debtor decreased by 13% to 13,447 from 15,350 in 2011 while instalment orders decreased from 10,400 to 10,068.

#### ***Registration of judgments***

Judgments obtained in the District Court, Circuit Court and High Court can be registered in the High Court. There were 6,360 judgments registered in 2012, an 18% decrease on the 7,795 in 2011.

#### ***Judgment mortgage certificates***

There were 3,075 judgment mortgage certificates signed in the High Court, an increase of 8% on the 2,844 certificates signed in 2011. There was a decrease in the Circuit Court with 4,375 certificates signed, a 7% decrease on the 4,705 certificates signed in 2011.

### ***Judicial review***

There were 998 applications for judicial review to the High Court in 2012, a 16% decrease on the 1,193 in 2011. There was a 37% decrease in asylum-related applications – 440 compared with 703 in 2011. Asylum-related applications represented 44% of all judicial review applications. Applications in asylum related cases generally seek an order quashing the decision of a body such as the Refugee Appeals Tribunal, or an injunction restraining the Minister for Justice and Equality from deporting them.

### **Small claims**

Applications under the small claims procedure decreased by 20%, from 3,836 in 2011 to 3,067. The largest categories of claims related to household and electrical goods. Other categories included claims relating to building services, motor vehicles and holidays. One thousand two hundred and twenty one (1,221) applications could not be dealt with under the small claims procedure. Of the claims dealt with, small claims registrars settled 740, there were 213 decrees by default (granted where the person against whom the claim is made does not respond or take any part in the case), 475 applications not proceeded with and 722 referred to the District Court. In court, decrees were granted in 345 cases, 73 cases were dismissed and the remaining 304 were struck out or withdrawn.

### **Family law**

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

#### ***Judicial separation***

There were 1,290 applications for judicial separation in 2012 – 21 in the High Court and 1,269 in the Circuit Court - a 6% decrease on 2011. The majority of applications in both jurisdictions (76% in High Court; 73% in Circuit Court) were by wives. There were 858 orders granted – 18 in the High Court and 840 in the Circuit Court.

#### ***Divorce***

There was little change in the number of applications for divorce – 3,482 as compared to 3,358 in 2011. There were 20 applications in the High Court and 3,462 in the Circuit Court - the majority in the High Court were by husbands (60%) while the majority in the Circuit Court were by wives (53%). There were 2,892 orders granted - 24 in the High Court and 2,868 in the Circuit Court.

#### ***Nullity***

There were 28 applications for nullity in the Circuit Court – the majority (61%) by husbands. Decrees granted decreased from 34 to 19. There were no applications in the High Court.

#### ***Appeals in family law***

Appeals from the Circuit Court to the High Court increased by 14% on 2011 – from 146 to 167. There were 1,045 appeals from the District Court to the Circuit Court, a slight decrease on the 1,064 in 2011.

#### ***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. There were 1,346 supervision applications, 519 emergency care order applications and 1,677 care order applications. The highest category of application was in respect of interim care orders with 5,773 applications – these applications also include applications for extensions of orders.

The number of applications does not necessarily reflect the number of children in respect of whom orders are made, as several orders may be made in respect of an individual child.

#### ***Child abduction***

There were 37 new applications to the High Court under the Hague Convention on Child Abduction compared to 30 in 2011, with 160 orders made.

#### ***Notice/age of marriage***

The Circuit Court can exempt persons wishing to marry from the requirement to give three months notice to the Registrar of Marriages. It can also exempt persons from the age requirements for marriage. There was a 12% decrease in applications received – 593 compared to 677 in 2011 – with 467 applications granted compared to 462 in 2011.





### ***Guardianship, custody, access***

There were 3,033 applications by unmarried applicants for guardianship in the District Court, a 10% increase on the 2,761 applications in 2011. Applications for custody (including custody and access) increased by 9% to 2,331 from 2,135 in 2011 while applications for access (only) increased by 9% from 5,122 in 2011 to 5,609.

### ***Domestic violence***

The Domestic Violence Act was amended by section 60 of the Civil Law (Miscellaneous Provisions) Act, 2011 which broadened the eligibility criteria thus entitling additional categories of persons to apply for safety and protection orders.

Applications to the District Court under the domestic violence legislation increased by 19% to 12,655 from 10,652 in 2011. There was a 34% increase in applications for safety orders (5,026 as compared to 3,755 in 2011) and a 23% increase in applications for protection orders (4,192 as compared to 3,403 in 2011). Applications for interim barring orders showed a slight decrease (648 as compared to 731 in 2011) while applications for barring orders showed a slight increase from 2,763 to 2,789.

Spouses remained the primary applicants for relief representing 51% of applicants for barring orders, 55% of applicants for interim barring orders, 41% of applicants for safety orders and 42% of applicants for protection orders.

### **Licensing**

#### ***Circuit Court***

There was a 10% increase in licensing applications dealt with by the Circuit Court, from 274 in 2011 to 302. Pub licenses granted increased by 24% to 208 from 168 in 2011. There were 47 restaurant licenses granted compared with 42 in 2011. Hotel licenses granted decreased, to 17 from 26 in 2011.

#### ***District Court***

There was a 16% decrease in licensing applications dealt with in the District Court in 2012. There were 55,566 applications dealt with compared with 66,370 in 2011. Special exemption order applications decreased by 11%, from 53,837 in 2011 to 48,363. Restaurant certificate applications decreased by 28%, from 768 in 2011 to 556.





## COURTS STATISTICS: DETAIL

## SECTION 1: SUPREME COURT

Trends: Appeals				
Year	Received	Disposed of by the court	Withdrawn in the office	Total disposed of
2012	605	202	53	255
2011	499	190	68	258
2010	466	233	76	309
2009	499	228	113	341

Other appeals disposed of	2012	2011
Other	61	92

Motions	2012	2011
Listed before the Court	363	274

Appeals received	Against interim order		Against final order	
	2012	2011	2012	2011
Judicial review	22	21	61	57
Chancery	25	25	39	38
Summary judgment	-	-	64	26
Commercial	25	21	25	21
Personal injury	-	-	45	48
Asylum (judicial review)	14	14	23	14
Common law	30	21	-	-

Trends: Appeals from appellants in person*		
Year	Received	Percentage of total
2012	158	26%
2011	88	18%
2010	70	15%
2009	76	15%
2008	71	16%
* persons not legally represented		

Other appeals received	2012	2011
Companies Acts	19	8
Other	213	185

Length of appeal hearing	2012	2011
One day or less	90	188
Two days or more	21	28

Appeals disposed of	Against interim order		Against final order	
	2012	2011	2012	2011
Judicial review	6	4	47	42
Chancery	3	2	13	11
Commercial	5	0	17	4
Personal injury	1	1	10	10
Asylum (judicial review)	2	4	6	4
Bail	-	-	8	9
Non jury	10	0	13	7



Written judgments	2012	2011
Reserved at 01/01	20	23
Delivered	114*	73
Reserved at 31/12	16	20
* 64 cases where judgment was delivered. This figure includes two rulings and two references.		

Other documents filed	2012	2011
Commissioners appointed	27	21
Notaries Public appointed	17	16
Certificates of authentication issued	415	555
Persons called to the Inner Bar	13	16
Persons called to the Outer Bar	198	191
Declarations made by newly appointed judges	22	7
Extensions of service granted to County Registrars / District Judges	14	12

## SECTION 2: CRIMINAL

### CRIMINAL BUSINESS: OVERVIEW OF MATTERS DISPOSED OF

Court	Appeals	Offences	Defendants	Trials
Court of Criminal Appeal	173	n/a*	173	n/a
High Court: Central Criminal Court	n/a	867	131	63
Special Criminal Court	n/a	61	30	10
Circuit Criminal Court	6,397	10,597	4,184	620
District Criminal Court	n/a	372,706	154,553	n/a
<b>Total</b>	<b>6,570</b>	<b>384,231</b>	<b>159,071</b>	<b>693</b>
* not applicable				

High Court: Other	Applications	Orders made
Bail	2,273	1,748
<i>Habeas corpus</i>	144	224
European arrest warrant	342	1,246

## CRIMINAL BUSINESS: BY COURT

### Court of Criminal Appeal

Trends: Appeals		
Year	Received	Disposed of
2012	346	173
2011	314	290
2010	326	267
2009	324	229
2008	305	279

2012: Appeals: court of origin	On hand 01/01	Received	Disposed of	On hand 31/12
Circuit Criminal Court	270	262	109	423
Central Criminal Court	71	45	24	92
Special Criminal Court	15	10	9	16
Courts-Martial Appeal Court	1	0	0	1

2012: Appeals : Other				
Against sentence by Director of Public Prosecutions (undue leniency)	76	21	29	68
Against dismissal of charges by the Director of Public Prosecutions	3	3	1	5
Alleging miscarriage of justice	2	5	1	6
<b>Total</b>	<b>438</b>	<b>346</b>	<b>173</b>	<b>611</b>

Nature of appeal	On hand 01/01	Received	Disposed of	On hand 31/12
Against conviction and sentence	68	55	22	101
Against conviction only	61	41	16	86
Against sentence only	237	222	92	367
Against sentence only (undue leniency)	58	21	29	50
Against dismissal of charges	3	3	1	5
Against costs order	9	3	11	1
Activation of sentence	2	0	2	0
Against confiscation order	0	1	0	1
<b>Total</b>	<b>438</b>	<b>346</b>	<b>173</b>	<b>611</b>



Outcome of appeals against conviction and sentence	2012	2011
Refused	12	27
Conviction affirmed, sentence varied	3	14
Conviction quashed, re-trial directed	4	5
Conviction quashed, no re-trial	1	6
Appeal struck out	1	2
Appeals withdrawn	1	2
<b>Total</b>	<b>22</b>	<b>56</b>

Outcome of appeals against conviction only	2012	2011
Refused	7	27
Conviction quashed, re-trial directed	2	1
Conviction quashed, re-trial directed and admit to bail	0	3
Conviction quashed, no re-trial	4	2
Appeals withdrawn	3	1
<b>Total</b>	<b>16</b>	<b>34</b>

Outcome of appeals against sentence only (severity)	2012	2011
Refused	20	57
Liberty to withdraw granted	0	13
Original sentence quashed and sentence imposed in lieu	37	40
Appeal struck out	4	3
Appeals withdrawn	27	0
No order made	4	0
<b>Total</b>	<b>92</b>	<b>113</b>

Outcome of appeals against sentence only (leniency)	2012	2011
Refused	12	18
Original sentence quashed and sentence imposed in lieu	17	23
Appeals withdrawn	0	2
<b>Total</b>	<b>29</b>	<b>43</b>

Outcome of appeals against dismissal of charges	2012
Original order quashed	1

Outcome of appeals against costs order	2012
Refused	8
Appeals withdrawn	3
<b>Total</b>	<b>11</b>

Outcome of appeals against activation of sentence	2012
Original sentence quashed and sentence imposed in lieu	2

## High Court: Central Criminal Court

Trends: Cases*		
Year	Received	Disposed of
<b>2012</b>	<b>114</b>	<b>125</b>
2011	119	110
2010	99	110
2009	102	101
2008	129	107

\* 'Case' denotes a trial or where a matter is otherwise disposed of (e.g. guilty plea, *nolle prosequi*)

### Offence: Murder

Trends: Cases *		
Year	Received	Disposed of
<b>2012</b>	<b>31</b>	<b>41</b>
2011	39	39
2010	36	41
2009	53	49
2008	51	35
* 'Case' denotes a return for trial from the District Court		

Cases disposed of	2012
Offences	65
Defendants	44

Method	2012	2011
Guilty pleas	10	16
Trials	30	23
Unfit to plead	1	-
<b>Total</b>	<b>41</b>	<b>39</b>

