



An tSeirbhís Chúirteanna  
Courts Service



# **Tuarascáil Bhliantúil** **Annual Report** **2016**





**OUR VISION:**

- o To develop a world-class organisation that has as its primary objective, meeting the needs of court users.

**OUR MISSION:**

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

**OUR VALUES:**

- o Service: customer focus, timely, friendly, competent
- o Integrity: honest, objective, fair, ethical, accountable
- o Respect: courteous, impartial, considerate





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## At a glance - 2016



€ Court funds managed  
€1.676 billion



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## 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, having being served with a summons to a Circuit Court or High Court civil action, intends to defend the action.

**Appearance and defence** – a document which indicates that a defendant, having been served with a claim notice to a District Court civil action, intends to defend the action.

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

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

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

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

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

**Commissioner for oaths** – a person entitled to administer oaths and take affidavits.

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

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

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

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

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

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

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

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

**Interim barring order** – an immediate order, requiring the person against whom the order is made (the respondent) to leave the family home, pending the hearing of an application for a barring order.

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

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

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

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

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

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

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

**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.

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

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

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

**Plenary summons** – document used to commence certain civil proceedings (*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 the person against whom the order is made (the respondent) 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 the person against whom the order is made (the respondent) from committing further acts of violence or threatening to do so. It does not prevent the respondent from entering the family home.

**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 (*i.e.* not oral evidence).

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

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

**Summary summons** – document used to commence certain civil proceedings (*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 Tusla to monitor a child considered to be at risk. The child is not removed from his or her home environment. A supervision order is for a fixed period of time not longer than 12 months initially.



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



The Courts Service supported over 24,000 sittings of the courts throughout the country last year. Its 976 staff supported up to 165 judges sitting in every county and court jurisdiction. No court time was lost due to an absence of staff support or the absence of facilities.

The above paragraph should not be surprising, but it is one which I, who chair the Board of the Service, am pleased and proud to recount. We have a modern and lean administrative organisation to support the operation of our courts which has taken a huge effort to design and develop, and which has survived the great economic recession of the recent past.

Strong governance arrangements at both organisational and Board level ensure accountability, fairness and transparency across a range of activities of the Service. This is vital in the provision of direction and clarity and to ensure proper management in all areas.

### Working with others

The Service exists as a resource for the judiciary, for all in the justice community, and to those who rely upon the courts for redress, action, protection, judgment and solutions. This annual report illustrates how much the Service interacts and reaches out to other groups. For example, 70 of our frontline staff, who work with victims groups and agencies, took part in training and workshops in cooperation with these groups in 2016.

Also, many of our staff were trained in dealing with vulnerable witnesses and in the process of giving evidence by video-link. The High Court Central Office helped in the training of 70 new solicitors in accessing and navigating the courts system. Mediation services with other groups take place *via* court offices so that court hearings were avoided in areas such as family, property, noise, nuisance, pets and boundary disputes.

Liaison efforts are made in mediation and support services with other groups in the area of family, domestic violence and child law, in Dublin, Portlaoise, Kilkenny, and Bray. Outreach to community groups, colleges, students of law, of journalism and social sciences continues via, tours, talks, seminars, mock trials and various programmes across the courts system.

### Advances in the courtroom

The Service plays a major role in supporting the efforts of the judiciary in terms of making the administration of justice more efficient. In the Supreme Court - where last year we experienced a 63% increase in the numbers of new applications for leave to appeal – the efficiencies of the Service helped the court determine new applications in an average of three weeks and for full case appeals to be dealt with within nine months. Also, the vast majority of legacy appeals from the old Supreme Court regime have been completed.

New practices in the Court of Appeal brought about efficiencies in the court's time. The practice of asking litigants to identify net issues in appeals to make the best use of the time allotted to oral argument, along with bringing together cases with similar legal principles, allows for delivery of judgment in many cases on the same day as the hearing.