Outcome of cases disposed of *	2012	2011
Convicted of murder	20	20
Convicted of offences other than murder **	15	18
Found not guilty by reason of insanity	1	1
Acquitted	4	0
Other	1	0
<b>Total</b>	<b>41</b>	<b>39</b>
* some cases involve more than one offence (e.g. offences of murder, manslaughter, possession of firearms, possession of an offensive weapon, assault, false imprisonment, arson, burglary). Results are recorded by reference to the highest order offence.		
** includes manslaughter, attempted murder, apprehension of offender, possession of drugs		

Sentences (by case)	2012	2011
Life imprisonment	20	18
Imprisonment over ten years	5	4
Imprisonment over five years to ten years	10	8
Imprisonment over three years to five years	-	3
Other	-	5
Not guilty by reason of insanity	1	1
No sentence imposed	5*	
<b>Total</b>	<b>41</b>	<b>39</b>
* 4 acquittals and 1 unfit to plead		





*Offence: Rape and Sexual Assault*

Trends: Cases*		
Year	Received	Disposed of
<b>2012</b>	<b>83</b>	<b>84 **</b>
2011	80	71
2010	63	69
2009	49	52
2008	78	72
* 'Case' denotes a return for trial from the District Court		
** of which 6 were retrials		

Outcome of cases disposed of *	2012	2011
Convicted of rape	18	9
Convicted of rape and other offences	21	26
Convicted of other sexual offences	3	12
Convicted of related non sexual offences	1	-
Acquitted	21	10
Other (including <i>nolle prosequi</i> )	20	14
<b>Total</b>	<b>84</b>	<b>71</b>
* some cases involve multiple offences. Results are recorded by reference to the highest order offence		

Cases disposed of	2012
Offences	802
Defendants	87

Method	2012	2011
Guilty pleas	35	21
Trials	33	43
Accused deceased	2	3
<i>Nolle prosequi</i> entered	12	4
Quash return	2	-
<b>Total</b>	<b>84</b>	<b>71</b>

Sentences (by case)	2012	2011
Life imprisonment	-	1
Imprisonment over 12 years	3	8
Imprisonment over five years to 12 years	33	27
Imprisonment up to five years	5	11
Other*	2	0
No sentence imposed	41	24
<b>Total</b>	<b>84</b>	<b>71</b>
* includes time spent awaiting sentence, probation, supervision, bond		

*Offence: Breach of section 4 of Competition Act, 2002*

	2012	2011
Received	0	0
Disposed of	0	1

**High Court: Bail**

Applications	2012	2011
Received	2,273	-
Orders made	1,748	1,757

Analysis of orders made	2012	2011
Orders made on own surety (including cash lodgment)	594	785
Orders made on third party surety	379	420
Application refused	465	491
Bail revoked	67	58
Application withdrawn/struck out	6	3
Vary terms of order	186	-
Consolidation of bail	16	-
Bail miscellaneous	35	-
<b>Total</b>	<b>1,748</b>	<b>1,757</b>

## High Court: *Habeas Corpus*

Applications	2012	2011
Received	144	153
Orders made	224	225

Analysis of orders made	2012	2011
Conditional order granted	112	115
Conditional order refused	24	21
Final order granted	64	64
Final order refused	24	25
<b>Total</b>	<b>224</b>	<b>225</b>

## High Court: European Arrest Warrants

Applications	2012	2011
Received	342	414
Orders made	1,246	1,368

Analysis of orders made	2012	2011
Indorse warrant	266	372
Admit to bail pending determination of proceedings	233	279
Remand in custody pending determination of proceedings	90	103
Surrender on consent	49	74
Surrender by order of the court	121	117
Surrender refused	28	11
Extradition: miscellaneous	374	314
Extradition: outgoing	80	63
Extradition: warrant to arrest	5	35
<b>Total</b>	<b>1,246</b>	<b>1,368</b>

## Special Criminal Court

	Trials	Defendants	Offences
<b>2012</b>	<b>10</b>	<b>30</b>	<b>61</b>
2011	13	32	68

Outcomes: by defendant	2012	2011
Convicted on plea of not guilty	9	8
Convicted on plea of guilty	9	18
Struck out/ <i>nolle prosequi</i> / acquitted	12	6

Sentences	
Life imprisonment	1
Imprisonment over 10 years	0
Imprisonment over 5 years to 10 years	15
Imprisonment over 3 years to 5 years	2
Other	1

Offence	Convicted
Membership of an illegal organisation	7
Possession of firearms/ammunition /explosive substance	14
Murder	1



## Circuit Court

As part of the ongoing initiative to improve the range and quality of information available on the work of the courts, the Courts Service is revising the method of recording and collating statistical data for the Circuit Criminal Court.

Prior to 2012 outcomes of cases were reported by reference to defendants. From 2012 the Service will report outcomes of cases by reference to offences, commencing with Dublin Circuit Criminal Court.

*Nolle prosequi* (a stay on criminal proceedings) may be entered at any time during the criminal process - at trial stage or before the case comes to trial. For the purpose of these statistics *nolle prosequi* has been excluded from the outcome of trial figures.

Provincial Circuit Criminal Court									
	Road traffic	Drugs	Sexual	Firearms	Larceny/ fraud/ robbery	Assault	Child abuse	Other*	Total
<b>Cases disposed of:</b>									
Offences	140	619	488	243	1,314	673	16	855	<b>4,348</b>
Defendants	77	445	239	111	600	483	14	376	<b>2,345</b>
<b>Method</b>									
Guilty pleas	60	331	90	91	511	369	12	261	<b>1,725</b>
Trials	13	16	35	6	38	63	2	68	<b>241</b>
<i>Nolle prosequi</i>	4	98	114	14	51	51	0	47	<b>379</b>
<b>Outcome of trials by defendant:</b>									
Convicted	9	4	19	3	13	25	2	41	<b>116</b>
Acquitted	4	12	16	3	25	38	0	27	<b>125</b>
<b>Penalties imposed on conviction by defendant:</b>									
Community Service	5	4	1	6	23	45	0	22	<b>106</b>
Suspended sentence	22	154	22	36	179	152	9	115	<b>689</b>
Fine	5	2	0	0	8	9	2	36	<b>62</b>
Imprisonment	37	185	104	49	381	183	6	81	<b>1,026</b>
Other**	20	29	16	4	49	62	0	55	<b>235</b>
<b>Total</b>	<b>89</b>	<b>374</b>	<b>143</b>	<b>95</b>	<b>640</b>	<b>451</b>	<b>17</b>	<b>309</b>	<b>2,118</b>
* includes health & safety, common law, criminal damage, and public order									
** includes taken into consideration, struck out, forfeiture of goods/money/drugs/weapons, destruction of drugs/weapons, disqualification from driving									

Dublin Circuit Criminal Court									
	Road traffic	Drugs	Sexual	Firearms	Larceny/ fraud/ robbery	Assault	Child abuse	Other*	Total

**Cases disposed of:**

Offences	429	1,306	302	409	2,212	490	16	1,085	<b>6,249</b>
Defendants	-	-	-	-	-	-	-	-	<b>1,839</b>

**Method**

Guilty pleas	249	492	149	182	1,651	298	8	465	<b>3,494</b>
Trials	3	15	22	12	215	69	1	42	<b>379</b>
<i>Nolle prosequi</i>	44	626	31	115	277	86	2	281	<b>1,462</b>

**Outcome of trials by offence:**

Convicted	2	2	14	5	200	9	0	13	<b>245</b>
Acquitted	1	13	8	7	15	60	1	29	<b>134</b>

**Penalties imposed on conviction by offence:**

Community Service	0	4	0	4	7	14	0	9	<b>38</b>
Suspended sentence	29	162	18	48	241	113	4	94	<b>709</b>
Fine	0	0	0	0	20	0	0	15	<b>35</b>
Imprisonment	63	222	104	82	691	146	9	155	<b>1,472</b>
Other**	405	943	194	320	1,551	300	12	725	<b>4,450</b>
<b>Total</b>	<b>497</b>	<b>1,331</b>	<b>316</b>	<b>454</b>	<b>2,510</b>	<b>573</b>	<b>25</b>	<b>998</b>	<b>6,704</b>

\* includes health & safety, common law, criminal damage, and public order

\*\* includes taken into consideration, struck out, forfeiture of goods/money/drugs/weapons, destruction of drugs/weapons, disqualification from driving.

Appeals: District Court to Circuit Court	2012	2011
Received	5,268	6,499
Disposed of	6,397	6,437

**District Court**

Cases disposed of	2012	2011
Orders made in respect of summary offences	332,085	395,279
Orders made in respect of indictable offences dealt with summarily	68,826	73,246
<b>Total</b>	<b>400,911</b>	<b>468,525</b>
Sent forward for trial	<b>14,317</b>	14,476



	Road traffic	Drugs	Sexual	Theft	Public order / assault	Other*	Total
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**Orders made:**

Offences	233,234	15,858	2,199	32,568	48,284	68,768	<b>400,911</b>
Defendants	147,371	10,643	578	16,737	29,944	49,765	<b>255,038</b>

**Outcomes (all cases)**

Dismiss	4,581	344	17	664	1,371	1,314	<b>8,291</b>
Struck out	105,518	3,366	111	6,463	12,183	22,747	<b>150,388</b>
Taken into consideration	40,519	2,549	45	7,085	11,104	8,311	<b>69,613</b>

Fine	48,050	2,767	51	2,370	7,900	21,233	<b>82,371</b>
Peace bond	278	186	9	600	859	442	<b>2,374</b>
Disqualification	13,915	31	1	74	12	102	<b>14,135</b>
Community service	765	393	2	802	1,094	417	<b>3,473</b>
Probation	3,094	1,681	49	2,691	4,806	2,809	<b>15,130</b>
Imprisonment/detention	4,058	1,262	59	5,898	4,150	3,095	<b>18,522</b>
Other	12,456	3,279	1,855	5,921	4,805	8,298	<b>36,614</b>
<b>Total</b>	<b>233,234</b>	<b>15,858</b>	<b>2,199</b>	<b>32,568</b>	<b>48,284</b>	<b>68,768</b>	<b>400,911</b>

\* 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

Orders made in respect of specific road traffic offences	Dangerous Driving		Drink Driving		Penalty points	
	Off.*	Def.**	Off.	Def.	Off.	Def.
Dismiss	107	87	582	570	1,696	1,549
Dismiss under Probation of Offenders Act	58	47	76	74	980	906
Struck out	1,168	733	1,016	975	24,316	21,615
Taken into consideration	795	392	748	688	7,571	5,677
Fine	576	492	4,379	4,205	19,060	17,662
Peace Bond	29	18	45	43	101	79
Community service	67	55	67	65	384	350
Disqualification	981	678	4,955	4,684	6,816	5,600
Imprisonment / detention (including part suspended)	320	180	312	280	1,222	813
Imprisonment suspended	110	71	226	217	712	604
Other	346	267	230	218	3,846	3,561
<b>Total</b>	<b>4,557</b>	<b>3,020</b>	<b>12,636</b>	<b>12,019</b>	<b>66,704</b>	<b>58,416</b>

\* Off. = offences . \*\* Def. = defendants.



Juvenile crime: outcomes	Public order / assault		Drugs		Theft		Sexual offences		Road traffic	
	Off.*	Def.**	Off.	Def.	Off.	Def.	Off.	Def.	Off.	Def.
Dismiss	96	76	16	13	44	38			138	61
Dismiss under Probation of Offenders Act	173	112	33	27	121	83	1	1	53	32
Struck out	391	285	76	63	276	175	2	2	558	265
Taken into consideration	543	209	88	44	259	114	1	1	621	279
Fine	198	109	21	19	52	41			147	119
Peace bond	57	38	11	10	33	26			13	13
Community service	14	14	5	3	12	12			5	5
Disqualification									124	101
Probation	283	156	48	34	160	91	1	1	144	101
Poor box	34	8	4	3	3	3			2	2
Detention	99	76	13	12	112	64			40	35
Detention suspended / part suspended	61	50	10	9	59	49			25	17
Other	123	88	23	19	112	77	4	4	75	57
Returned to higher court for trial	58	48	8	2	45	34	31	13	10	9
<b>Total</b>	<b>2,130</b>	<b>1,269</b>	<b>356</b>	<b>258</b>	<b>1,288</b>	<b>807</b>	<b>40</b>	<b>22</b>	<b>1,955</b>	<b>1,096</b>
* Off. = offences .    ** Def. = defendants.										

Juvenile crime: overview of orders made	Public order	Drugs	Theft	Sexual offences	Road traffic	Total
Offences	2,130	356	1,288	40	1,955	<b>5,769</b>
Defendants	1,269	258	807	22	1,096	<b>3,452</b>



## SECTION 3: CIVIL

### CIVIL BUSINESS: NEW CASES ISSUED

Jurisdiction	Originating document	2012	2011
High Court	Summons, petition, originating motion	<b>26,063</b>	26,378
Circuit Court	Civil bill	<b>34,993</b>	42,696
District Court	Civil summons	<b>119,231</b>	117,498
<b>Total</b>		<b>180,287</b>	186,572

Appeals lodged	2012	2011
District Court to Circuit Court	1,471	1,559
Circuit Court to High Court	672	599

### CIVIL BUSINESS: DISPOSAL OF CASES

#### High Court:

- (i) Cases initiated by plenary summons (*e.g.* in contract, tort or equity cases) are tried on pleadings exchanged between the parties and/or on oral evidence
- (ii) Cases initiated by summary summons (*e.g.* in actions for liquidated demand) may be disposed of in the office, or, where the claim is disputed, may be tried either on oral evidence or on affidavit
- (iii) Cases initiated by special summons (*e.g.* mortgage suits and administration suits) are usually tried on affidavit
- (iv) Cases initiated by petition (*e.g.* in company liquidation and wardship cases) or originating notices of motion are usually supported by affidavit evidence.

Some types of cases (*e.g.* petitions, originating notices of motion, special summonses) are given return dates before the Master of the High Court at the time of issue. Other cases, including those commenced by plenary summons, require the parties to bring the case back before the court for hearing (called ‘setting the case down for hearing’). Many cases are not proceeded with, for reasons including settlement between the parties, and may not be brought back before the court after issue. There will therefore be no order of the court indicating the outcome of the case.

#### Circuit Court:

Cases are usually initiated by civil bill (*e.g.* in contract, tort, equity, family law, tax appeal, land dispute, and landlord and tenant cases). They are generally heard on oral evidence and in some cases, on affidavit). As in the High Court many cases are not automatically listed before the court and require the parties to set them down for hearing. Likewise cases may be settled between the parties or otherwise not proceeded with after issue and are not therefore brought back before the court.

#### District Court:

Cases are usually initiated by civil summons (*e.g.* in contract, tort, family law cases). Summonses are issued by the court and a date given for hearing. Proceedings are generally heard on oral evidence.

Details of the major areas of work in the civil courts during 2012 are provided in this chapter. They include cases initiated, orders made and cases withdrawn and/or struck out.



**CIVIL BUSINESS: BY CASE TYPE****1. Personal Injury**

Cases issued	2012	2011
High Court	8,791*	8,179*
Circuit Court	8,073	7,881
<b>Total</b>	<b>16,864</b>	<b>16,060</b>
* includes medical negligence cases (1,040 medical negligence cases in 2012)		

Cases disposed of (orders made)	2012	2011
High Court	4,342	4,218
Circuit Court	3,624	3,714

Awards	High Court	Circuit Court*
Lowest amount awarded	€5,000	€258
Highest amount awarded	€11,500,000	€38,092
Total amount awarded	€94,554,780	€17,005,856
* to persons under 18 years		

Awards: Circuit Court	
Amount	Cases
€0 to €9,999	722
€10,000 to €19,999	593
€20,000 to €29,999	142
€30,000 +	28
<b>Total</b>	<b>1,485</b>

Awards: High Court	
Amount	Cases
€0 to €37,999	60
€38,000 to €99,999	191
€100,000 to €199,999	58
€200,000 to €999,999	51
€1m+	15
<b>Total</b>	<b>375</b>

**2. Commercial List****Types of cases**

Commercial proceedings are defined in Rule 1 of Order 63A of the Rules of the Superior Courts. In short, they include claims in contract or tort arising out of business transactions where the value of the claim is not less than €1 million, intellectual property cases (including passing off), certain types of arbitration claims and appeals from, or judicial review applications in respect of, any statutory body where the judge in charge of the list considers that, having regard to the commercial or any other aspect of such an application, it is one appropriate for entry into the commercial list. Entry into the commercial list is not mandatory for any cases types. Cases are only admitted to the list if one of the parties makes that application, and the judge admits the case. They are not automatically admitted to the commercial list because of the relief sought, and can be prosecuted in the chancery or in the non-jury lists if the parties so wish.

High Court	2012	2011
On hands 01/01	163	238
Entered into list	215	249
Disposed of	274	324
On hands 31/12	104	163

Analysis of cases disposed of	2012	2011
Motion to dismiss	9	4
Settled after entry	57	37
Settled after directions hearing	39	53
Settled after hearing date set	34	48
Settled at hearing	51	69
Full hearing	83	113
Other	1	0
<b>Total</b>	<b>274</b>	<b>324</b>



### 3. Chancery

<b>Types of cases</b>	Injunction applications, company law matters, specific performance / rescission of contracts, administration of estates of deceased persons, trust actions.
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High Court: Received	2012	2011
Specific performance	232	319
Injunction	359	356
Declaration	650	506
European Communities (Cross Border Mergers) Regulations, 2008*	3	13
* S.I. No. 157 of 2008		

Orders made/cases disposed of	2012	2011
Received	2,107	2,151

### 4. Equity

<b>Types of cases</b>	Cases relating to disputes over ownership of land under statutory provisions including the County Officers and Courts (Ireland) Act, 1877, the Settled Land Acts, the Trustee Relief Acts and the Trustee Acts.
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Circuit Court	2012	2011
Received	1,210	1,493
Orders made	853	1,088

### 5. Possession, mortgage suits and ejectment

#### Possession

<b>Types of cases</b>	Cases in which the plaintiff is seeking possession of lands and / or premises (includes family homes).
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High Court	2012	2011
Received	270	480
Orders made	198	281

Circuit Court	2012	2011
Orders made:	258	353
○ Residential property	229	289
○ Non-residential property	29	64

#### Mortgage suits

<b>Types of cases</b>	Cases where the creditor has a mortgage on the property in which the debtor has an interest but does not have power to sell that property unless the court declares the mortgage well-charged on the debtor's interest.
-----------------------	---

High Court	2012	2011
Received	48	78
Orders made	58	25

## Ejectment

**Types of cases** Cases where there is claim for possession resulting from matters including non-payment of rent or overholding.

District Court	2012	2011
Received	1,794	1,567

## 6. European Order for Payment

**Nature of procedure** Procedure for cross border debt recovery, where a person or a company in one EU Member State claims to be owed a liquidated debt by a person or a company in another EU Member State.

High Court	2012	2011
Received	189	129
Orders made	184	n/a

## 7. Breach of contract

High Court	2012	2011
Received (includes negligence)	2,101	1,539
Orders made	954	819

Circuit Court	2012	2011
Received (includes recovery of debt)	21,499	21,741
Disposed of	1,557	1,526

## 8. Recovery of debt (other)

High Court	2012	2011
Summary Summonses issued	4,859	5,282
Revenue Summonses issued	1,062	1,120

## 9. Judgment marked in the office/summary judgment

	2012	2011
High Court	2,857	3,783
Circuit Court	11,293	13,249
District Court	15,717	25,261
<b>Total</b>	<b>29,867</b>	<b>42,293</b>





**10. Filings to assist recovery of debt**

High Court	2012	2011
Execution orders	3,412	4,443
Renew execution order	143	252
Judgment mortgage certificate	3,075	2,844
Satisfaction piece	32	28
High Court, Circuit, District judgments registered	6,360	7,795

Circuit Court	2012	2011
Execution orders	7,773	9,491
Judgment mortgage certificate	4,375	4,705
Satisfaction piece	66	82

District Court	2012	2011
Summons for attendance of debtor	13,447	15,350
Instalment orders	10,068	10,400
Committal orders	1,921	1,051

**11. Insolvency (Corporate)***Examinership*

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

High Court	2012	2011
Applications received	29	22
Orders made:		
○ Appoint interim examiner	23	19
○ Appoint examiner	28	20

*Wind up company (compulsory liquidations)*

Where a winding up order is made the company is wound up by an official liquidator who deals with the assets and liabilities of the company under the supervision of the High Court Examiner's Office.

High Court	2012	2011
Applications received	269	305
Orders made:		
○ Wind up company	105	98
○ Settled/struck out/withdrawn	84	79
Proceeded in Examiner's Office	101	106

**Trends: Compulsory liquidations in High Court Examiner's Office**

Year	2012	2011	2010	2009	2008
	101	106	121	111	56

*Restrict directors from acting as directors*

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

High Court	2012	2011
Applications received	82	51
Orders made: *		
○ Restriction order granted	81	54
○ Restriction order refused	4	4
* orders may restrict a number of directors		

*Disqualify directors*

The High Court may disqualify a person from acting as a company director if it is satisfied that the person is guilty of fraud or is in breach of their obligations under company law. Persons can also be disqualified if the court finds that their behaviour makes them unfit to be a director.

High Court	2012	2011
Applications received	14	12
Orders made: *		
○ Disqualify directors	18	4
* each order may restrict a number of directors		

**12. Insolvency (Personal)**

Trends: High Court: Bankruptcy					
Year	2012	2011	2010	2009	2008
Petitions issued	82	76	84	42	17
Adjudicated bankrupt	35	33	29	17	8

High Court: Bankruptcy	2012	2011
Summonses issued	165	150
Petitions issued	82	76
Adjudicated bankrupt	35	33
Bankruptcies discharged *	4	339
Bankruptcies annulled	4	2
* the Civil Law (Miscellaneous Provisions) Act, 2011 provides for automatic discharge of a person from bankruptcy on the twelfth anniversary of the order of adjudication		

High Court: Arrangements with debtors	2012	2011
Petitions issued	0	6
Protection granted	2	4
Disposed of in court	7	7

	On hand 01/01	Received	Disposed of	On hand 31/12
Bankruptcies	106	35	8	133
Arrangements with debtors	33	2	7	28



European Communities (Personal Insolvency) Regulations 2002	
Entries on 01/01	76
Entered during 2012	99
Entries on 31/12	175

High Court: Office of the Official Assignee Financial overview		
	Amounts	Cases
Funds received	€2,809,341	53
Total payments out	€870,023	158

### 13. Employment law

<b>Types of cases</b>	Enforcement of and appeals relating to decisions of the Employment Appeals Tribunal brought under legislative provision relating to matters such as unfair dismissal, payment of wages, adoption leave, parental leave and organisation of working time
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Circuit Court	2012	2011
Received	406	291
Disposed of	277	222

### 14. Appeals (see page 52 for appeals in family law) (see page 39 for total appeals)

Circuit Court to High Court	2012	2011
Received	505	453
Orders made	336	359

District Court to Circuit Court	2012	2011
Received	426	495
Orders made	534	578

### 15. Written judgments delivered

High Court	2012	2011
Reserved at 01/01	66	29
Delivered	547	518
Reserved at 31/12	49	66

### 16. Regulation of professions

High Court: Medical Council matters	2012	2011
Received	14	18
Orders made	25	25

High Court: Nurses Acts	2012	2011
Received	17	18
Orders made	21	31

High Court: Solicitors Acts	2012	2011
Received	99	105
Orders made	232	214

## 17. Judicial Review – Asylum related

**Types of cases** In these cases the applicant usually asks the High Court to quash a decision of the Refugee Applications Commissioner, the Refugee Appeals Tribunal, or the Minister for Justice and Equality refusing the applicant asylum and/or directing that the applicant be deported.

High Court	2012	2011
Received	440	703
Orders made:		
Liberty to apply for judicial review granted	195	129
Liberty to apply for judicial review refused	40	40
Interim asylum related orders	105	147
Final orders – relief granted	29	29
Final orders – relief refused	41	21
Final orders – miscellaneous	110	117
Final orders – struck out (no order)	280	73

## 18. Judicial Review – Other

**Types of cases** Judicial review applications are made where a person seeks an order in respect of the actions or decisions of certain courts, tribunals or regulatory bodies.

High Court	2012	2011
Received	558	490
Orders made:		
Liberty to apply for judicial review granted	447	400
Liberty to apply for judicial review refused	73	44
Interim orders	186	173
Final orders – judicial review granted	342	173
Final orders – judicial review refused	83	104
Final orders – struck out (no order)	167	121

## 19. Jury

High Court		
Received	2012	2011
Defamation	148	128
False imprisonment	10	11
Assault	210	171
Disposed of		
Final orders	9	9
Actions settled	37	29



**20. Cases stated**

District Court to High Court	2012	2011
Received	23	24
Orders made	21	13

Circuit Court to Supreme Court	2012	2011
Received	0	1
Orders made	2	1

Revenue (District Court) to High Court	2012	2011
Received	0	0
Orders made	0	1

Case stated appeals from High Court to Supreme Court	2012	2011
Received	1	7
Orders made	4	4

**21. Other**

High Court: Garda Compensation Act	2012	2011
Received	124	94
Orders made	138	200

High Court: Proceeds of Crime Act	2012	2011
Received	26	21
Orders made	141	126

High Court: Master's Court	2012	2011
Orders made	3,355	4,411

**22. Wards of Court**

High Court	2012	2011
Wardship cases	2,344	2,277
Applications awaiting hearing*	79	84
Declaration orders**	273	313
Dismissed/discharged	182	199
Orders signed	1,446	1,405
Enduring Powers of Attorney registered	489	440
* number of cases pending with inquiry order signed at 31st December		
** number of adults and minors taken into wardship		

**23. General Solicitor for Minors and Wards of Court**

High Court: Wardship cases	2012	2011
Active (yearly average)	371	380
Pending	10	9
Dismissal	122	120
Sub cases	237	241

2012: Active cases: Reason admitted to wardship	
Acquired brain injury	48
Elderly mental infirm	122
Learning or intellectual disability	106
Minor	5
Psychiatric illness	92
Residential abuse	2
<b>Total</b>	<b>375</b>



## 24. Estates of deceased persons (probate)

Probates (and administrations with wills annexed)			Intestacies (no valid will)		
	2012	2011		2012	2011
High Court: Principal Registry	5,727	6,945	High Court: Principal Registry	1,702	1,963
Circuit Court: Local registries	4,734	5,575	Circuit Court: Local registries	1,447	1,867
<b>Total</b>	<b>10,461</b>	<b>12,520</b>	<b>Total</b>	<b>3,149</b>	<b>3,830</b>

## 25. Taxation of costs

High Court	2012	2011
Summonses issued	1,221	1,820
Certificates issued	367	796

Outcomes	2012	2011
Costs claimed	€19,845,528	€58,591,775
Costs allowed	€13,870,202	€41,317,752
Total fees collected	€1,115,596	€2,646,891
Duty on summonses (included in total fees)	€310,025	€458,000

## 26. Small Claims Procedure

District Court: Applications received	2012	2011
In office	3,067	3,836

Adjudicated by court	2012	2011
Decrees granted	345	286
Cases dismissed	73	86
Cases struck out/withdrawn	304	310
<b>Total</b>	<b>722</b>	<b>682</b>

Disposed of	2012	2011
Cases not covered by procedure	1,221	901
Cases not proceeded with	475	235
Decrees by default	213	369
Settled by registrar	740	1,269
Referred to court	722	682
<b>Total</b>	<b>3,371</b>	<b>3,456</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.

### 1. Judicial separation, divorce, nullity

Trends: Applications received						
	Judicial separation		Divorce		Nullity	
Year	High	Circuit	High	Circuit	High	Circuit
2012	21	1,269	20	3,462	0	28
2011	27	1,352	28	3,330	0	39
2010	27	1,393	24	3,357	2	39
2009	35	1,592	33	3,683	0	55

Trends: Orders granted						
	Judicial separation		Divorce		Nullity	
Year	High	Circuit	High	Circuit	High	Circuit
2012	18	840	24	2,868	0	19
2011	23	1,006	38	2,777	0	34
2010	25	965	20	3,093	1	16
2009	20	1,080	39	3,302	1	19

Trends: Judicial separation: applicants				
	Wife		Husband	
Year	High	Circuit	High	Circuit
2012	16	926	5	343
2011	20	1,013	7	339
2010	24	1,030	3	363
2009	29	1,159	6	433

Trends: Divorce: applicants				
	Wife		Husband	
Year	High	Circuit	High	Circuit
2012	8	1,840	12	1,622
2011	13	1,796	15	1,534
2010	11	1,825	13	1,532
2009	12	1,994	21	1,689

Trends: Nullity: applicants				
	Wife		Husband	
Year	High	Circuit	High	Circuit
2012	0	17	0	11
2011	0	16	0	23
2010	0	23	2	16
2009	0	22	0	33

Circuit Court: Specific orders made						
	Judicial separation		Divorce		Nullity	
	2012	2011	2012	2011	2012	2011
Pension adjustment	457	562	543	1,183	5	0
Transfer of family home	307	415	543	526	9	2
Sale of family home	189	233	281	219	1	0
Residence in family home	249	253	281	220	0	2
Other property order	286	311	416	314	5	0
Extinguish succession rights	659	895	2,657	2,628	17	8

## 2. Maintenance

Circuit Court: Outcome of applications made				
	Judicial separation		Divorce	
	2012	2011	2012	2011
Periodic payment to spouse	165	221	370	272
Periodic payment to child	347	367	598	504
Lump sum payment to spouse	148	213	262	308
Lump sum payment to child	10	8	19	23

District Court: Outcome of applications made (by applicant)				
	Married		Unmarried	
	2012	2011	2012	2011
Granted	1,274	1,165	2,676	2,366
Refused	55	44	109	68
Withdrawn/struck out	460	392	725	690

## 3. Guardianship

High Court	2012	2011
Received	43	39
Orders made	511	214

District Court: Unmarried applicants*	2012	2011
Granted	2,219	2,059
Refused	94	52
Withdrawn/struck out	720	650
* Section 6(a) Guardianship of Infants Act, 1964		



#### 4. Custody and access

Circuit Court: Outcomes						
	Judicial separation		Divorce		Nullity	
Orders made	2012	2011	2012	2011	2012	2011
	432	535	672	675	7	3

District Court: Outcomes						
	Custody & access		Custody only		Access only	
	2012	2011	2012	2011	2012	2011
Granted	600	528	821	735	4,219	3,899
Refused	35	20	47	39	145	103
Withdrawn/struck out	186	250	642	563	1,245	1,120

#### 5. Domestic violence

Circuit Court: Outcomes	2012	2011
Orders made:	119	203

District Court: Trends	2012	2011	2010	2009	2008
Barring order applications	2,789	2,763	2,726	2,855	3,096
Barring orders made	1,165	1,043	1,064	1,106	1,251
Protection order applications	4,192	3,403	2,926	3,134	3,354
Protection orders made*	3,849	3,085	2,672	2,867	2,960
Safety order applications	5,026	3,755	3,561	3,322	3,328
Safety orders made	2,255	1,513	1,457	1,339	1,502
Interim barring order applications	648	731	530	545	623
Interim barring orders made*	520	569	431	451	445
* 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					

District Court: Applicants – main categories								
	Barring orders		Interim barring orders		Safety orders		Protection orders	
	2012	2011	2012	2011	2012	2011	2012	2011
Spouse	1,427	1,514	356	418	2,041	1,888	1,743	1,615
Common law partner/ cohabiting or formerly cohabiting couples	844	853	190	214	2,000	1,302	1,687	1,296
Civil partner	7	-	2	-	11	-	2	-
Parent (against son or daughter)	511	386	100	95	515	471	439	417
Other cohabitants (not couples)	0	-	0	-	181	-	70	-
Parent* (against other parent)	0	-	0	-	278	-	251	-
* Parent of a child v other parent of the same child								

## 6. Childcare

**Types of cases** 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.

District Court	
Supervision order applications	1,346
Supervision orders made	1,074
Care order applications (long term or final order committing to care)	1,677
Care orders made	1,384
Interim care order applications*	5,773
Interim care orders made*	4,862
Emergency care order applications	519
Emergency care orders made	424
* includes extension of interim care orders	

## 7. Appeals (family law)

(see page 45 for details of other civil appeals)

(see page 39 for total appeals)

Circuit Court to High Court	2012	2011
Received	167	146
Orders made	74	91

District Court to Circuit Court	2012	2011
Received	1,045	1,064
Orders made	837	840

## 8. Other

High Court: Adoption	2012	2011
Cases issued	12	5
Orders made	13	6

High Court: Hague Luxembourg Convention (child abduction)	2012	2011
Cases issued	37	30
Orders made	160	153
Assess child	15	15
Interim order	107	101
Child returned (on consent)	3	9
Child returned (court order)	7	2
Child remain (on consent)	19	22
Child remain (court order)	9	4

Circuit Court: Section 47 Civil Registration Act, 2004*	2012	2011
Received	593	677
Orders granted	467	462
* 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		





## SECTION 5: LICENSING

Circuit Court: Applications dealt with		
	2012	2011
Public house	208	168
Hotel	17	26
Restaurant	47	42
Club	10	9
District Court Appeals	6	11
Other	14	18
<b>Total</b>	<b>302</b>	<b>274</b>

District Court: Applications dealt with		
	2012	2011
Renewal of publican licences	735	751
Temporary transfer of licence	653	771
Annual dance licence	1,076	1,094
Temporary dance licence	151	197
Restaurant certificate	556	768
Special exemption orders	48,363	53,837
Lottery licence	1,392	1,340
Other	2,640	7,612
<b>Total</b>	<b>55,566</b>	<b>66,370</b>



**SECTION 6: WAITING TIMES****Supreme Court**

<b>Waiting time</b>	This is the time between the lodgment of the certificate of readiness and the hearing date. Waiting times are governed by the availability of court time, the number of priority cases and the degree of urgency necessitated by the circumstances of particular appeals. The waiting time is also affected by the fact that in addition to sittings in the Supreme Court the judges of the Supreme Court are required to sit in the Court of Criminal Appeal. The availability of court time is also dependent on the preparation time required in advance of the hearing and the time required after the hearing for judgment conferences.
Priority list:	<p>The list is under constant review and actively managed to prioritise those appeals which necessitate an expedited hearing. The Chief Justice has a management list each Thursday at which she gives directions for the management of the hearing of appeals.</p> <p>Priority is given to Child Abduction and Enforcement of Custody Orders Act, 1991 (Hague Convention) matters and European Arrest Warrant Act 2003 matters, with appeals case managed until their hearing. Application can also be made at the management list for priority in other matters where the particular circumstances dictate, including appeals in criminal matters, that might hold up a trial, and appeals from the High Court commercial, family law or asylum lists. Hearing dates are allocated, depending on the degree of urgency and the availability of dates. The average waiting time in this list during 2012 was 9 months.</p>
General list:	These appeals comprise the general waiting list. The average waiting time for appeals in this list during 2012 was 4 years.

**Court of Criminal Appeal**

<b>Waiting time</b>	The time from when an appeal is entered into the court list to the date of hearing
Appeals:	12 months (average)

**High Court: Crime**

<b>Waiting time</b>		
Murder and rape trials (Central Criminal Court):	The time from the first listing of a case before the Central Criminal Court on return for trial from District Court, to the trial date	11 - 12 months
Bail applications:	The date from the issue of a notice of motion to the date the matter is first listed before the High Court	date immediately available

**High Court: Civil - as of 1st December 2012***Personal injury*

<b>Waiting time</b>		
<b>Dublin:</b>	The High Court tries personal injury cases in Dublin every week during court sittings. Cases that are ready for hearing can obtain a date within 3 months	
<b>Other venues:</b>	(The High Court tries personal injury cases for a limited number of weeks in each of the venues below): The time from when a case is set down for trial to the date on which it is listed in the selected venue is shown below in months for each venue	

<b>Venue:</b>	<b>Cork</b>	<b>Dundalk</b>	<b>Galway</b>	<b>Kilkenny/ Waterford</b>	<b>Limerick</b>	<b>Sligo</b>
<b>Waiting time:</b>	27 months	6 months	8 months	12 months	15 months	6 months



*Insolvency (corporate)*

<b>Waiting time</b> - The time from the issue of a petition to the allocation of the first return date before the High Court	
Applications to appoint examiner	Date immediately available
Applications to wind up company	3 weeks

*Other corporate applications*

<b>Waiting time</b> - The time from the issue of a notice of motion to the first return date before the High Court	
Restrict directors (section 150 Companies Act 1990)	4 weeks
Disqualify directors (section 160 Companies Act 1990)	4 weeks

*Insolvency (personal)*

<b>Waiting time</b> - The time from the issue of a summons/petition to the first return date before the High Court	
Application to issue summons	Date immediately available
Application for adjudication	Date immediately available

*Commercial list (proceedings defined in Order 63A Rule 1 Rules of the Superior Courts)*

<b>Waiting time</b>		
Liberty to enter list (motion)	The time from the issue of a summons to the first return date before the High Court	Date immediately available
Full hearing	The time from the first return date to the date of the full hearing	Date immediately available

*Chancery matters commenced by plenary summons or special summons (including injunction applications, company law matters, specific performance/rescission of contracts, administration of estates of deceased persons, trust actions)*

<b>Waiting time</b>		
Monday motions list	The time from the issue of a notice of motion to the first return date before the High Court	3 weeks
Hearing of certified cases	The time from when a case is certified ready for hearing to the allocation of the first date for hearing before the High Court	5 months
Special summonses (Master's Court)	The time from the issue of a summons to the first return date before the Master of the High Court	3 weeks
Special summonses (High Court)	The time from the date of transfer from the Master's Court to the first return date before the High Court	8 weeks
Miscellaneous (motions that require more time than they can be given in the Monday list)	The time from the issue of a notice of motion to the first return date before the High Court	4 months

*Possession*

<b>Waiting time</b>		
Special summons for possession	The time from the issue of a summons to the first return date before the Master of the High Court	3 weeks
Full hearing	The time from the date of transfer from the Master's Court to the first return date before the High Court	8 weeks

*Mortgage suits*

<b>Waiting time</b>		
Special summons for well charging order	The time from the issue of a summons to the first return date before the Master of the High Court	3 weeks
Full hearing	The time from the date of transfer from the Master's court to the first return date before the High Court	8 weeks

*European Order for Payment*

<b>Waiting time</b>	
The time from receipt of application to making of order	Within 30 days (as required by Regulation 1896/2006)

*Non jury (breach of contract, professional negligence, debt collection)*

<b>Waiting time</b>		
Miscellaneous (motions that require more time than they can be given in the Monday list)	The time between listing in the common law list and hearing in the non jury list	6 weeks
Full hearing – cases less than one week in duration	The time from when a case is certified ready for hearing to the allocation of the first date for hearing before the High Court	5 months
Full hearing – cases more than one week in duration	As above	10 months

*Judgment marked in the office*

<b>Waiting time</b>	
The time from the lodgment of papers in the Central Office to the marking of judgment	3 weeks

*Filings to assist recovery of debt*

<b>Waiting time:</b> The time from the lodgment of papers in the Central Office to the signing of any of the documents referred to below	
Issue of execution order	Following business day
Renewal of execution order	Following business day
Issue of judgment mortgage certificate	Following business day
Registration of satisfaction piece	Following business day
Registration of High Court, Circuit Court, or District Court judgment	Following business day

*Appeals from the Circuit Court*

<b>Waiting time</b>	
The time from the lodgment of the books of appeal to the allocation of the first date for hearing before the High Court	5 months

*Regulation of professions*

<b>Waiting time</b>	
The time from the issue of a petition to the first return date before the High Court	Date immediately available



*Judicial review: asylum related*

Waiting time	
Pre-leave	33 months
Post leave	4 months

*Judicial review: other*

Waiting time	
Pre-leave	Application made <i>ex parte</i> on any Monday
Post leave	5 months (9 weeks for cases taking less than 2 hours)

*Jury (defamation; false imprisonment; assault)*

Waiting time	
The time from when a case is certified ready for hearing to the allocation of the first date for hearing before the High Court	3 months

*Cases stated*

Waiting time	
The time from filing case stated to hearing	5 months (9 weeks for cases taking less than 2 hours)

*Garda Compensation Act*

Waiting time		
Special summons	The time from the issue of a summons to the first return date before the Master of the High Court	3 weeks
Full hearing	The time from the date of transfer from the Master's Court to the first return date before the High Court	8 weeks

*Proceeds of Crime Act*

Waiting time	
The time from receipt of application to hearing	Date immediately available

*Hepatitis C Tribunal appeals*

Waiting time	
The time from filing application to first listing	Within 3 months

*Master's court*

Waiting time		
Special Summonses	The time from the issue of a summons to the first return date before the Master	3 weeks
Motions	The time from the issue of a notice of motion to the first return date before the Master	9 weeks
Family law cases		3 weeks

*Common law motions*

Waiting time	
The time from the issue of a notice of motion to the first return date before the High Court	13 weeks



*Rulings (applications to have settlements involving minors approved by the High Court)*

<b>Waiting time</b>	
The time from the lodgment of papers to first listing before the High Court	1 week

*Family*

<b>Nature of application</b>	<b>Waiting time</b>
Urgent applications	Within 3 weeks
Non-contested cases	Within 3 months
Contested cases	Within 3 months
Applications under Hague Luxembourg Convention	Case must be dealt with within 6 weeks
Appeals from Circuit Court	Within 3 months



**Circuit Court - as of 1st December 2012**

<b>Waiting time</b>	
<b>Criminal</b>	<b>Trials:</b> The time from receipt of return for trial to hearing date <b>Sentences:</b> The time from receipt of return for trial to sentence hearing <b>Appeals:</b> The time from receipt of District Court appeal to date of appeal hearing
<b>Civil</b>	<b>Trials:</b> The time from receipt of notice of trial to the listing for hearing <b>Appeals:</b> The time from receipt of District Court appeal to date of appeal hearing
<b>Family</b>	<b>Cases:</b> The time from receipt of notice of trial/notice of motion to the listing for hearing <b>Appeals:</b> The time from receipt of District Court appeal to date of appeal hearing

<b>Circuit Court</b>								
<b>Waiting times shown in months (unless otherwise stated)</b>								
<b>Office</b>	<b>Criminal</b>			<b>Civil</b>		<b>Family law</b>		
	<b>Trials</b>	<b>Sentences</b>	<b>Appeals</b>	<b>Trials</b>	<b>Appeals</b>	<b>Contested</b>	<b>Non-contested</b>	<b>Appeals</b>
<b>Carlow</b>	6	N.S.*	12	12	N.S.	12	N.S.	12
<b>Carrick on Shannon</b>	9	6	3	6	6	6	N.S.	N.S.
<b>Castlebar</b>	3-6	3-6	3-6	N.S.	N.S.	N.S.	N.S.	N.S.
<b>Cavan</b>	9	9	9	18-24	6-9	12	N.S.	N.S.
<b>Clonmel</b>	36	6	18-24	6-9	6-9	18-24	N.S.	N.S.
<b>Cork</b>	N.S.	N.S.	6-12	6-9	9-12	3-6	N.S.	3-6
<b>Dublin</b>	8	3	4	6-10 weeks	6 weeks	4	3 weeks	9
<b>Dundalk</b>	24	3-6	12	18	6	9-12	3	6
<b>Ennis</b>	3-6	N.S.	3	6	3	6	N.S.	N.S.
<b>Galway</b>	9-11	3	2-3	9-11	3	2	3	N.S.
<b>Kilkenny</b>	18	6	12	18	18	18	N.S.	N.S.
<b>Letterkenny</b>	9-12	9-12	N.S.	12-18	12	18	N.S.	12
<b>Limerick</b>	3-6	6-9	3	6	6	N.S.	N.S.	N.S.
<b>Longford</b>	6-9	3	3	24-30	9-12	9-12	N.S.	3-6
<b>Monaghan</b>	4	6-12	4	4	N.S.	N.S.	N.S.	N.S.
<b>Mullingar</b>	18-24	3-6	3-6	15	12-15	15	N.S.	3-6
<b>Naas</b>	18	6	6	36	3	24	N.S.	N.S.
<b>Portlaoise</b>	6	6	12	18-24	12	12-18	N.S.	3-6
<b>Roscommon</b>	9-12	3-6	3	18-24	6-9	12	N.S.	3-6
<b>Sligo</b>	9	3	6	18	12	9	N.S.	6
<b>Tralee</b>	3	3	3	3-6	3-6	3	N.S.	3
<b>Trim</b>	12-18	3	6	24-36	3	12	6	3
<b>Tullamore</b>	12-18	6-12	N.S.	12-18	6-9	N.S.	N.S.	3
<b>Waterford</b>	12-15	6-12	N.S.	12-18	N.S.	12	N.S.	N.S.
<b>Wexford</b>	18-24	4-6	30-36	30-36	6	27-30	N.S.	6-10
<b>Wicklow</b>	12	6	12	12	9	9	6	9

\* N.S. = Next Sitting  
 Details of the sittings of the Circuit Court are available on the website of the Service ([www.courts.ie](http://www.courts.ie))

**District Court - as of 1st December 2012**

<b>Waiting time</b>	
<b>Criminal</b>	<b>Summons:</b> The time from receipt of summons application to scheduled date for hearing <b>Charge sheets:</b> Charge sheet cases are usually heard in court within a day of the person being charged by An Garda Síochána
<b>Civil</b>	<b>Applications:</b> The time from receipt of application to date of listing for hearing
<b>Family</b>	<b>Applications:</b> The time from receipt of application to date of listing for hearing

<b>District Court</b> Waiting times shown in weeks (unless otherwise stated)					
<b>Office</b>	<b>Criminal</b>		<b>Civil</b>	<b>Family law</b>	
	<b>Summonses</b>	<b>Charge sheets</b>	<b>Applications</b>	<b>Domestic violence applications**</b>	<b>Maintenance / guardianship applications</b>
<b>Athlone</b>	12-14	N.S. <sup>¥</sup>	4-8	2	4
<b>Ballina</b>	10-12	N.S.	6-8	N.S.	N.S.
<b>Ballinasloe</b>	12-15	N.S.	4	1	4
<b>Bray</b>	16	N.S.	8	1-3	3-6
<b>Carlow</b>	12	N.S.	8	8	8
<b>Carrick-on-Shannon</b>	12-15	N.S.	8-12	N.S.	N.S.
<b>Castlebar</b>	12	N.S.	8-12	N.S.	6
<b>Cavan</b>	16	N.S.	12	N.S.	8
<b>Clonakilty</b>	12	N.S.	8	N.S.	N.S.
<b>Clonmel</b>	12	N.S.	N.S.	4-8	8-12
<b>Cork</b>	14	N.S.	6	10	10-12
<b>Derrynea</b>	14-16	N.S.	4-6	N.S.	3
<b>Donegal</b>	11-18	N.S.	8	2-5	4-6
<b>Drogheda</b>	13	N.S.	8	N.S.	4
<b>Dublin</b>	sec. 49:* 9 other: 21	N.S.	30	8	8
<b>Dundalk</b>	14	N.S.	4	1	3
<b>Ennis</b>	12-15	N.S.	8-12	2	4
<b>Galway</b>	10-12	N.S.	16	1	3
<b>Kilkenny</b>	20-26	N.S.	4	2-4	4-6
<b>Letterkenny</b>	20-24	N.S.	16-20	4	8
<b>Limerick</b>	12	N.S.	8-10	3-5	6-8
<b>Longford</b>	12	N.S.	4	1	4
<b>Loughrea</b>	12	N.S.	4	N.S.	8
<b>Mallow</b>	12	N.S.	3-4	N.S.	N.S.
<b>Monaghan</b>	12-15	N.S.	8-10	N.S.	N.S.
<b>Mullingar</b>	15-16	N.S.	4-8	2	4
<b>Naas</b>	12-16	N.S.	8	2	8
<b>Nenagh</b>	16-20	N.S.	1	N.S.	N.S.



<b>Portlaoise</b>	14-18	N.S.	12-16	N.S.	8-12
<b>Roscommon</b>	12-15	N.S.	4	N.S.	N.S.
<b>Sligo</b>	13-15	N.S.	8	2	4
<b>Tralee</b>	12	N.S.	8	4	4
<b>Trim</b>	14	N.S.	8-12	5-8	4
<b>Tullamore</b>	12	N.S.	4	N.S.	4
<b>Waterford</b>	16	N.S.	12	12	12
<b>Wexford</b>	16	N.S.	24	N.S.	4
<b>Youghal</b>	14	N.S.	12	8	8
‡ N.S. = Next Sitting * Drink driving prosecutions ** urgent interim applications are dealt with immediately (that is on next sitting day in every District) Details of the sittings of the District Court are available on the website of the Service ( <a href="http://www.courts.ie">www.courts.ie</a> )					







## CHAPTER 4 – CORPORATE GOVERNANCE

The Code of Practice for the Governance of State Bodies (CPGSB) published by the Department of Finance provides a framework for the application of best practice in corporate governance by both commercial and non-commercial bodies. The Service has sought to give effect to the relevant provisions of the Code in the development of its corporate governance policy.

### Legal and governance framework

The legal framework for the Service is the Courts Service Act 1998, which sets out the statutory obligations of the Service and defines the formal and reporting relationship between the Service and the Minister for Justice and Equality and the Minister for Finance.

The Service has strong governance arrangements in place at organisational and Board level. A framework document approved by the Board defines the governance framework for the Service, clearly delineates the functions of the Board, the Service, the Chief Executive and the Finance Committee and outlines the levels of authority and delegation arrangements.

The framework document also defines the relationship between the Chief Executive and the Board, the Chief Justice, the Presidents of the courts, and the Minister for Justice and Equality. It also outlines the communication strategy between the Service, the Minister and the media.

### 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 term of the Board is three years. The current Board was elected in November 2011.

The Board operates to best practice corporate governance principles in line with the Courts Service Act 1998 and where applicable the guidelines as set out in the CPGBS. It has adopted standing orders setting out its operation procedures and performs its functions directly and through the operation of focused committees.

The Board approves the strategic plan of the Service and oversees and supports its implementation through the annual planning and budgeting cycle. To ensure a focussed approach to the implementation of the objectives outlined in the strategic plan the Chief Executive Officer and the Senior Management Team prepare a corporate business plan annually. The Board approved the Corporate Business Plan 2012 in December 2011 and received progress reports on its implementation at its meetings in April and October. The Board approved the Corporate Business Plan 2013 in December 2012.

In addition, the Board received progress reports on the Action Plan of the Service under the Public Service Agreement at its meetings in April, June and October 2012.

The Board held five meetings during 2012 with an overall attendance of 84% at the meetings.

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

### 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 Courts Service Act, 1998 provides that the Chief Executive Officer is the Accounting Officer for the Service and is responsible to the Oireachtas for the proper expenditure of money provided by the Exchequer for the management and administration of the Service.

The Chief Executive Officer is supported by the Senior Management Team. (see page 19.)

## **Internal Financial Control**

The Chief Executive Officer signs a Statement of Internal Financial Control for the purpose of the Appropriation Account (see page 71). The Statement was enhanced for 2012 to include a statement of compliance with procurement guidelines and with circulars relating to the mandatory use of framework agreements and contracts.

Breaches of controls, in particular instances of fraud or irregularity, must be brought to the attention of the Comptroller and Auditor General in accordance with public financial procedures. The Service made a 'nil' return in respect of such incidences in 2012. The Service has a policy statement on prevention and detection of fraud with all cases irrespective of value being reported to the Resource Management Directorate, the Senior Management Team, and the Audit Committee.

## **Audit Committee**

The Audit Committee oversees and advises the Board and the Chief Executive Officer on matters relating to financial and operational risks, internal controls, internal and external audit functions, and value for money issues. The Committee, which includes persons with significant business expertise and experience within the public, semi state and private sectors, met four times during the year. The Audit Committee is supported by the Internal Audit function and reports annually to the Board. The membership of the Committee is on page 18.

## **Internal Audit Function**

Internal Audit is an independent appraisal function charged with reviewing operations across all areas of the Service, as a service to the Board, the Audit Committee and to all levels of management. The Internal Audit Unit operates in accordance with an audit charter approved by the Board and an annual audit plan approved by the Chief Executive Officer and the Audit Committee. All audit reports are submitted directly to the Chief Executive Officer and to the Audit Committee who also receive periodic reports showing progress against the plan. The Unit completed 13 audits during the year.

The Unit is assisted by external service providers who are engaged as required to provide expertise in specialised areas including information and communications technology, and risk management.

## **Budget Management**

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

## **Risk Management**

The risk management framework and policy of the Service is approved by the Board. It provides for a planned and systematic approach to identifying and managing a range of risk categories: financial, service delivery, infrastructure (buildings and ICT), people, compliance and governance, health and safety, and projects. The Chief Risk Officer is a member of the Senior Management Team and reports directly to the Audit Committee and the Board.

A Corporate Risk Register is reviewed regularly by the Chief Executive Officer, Senior Management Team, Audit Committee and the Board. The Register is linked to the annual business planning process. It sets out the major risks facing the Service together with the existing controls, planned actions to mitigate the risks identified, and identifies owners and target dates for completion.

The embedding of risk management across the organisation is an ongoing process. Risks are identified at corporate and business unit level and managed accordingly by assigning responsibility to the relevant directorate and office manager.

## **Procurement**

Responsibility for procurement is devolved to each Head of Directorate. The Procurement Officer of the Service provides support on all procurement issues with roles and responsibilities prepared for relevant budget holders.



During 2012 the Service established a Procurement Network with representatives from each Directorate and the Department of Justice and Equality. The Network aims to maximise procurement capability, promote awareness of procurement obligations and increase compliance, address and resolve procurement issues, establish and embed standardisation and streamlining of procurement procedures, and maximise the use of the Justice Procurement Network and the National Procurement Service. The Procurement Network reports to the Senior Management Team on a quarterly basis.

New contracts and tenders are reported to the Board on a quarterly basis. Non-compliance with procurement regulations is reported to the Comptroller and Auditor General in accordance with Circular 40/02: Public Procurement Guidelines. There were 10 such instances in 2012 compared with 15 in 2011.





## CHAPTER 5 – ANNUAL FINANCIAL STATEMENTS

### FINANCIAL HIGHLIGHTS

Expenditure & Income	2012 €'000	2011 €'000
Current expenditure	100,332	101,587
Capital expenditure	7,365	11,137
Income	48,541	50,085
Net expenditure	59,156	62,639

Court funds	2012 €'000	2011 €'000
Funds managed on behalf of wards of court, minors and other beneficiaries	1,189	1,178

Financial operations	2012 €'000	2011 €'000
Fines collected	14,177	16,464
Family law receipts	19,744	21,000
Bail receipted	3,150	4,248
Court fees collected (and retained)*	43,720	45,156
Poor box receipted	1,903	1,734
Civil court and small claims receipts	463	335
<b>Total</b>	<b>83,157</b>	<b>88,937</b>
% fines paid on-line	29%	26.4%
% family law paid <i>via</i> electronic funds transfer (% volume)	93.5%	92%
% family law received <i>via</i> electronic funds transfer	68%	65%
* excludes miscellaneous income and the pension levy		

The year 2012 represented another challenging year for the Service following the fourth consecutive year of reductions in both funding and resources. Since 2008 pay has been reduced by €8.8m (15%), non pay by €16.6m (38%) and capital by €28.8m (79%).

The net cost of running the Service in 2012 was €59.156m compared with €62.639m in 2011 and €100m in 2008. Current expenditure (including payroll and PPP Unitary Payment for the Criminal Courts of Justice) was €100.3m in 2012 as compared with €101.6m for 2011 while income (including court fees, miscellaneous income and pension levy) was €48.5m as compared with €50m in 2011.

Funding for the Service is supplemented by courts fees receipts, miscellaneous income and a pension levy. Diagram 1 contains an expenditure analysis for 2012 by category. Diagram 2 contains expenditure across the main spending areas and compares 2012 with 2011 and 2008.

Diagram 1

### Expenditure Analysis by Category 2012

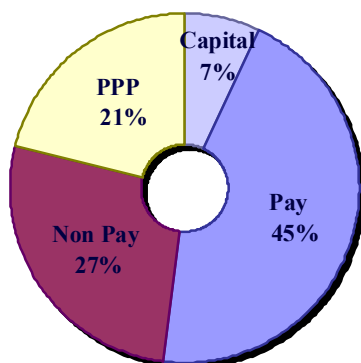
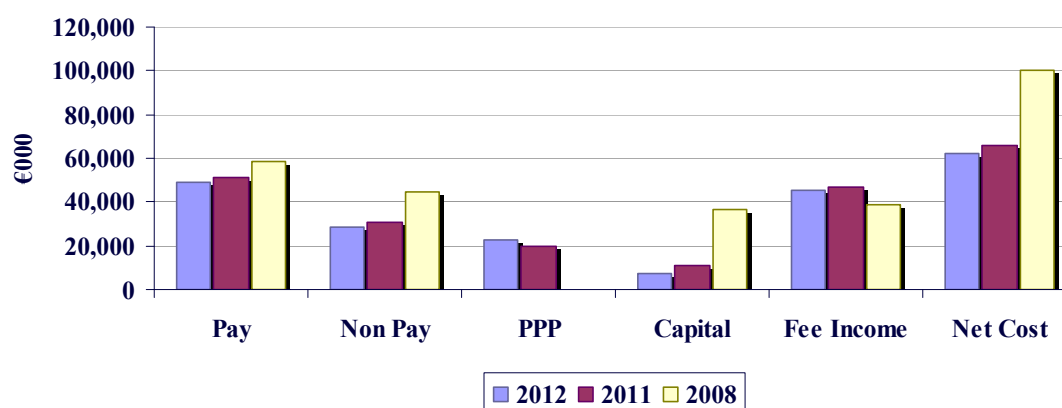


Diagram 2

### Expenditure / Income Analysis 2012 v 2011 & 2008



## ACCOUNTABILITY

The Service is accountable to the Minister for Justice and Equality 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

The Service operates a range of internal control measures to support the achievement of its strategic policies and objectives while safeguarding the public funds and assets for which it is responsible. Financial controls and procedures are reviewed regularly with compliance verified by the work of the Internal Audit Unit of the Service and the Office of the Comptroller and Auditor General. While the system is designed to ensure that all known risks are managed it cannot ensure the elimination of all risks and therefore provides reasonable but not absolute assurance of effectiveness.

## APPROPRIATION ACCOUNT

The Appropriation Account is the annual financial account of the Service and is furnished to the Comptroller and Auditor General on or before 31st March each year. It is compiled on foot of the approved estimates by the Oireachtas and is prepared by the Accounting Officer to meet his statutory requirements. For the purposes of the Appropriation Account the Chief Executive Officer is the Accounting Officer to whom the Minister for Finance has assigned responsibility, in accordance with section 22 of the Exchequer and Audit Department Act 1866, to prepare the annual account for the vote under his charge. An extract from the Appropriation Account 2012 submitted to the Comptroller and Auditor General is on page 70.





As Accounting Officer, the Chief Executive Officer signs a statement of internal financial controls to accompany the appropriation account. The statement (see page 71) 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 effectiveness of the system of internal financial controls is kept under ongoing review. Financial responsibilities are assigned at management level with corresponding accountability. There are reporting arrangements in place with responsibility for financial management assigned and formal procedures for reporting significant control failures and ensuring appropriate corrective action.

#### **COURT FUNDS**

Independently audited financial statements dealing with court funds held in trust by the courts, are submitted to the Minister for Finance and the Minister for Justice and Equality in accordance with the Rules of the Superior Courts every year. (see page 72)

**EXTRACT FROM APPROPRIATION ACCOUNT 2012****EXPENDITURE AND INCOME**

	2012 €'000	2011 €'000
<b>Current Expenditure</b>		
Salaries and wages	49,188	51,358
Travel and subsistence	2,719	2,759
Staff and judicial training	331	409
Stenography and other fees	3,591	3,942
Legal services	538	480
Postal services	1,030	1,241
Telecommunications	1,472	1,115
Office equipment and materials	542	638
Courthouse maintenance	7,290	8,172
Heat, light and fuel costs	2,832	2,622
Furniture and fittings	106	130
Leases	5,699	5,133
Consultancy ( non I.T related)	192	213
Incidental/ miscellaneous costs	2,365	3,875
PPP – unitary payment	22,437	19,500
<b>Total Current Expenditure</b>	<b>100,332</b>	<b>101,587</b>
<b>Capital Expenditure</b>		
Computer and telecommunications systems	5,056	6,458
Courthouses and other buildings	2,309	4,679
<b>Total Capital Expenditure</b>	<b>7,365</b>	<b>11,137</b>
<b>Total Gross Expenditure</b>	<b>107,697</b>	<b>112,724</b>
<b>Income ( Appropriations - in -Aid)</b>		
Fees	43,720	45,156
Miscellaneous	1,892	1,858
Pension levy	2,929	3,071
<b>Total Income</b>	<b>48,541</b>	<b>50,085</b>
<b>Total Net Expenditure</b>	<b>59,156</b>	<b>62,639</b>

**Note:** These figures for 2012 are provisional and subject to audit by the Comptroller and Auditor General.



## EXTRACT FROM APPROPRIATION ACCOUNT 2012

### STATEMENT BY ACCOUNTING OFFICER ON INTERNAL FINANCIAL CONTROL

#### Responsibility for System of Internal Financial Control

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

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

#### Financial Control Environment

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

- financial responsibilities have been assigned at management level with corresponding accountability
- reporting arrangements have been established at all levels where responsibility for financial management has been assigned
- formal procedures have been established for reporting significant control failures and ensuring appropriate corrective action

#### Administrative Controls and Management Reporting

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

- there is an appropriate budgeting system with an annual budget which is kept under review by senior management
- there are regular reviews by senior management of periodic and annual financial reports which indicate financial performance against forecasts
- a risk management system operates within the Courts Service
- there are systems aimed at ensuring the security of the ICT systems
- there are appropriate capital investment control guidelines and formal project management disciplines
- the Court Service is compliant with all relevant guidelines regarding procurement and is complying with all circulars relating to the mandatory use of framework agreements and contracts.

#### Audit Committee

I can confirm that the Courts Service has an Audit Committee. The Committee is a sub-committee of the Board of the Courts Service. The role of the Committee is to oversee, advise and support the Board and the Chief Executive Officer/Accounting Officer by reviewing the comprehensiveness of assurances on a range of matters including the integrity of internal financial controls. The Audit Committee operates under an approved written charter and submits an annual report to the Courts Service Board. It also reviews and approves the Internal Audit annual work programme.

#### Internal Audit

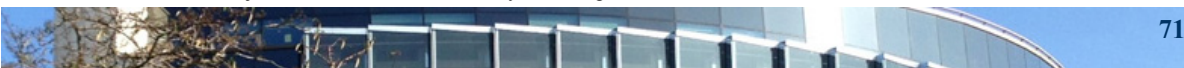
I confirm that the Courts Service has an internal audit function with appropriately trained personnel, which operates in accordance with a charter which I have approved. Its work is informed by analysis of the financial and other risks to which the Service is exposed and its annual internal audit programme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

Signed:



Brendan Ryan  
Accounting Officer  
31st March 2013

Note: This statement is subject to final review and audit by the Comptroller and Auditor General.



## INCOME (COURT FEES)

Court fees are charged in respect of legal documents lodged and services provided in court offices. The Service also collects charges fees on behalf of the Revenue Commissioners and the Property Registration Authority.

The fees collected on behalf of the Revenue Commissioners include excise duties on certain licensing applications. The Property Registration Authority fees relate to access to documents held locally in court offices.

Court fees	2012 €'000	2011 €'000
Retained by the Courts Service *	43,720	45,156
Revenue Commissioners	5,946	7,523
Property Registration Authority	3	3
<b>Total</b>	<b>49,669</b>	<b>52,682</b>

\*Note – Relates to court fees only. Excludes miscellaneous income (which was included in 2011 Annual Report)

## FINES

The Service has a role in the collection of fines imposed by the courts. These are transferred to the Exchequer and government departments and agencies.

Court fines collected and transferred	2012 €'000	2011 €'000
Exchequer (motor fines)	7,626	9,488
Exchequer (general)	4,144	4,730
Revenue Commissioners	2,175	1,974
Department of Communications, Marine and Natural Resources	36	272*
Department of Agriculture, Fisheries and Food	196	-
<b>Total</b>	<b>14,177</b>	<b>16,464</b>
*included Department of Agriculture, Fisheries and Food in Courts Service Annual Report 2011		

Court fines collection rate	2012	2011
% fines collection rate*	82	67
% fines paid on-line (% volume)	29	26.4
* The compliance rate for 2012 exceeds that of 2011 due to a once off adjustment		

## POOR BOX

The court may direct that money be paid into the court poor box in lieu of, or in conjunction with, another penalty. Payments can be made *via* the Service for onward payment to a charity as directed by the court.

	Receipts	Payments
District Court	€1,902,861	€2,009,445

## 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').



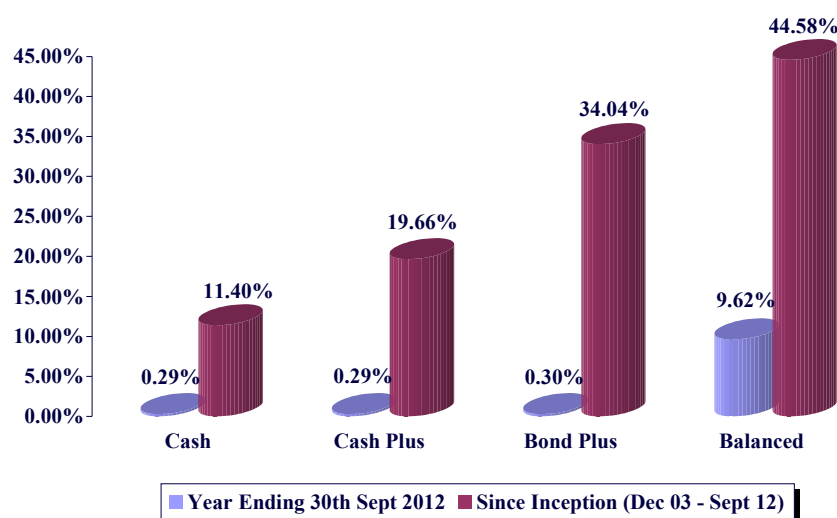
## Details of funds

Funds managed by the Accountant's Office were €1.188 billion at the end of the financial year to 30th September 2012, an increase of €10 million on 2011. The increase was attributable to a net increase in investment performance of €23 million (€5 million in 2011) and a net decrease in capital transactions of €13 million (*i.e.* excess of disbursements over receipts).

During the year to 30th September 2012 the Service continued to invest all funds, for which it has responsibility, on a prudent basis. In many cases the overriding investment objective was capital preservation, particularly for minors, while in other cases the objective was to seek a higher return in cases where income generation was a requirement. In the prevailing volatile and uncertain market conditions and with the ongoing concerns over risks within the Eurozone, the Service sought to ensure that court funds were adequately diversified and prudently invested. While volatility in financial markets continues, the Service continued to take a risk-averse approach to the investment of funds during the year, with a high proportion of funds being invested in cash.

Court funds have exhibited overall strong cumulative investment performance since the current investment arrangements were established in December 2003. See table 1

**TABLE 1 – SPECTRUM FUND INVESTMENT PERFORMANCE (NET OF FEES)**



Note: The Cash Fund commenced in June 2006

## Management of funds

The Investment Committee, chaired by the President of the High Court, continued to monitor the investment performance of court funds and related matters and the Service continued to retain the services of independent investment advisors, fund managers and custodians.

In addition, the annual financial statements for the Accountant's Office continued to be externally audited. The Statements for 2012 were audited by Grant Thornton, who provided an unqualified audit report. They were considered by the Audit Committee in December and submitted to the Minister for Finance and the Minister for Justice and Equality. (see from page 74.)

The management of court funds is also subject to audit by the Internal Audit Unit of the Service. As part of the risk management policy and framework implemented by the Service the management of court funds is subject to regular monitoring and review to ensure that all major risks are adequately managed.

## THE OFFICE OF THE ACCOUNTANT OF THE COURTS OF JUSTICE

### EXTRACT FROM THE AUDITED FINANCIAL STATEMENTS AS AT 30TH SEPTEMBER 2012

#### STATEMENT OF ASSETS AND LIABILITIES AT 30th SEPTEMBER 2012

	30/9/2012	30/9/2011
	€	€
<b>INVESTMENT ASSETS</b>		
Investments	1,175,917,662	1,160,877,930
<b>CURRENT ASSETS</b>		
Debtors	10,809,458	17,239,885
Bank	2,952,425	1,189,366
<b>TOTAL CURRENT ASSETS</b>	13,761,883	18,429,252
<b>CURRENT LIABILITIES</b>		
Creditors	(900,105)	(787,145)
<b>TOTAL CURRENT LIABILITIES</b>	(900,105)	(787,145)
<b>NET CURRENT ASSETS</b>	<b>12,861,778</b>	17,642,106
<b>TOTAL NET ASSETS</b>	1,188,779,440	1,178,520,036
<b>Represented by:</b>		
Funds held for beneficiaries	1,188,779,440	1,178,520,036

The financial statements were approved by the Accountant on 19th December 2012.





## THE OFFICE OF THE ACCOUNTANT OF THE COURTS OF JUSTICE

### EXTRACT FROM THE AUDITED FINANCIAL STATEMENTS AS AT 30TH SEPTEMBER 2012

#### STATEMENT OF OPERATIONS FOR THE YEAR ENDED 30 SEPTEMBER 2012

	30/9/2012	30/9/2011
	€	€
<b>NET REALISED AND UNREALISED GAINS</b>		
Net realised gains on investments disposed of during the year	9,706,748	11,454,262
Net change in unrealised gains on investments	15,294,712	(4,981,471)
Net losses realised on transfers of assets	(396,415)	(1,657)
<b>NET REALISED AND CHANGE IN UNREALISED GAINS</b>	<b>24,605,045</b>	6,471,134
Investment income	276,399	255,156
	<b>24,881,444</b>	6,726,290
Expenses	(1,897,508)	(1,476,920)
<b>INCREASE IN NET ASSETS FROM OPERATIONS</b>	<b>22,983,936</b>	5,249,370

The financial statements were approved by the Accountant on 19th December 2012.

## THE OFFICE OF THE ACCOUNTANT OF THE COURTS OF JUSTICE

### EXTRACT FROM THE AUDITED FINANCIAL STATEMENTS AS AT 30TH SEPTEMBER 2012

#### STATEMENT OF CHANGES IN NET ASSETS FOR THE YEAR ENDED 30 SEPTEMBER 2012

	30/9/2012	30/9/2011
	€	€
<b>INCREASE IN NET ASSETS RESULTING FROM OPERATIONS</b>		
Investment income less expenses	(1,621,109)	(1,221,764)
Net realised gains on investments	9,706,748	11,454,262
Net change in unrealised gains on investments	15,294,712	(4,981,471)
Net losses realised on transfers of assets	(396,415)	(1,657)
<b>INCREASE IN NET ASSETS FROM OPERATIONS</b>	22,983,936	5,249,370
<b>CAPITAL TRANSACTIONS</b>		
Receipts	955,132,733	220,027,529
Disbursements	(967,857,265)	(183,745,236)
<b>INCREASE IN NET ASSETS FROM CAPITAL TRANSACTIONS</b>	(12,724,532)	36,282,293
Increase in net assets	10,259,404	41,531,663
Net assets at beginning of year	1,178,520,036	1,136,988,373
<b>NET ASSETS AT END OF YEAR</b>	<b>1,188,779,440</b>	<b>1,178,520,036</b>

The Report and Financial Statements are available on the website of the Service at [www.courts.ie](http://www.courts.ie).



## COURTS ACCOUNTS OFFICE

The Courts Accounts Office operates as a shared services centre for the processing of all District Court financial transactions for fines, family law, bail, court fees, poor box and civil small claims. In 2012 there were 576,227 receipts and payments transactions with a value of €178.6m, compared with 615,061 transactions valued at €193.3m in 2011.

The Service continued to encourage users to avail of electronic funds transfer (EFT) as the preferred method of payment with 93.5% of family law maintenance creditors paid by EFT in 2012, and 68% of family law maintenance debtors making payment by standing order.

## PROMPT PAYMENT OF ACCOUNTS ACT, 1997

### *Payment practices*

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 (or other Government) time limits. While the procedures have been designed to ensure compliance with the Act, they only provide reasonable and not absolute assurance against material non compliance with the Act.

### *Prompt payment interest*

Prompt payment interest is paid to suppliers in respect of invoices not paid within 30 days of receipt. In 2012 the relevant suppliers were notified and the interest due paid to them.

Prompt Payment Returns by Government Departments 2012				
Agency: Courts Service				
Quarter Ended	% of overall Total value paid within 30 days	Value of Payments within 30 days	% No. of payments within 30 days	No. of Payments within 30 days
March	97%	€9,286,948	91%	2,865
June	95%	€11,435,337	86%	2,811
September	97%	€11,294,954	89%	2,888
December	99%	€14,681,213	95%	2,758

Late payments		
Invoice amount	No. of invoices	Interest paid €
Under €100	140	1,347

### *15 day payment requirement*

The Government reduced the payment period by State bodies to their suppliers from 30 to 15 days with effect from July 2011. The Service makes every effort, consistent with proper financial procedures, to ensure that all suppliers are paid within this timeframe. The table below shows the performance with regard to the 15 day payment requirement in 2012:

Prompt Payment Quarterly Returns by Government Departments 2012				
Agency: Courts Service				
Quarter Ended	% of overall Total value paid within 15 days	Value of Payments within 15 days	% No. of payments within 15 days	No. of payments within 15 days
March	78%	€7,477,228	46%	1,448
June	74%	€8,890,731	25%	824
September	63%	€7,353,163	53%	1,706
December	79%	€11,667,980	65%	1,902



## CHAPTER 6 – REPORTS OF THE COURTS RULES COMMITTEES

### SUPERIOR COURTS RULES COMMITTEE

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

#### MEMBERSHIP OF THE COMMITTEE AT YEAR ENDING 31ST DECEMBER 2012:

- The Chief Justice, the Hon. Mrs Justice Susan Denham (Chairperson)
- The President of the High Court, the Hon. Mr. Justice Nicholas Kearns (Vice Chairman)
- The Hon. Mr. Justice Donal O'Donnell, judge of the Supreme Court
- The Hon. Mr. Justice William McKechnie, judge of the Supreme Court
- The Hon. Miss Justice Elizabeth Dunne, judge of the High Court
- The Hon. Mr. Justice John Edwards, judge of the High Court
- The Master of the High Court, Mr. Edmund W. Honohan S.C.
- Mr. Paul McGarry S.C., nominated by the Council of the Bar of Ireland
- Mr. Gerard Meehan 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. Stuart Gilhooly, solicitor, nominated by the Council of the Law Society of Ireland
- Mr. Noel Rubotham, Director of Reform and Development, Courts Service, to whom membership has been delegated by the Chief Executive Officer of the Courts Service under section 30(2) of the Courts Service Act 1998
- Ms. Mary Cummins, Office of the Chief State Solicitor – appointed to act in place of
- the Attorney General under section 36(4) of the Courts and Court Officers Act 2002
- Mr. John Mahon, Registrar of the Supreme Court

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

*Drafting Services:* Mr Sean Barton of McCann FitzGerald solicitors.

The term of office of Mr. Patrick O'Connor, nominee of the Council of the Law Society of Ireland came to a conclusion in November 2012. The Committee wishes to record its appreciation of the service rendered by Mr. O'Connor to the Committee during his 10 years as a member.

The Committee met on 3 occasions during 2012. The following rules of the Superior Courts were signed by the Minister for Justice and Equality between the 1st January 2012 and the 31st December 2012:-

S.I. number	Title	Date signed by Committee	Operative date
15 of 2012	RSC (Service) 2012	25th May 2011	1st February 2012
114 of 2012	RSC (Criminal Procedure Act 2010) 2012	25th May 2011	28th April 2012
120 of 2012	RSC (Bankruptcy) 2012	28th November 2011	20th April 2012
121 of 2012	RSC (Winding-up of Companies and Examinership) 2012	28th November 2011	20th April 2012
150 of 2012	RSC (Arbitration) 2012	30th June 2011	6th June 2012
355 of 2012	RSC (Trial) 2012	8th March 2012	15th October 2012

356 of 2012	RSC (Order 75) 2012	13th October 2011	15th October 2012
357 of 2012	RSC (European Communities (Mediation) Regulations 2011) 2012	13th October 2011	15th October 2012
400 of 2012	RSC (Robes of Bench) 2012	18th October 2012	23rd October 2012
487 of 2012	RSC (Affidavits) 2012	12th July 2012	28th December 2012
488 of 2012	RSC (Funds in Court ) 2012	12th July 2012	28th December 2012

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

Title	Date signed by Committee
RSC (International Criminal Court Act 2006) 2012	12th July 2012
RSC (Lugano Convention, Maintenance and Service) 2012	18th October 2012
RSC (Payments into Court) 2012	18th October 2012
RSC (Order 72A) 2012	18th October 2012

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

- Draft Rules of the Superior Courts (Non jury and Chancery proceedings and Conduct of Trials)
- Forms of Winding-Up Petition (Insolvency Regulation)
- Draft Rules of the Superior Courts (Order 123) 2012

Liz Hughes  
Secretary

### CIRCUIT COURT RULES COMMITTEE

The rule-making authority for the Circuit Court is the Circuit Court Rules Committee established under section 69 of the Courts of Justice Act 1936. The remit of the Committee is fixed partly by section 66 of the Courts of Justice Act 1924 which empowers it to annul or alter rules and make new rules with the concurrence of the Minister for Justice and Equality, including rules for regulating the sessions, vacations and circuits of the Circuit Judges and the practice, pleading and procedure generally (including liability of parties as to costs and also the entering-up of 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, 2012:

- The Hon. Mr. Justice Raymond Groarke, 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
- Ms. Dervla Browne S.C., nominated by the Council of the Bar of Ireland
- Mr. David Dodd 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
- Ms. Fiona Duffy Coady, 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, Director of Reform and Development, Courts Service, to whom membership has been delegated by the Chief Executive Officer of the Courts Service under section 30(2) of the Courts Service Act 1998
- Ms. 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:* Liz Hughes, Directorate of Reform and Development, Courts Service

*Drafting Services:* Mr. Sean Barton of McCann FitzGerald solicitors.

The Committee met on 3 occasions in 2012. The following Rules of the Circuit Court were signed by the Minister for Justice and Equality between the 1st January 2012 and the 31st December 2012:

S.I. No.	Title	Date signed by Committee	Operative date
151 of 2012	Circuit Court Rules (Enforcement of Certain Decisions of Rights Commissioners and Determinations of the Labour Court or Employment Appeal) 2012	22nd February 2011	18th April 2012
284 of 2012	Circuit Court Rules (Employment Equality) 2012	19th July 2011	15th August 2012
358 of 2012	Circuit Court Rules (Actions for Possession and Well Charging Relief) 2012	12th June 2012	15th October 2012
489 of 2012	Circuit Court Rules (Appeals to Court of Criminal Appeal) 2012	21st May 2012	28th December 2012

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

- Circuit Court Rules (Maintenance Regulation) 2012

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

- Circuit Court Rules (Taking of Evidence for EU Courts)

Liz Hughes  
Secretary

### DISTRICT COURT RULES COMMITTEE

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

#### MEMBERS OF THE COMMITTEE AT YEAR ENDING 31ST DECEMBER, 2012:

- The President of the District Court, Her Honour Judge Rosemary Horgan (Chairperson)
- Judge Mary Devins, judge of the District Court
- Judge Brian Sheridan, judge of the District Court
- Judge Conal Gibbons, judge of the District Court
- Judge Anne Watkin, 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. Mark Harty, 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 Committee met on 3 occasions during 2012. The following Rules of the District Court were signed by the Minister for Justice and Equality between the 1st January 2012 and the 31st December 2012:

S.I. number	Title	Date signed by Committee	Operative date
39 of 2012	District Court (Fines) Rules 2012	4th April 2011	26th February 2012
285 of 2012	District Court (Service) Rules 2012	21st November 2012	15th August 2012
286 of 2011	District Court (Domestic Violence) Rules 2012	21st November 2012	15th August 2012

At year end the following rules signed by the Committee were awaiting the concurrence of the Minister:-

- o District Court (Maintenance and Lugano Convention) Rules 2012
- o District Court (Enforcement of Maintenance Orders) Rules 2012

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

- o Consolidation of District Court Rules and Rationalisation of Forms
- o Addressing of Warrants

Liz Hughes  
Secretary



## CHAPTER 7 – GLOSSARY OF TERMS

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

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

**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.

**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).

**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.

**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.

**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.

**Liquidated debt** - a claim for a specified amount of money

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

***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.

**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).

**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 8 – ADDITIONAL INFORMATION

### CONTACTING OFFICES OF THE SERVICE

Contact details for the main offices of the Service are on the website [www.courts.ie](http://www.courts.ie).

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

### EIRCOM TELEPHONE DIRECTORIES

Telephone numbers for the main offices of the Service are in the green pages section of the Eircom telephone directories and online in eircom PhonebookOnline ([www.eircomphonebook.ie](http://www.eircomphonebook.ie)) and [www.goldenpages.ie](http://www.goldenpages.ie).

### OTHER INFORMATION

The Legal Diary with details of cases listed in the Supreme Court, the Court of Criminal Appeal, the High Court (including the Central Criminal Court) and the Circuit Court is on the website. Annual reports of the Service together with strategic plans, customer service action plan, customer charter and other publications are on the website.

A *Guide to the Courts Service* published in compliance with the Freedom of Information Act is on the website. The Guide contains a general description of the structures of the Service, its functions, the services it provides to the public and how to access them together with a general description of the classes of records held. It also sets out the rules, procedures, guidelines and interpretations used by the Service.

### WEBSITE

The website can be accessed at [www.courts.ie](http://www.courts.ie). Users of mobile devices can access the provincial *Legal Diary* via [m.courts.ie](http://m.courts.ie).

### SOLICITORS

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

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

### AUDITORS

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

Grant Thornton,  
Chartered Accountants,  
24-26 City Quay,  
Dublin 2.  
(*Financial Statements of the Office of the Accountant of the Courts of Justice*)









*An tSeirbhís Chúirteanna*  
*Courts Service*

**The Courts Service**  
**Phoenix House**  
**15/24 Phoenix Street North**  
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