The Service worked hard to help with the establishment of the second Special Criminal Court, which led to a reduction in waiting times from two years to 15 months. Also, in the High Court, staff efforts have helped the judiciary maintain waiting times as low as six weeks for most areas of work – from the time cases are ready for hearing to a date being available. In the Central Criminal Court waiting times have been reduced to 13 months, thanks to the efforts of the judges and staff, and the allocation of extra resources by the President of the High Court and the Chief Executive of the Service.

A review of probate services is seeking to improve and modernise this important area for the next of kin of those recently deceased, with the provision of an online service being explored.

There is impressive work ongoing in the Circuit Court and District Court. You will read of the myriad of activity and effort of these courts, and the staff associated with these courts, who deal with the greatest volume of cases in our system.

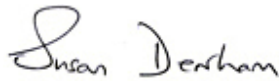
## Gratitude

I am grateful for the efforts of all who make the courts operate and the Service excel. I thank the Chief Executive of the Service, Brendan Ryan, his colleagues on the Senior Management Team, and managers and staff across all areas of work. I thank my fellow Board members and the judiciary for their steadfast support over many years.

I thank the Minister and her colleagues in the Department of Justice and Law Reform for their efforts on our behalf in so many areas.

I would like to acknowledge and thank the wider justice community - including the Bar of Ireland, the Law Society, An Garda Síochána, the Director of Public Prosecutions, Chief State Solicitor, representative groups of court users, the Prison Service and the Probation Service, who all play a vital role in supporting the administration of justice.

This report gives an insight into the effort, change, and adaptability of the Service. It is a window into the trials and tribulations of our society, and an opportunity to read about the nature and extent of our court system.



Susan Denham

## CHAPTER 1 – ABOUT THE COURTS SERVICE

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

Ancillary powers given to the Service under the Courts Service Act 1998 include the power to acquire, hold and dispose of land, enter into contracts, make proposals to the Minister for Justice and Equality in relation to matters (including reform and development, and distribution of jurisdiction and business among the courts), and designate court venues.

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

The Service is governed by a Board consisting of a chairperson and 17 other members. The Courts Service Act provides that the chairperson of the Board will be the Chief Justice and that the Board should contain judicial representatives from each court, a staff representative, a representative of the Minister for Justice and representatives from the legal professions, trade unions and business world. The Court of Appeal Act 2014 amended the membership of the Board to include the President of the Court of Appeal (or his nominee) and an ordinary judge of the Court of Appeal elected by the ordinary judges of that court.

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

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

The Courts Service Act 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 committees of the Board in 2016 were:

### STANDING COMMITTEES

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

### OTHER COMMITTEES

- o Irish Sentencing Committee

## THE BOARD OF THE COURTS SERVICE



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



The Hon. Mr. Justice  
**Sean Ryan**,  
*President of the Court of Appeal*



The Hon. Mr. Justice  
**Peter Kelly**,  
*President of the High Court*



The Hon. Mr. Justice  
**Liam McKechnie**, *elected by  
the judges of the Supreme Court*



The Hon Mr. Justice  
**Michael Peart**, *elected by the  
judges of the Court of Appeal*



The Hon. Mr. Justice  
**Patrick McCarthy**, *elected by  
the judges of the High Court*



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



Her Hon. Judge **Doirbhile  
Flanagan**, *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*



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



Mr. **Paul McGarry**, S.C.,  
*nominated by the Bar  
of Ireland*



Mr. **James McCourt**,  
*solicitor, nominated by the  
President of the Law Society of  
Ireland*



Mr. **Stephen Bracken**,  
*elected by the staff of the  
Courts Service*



Mr. **Conan McKenna**,  
*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 Hon. Mrs. Justice Susan Denham – *Chairperson*  
 The Hon. Mr. Justice Sean Ryan  
 The Hon. Mr. Justice Peter Kelly  
 The Hon. Mr. Justice Liam McKechnie  
 The Hon. Mr. Justice Raymond Groarke  
 Her Hon. Judge Rosemary Horgan  
 Mr. Brendan Ryan  
 Mr. Conan McKenna

### Audit and Risk Committee

Mr. Shane Browne – *Chairperson*  
 The Hon. Mr. Justice Michael Peart,  
 Her Hon. Judge Elma Sheahan, nominee of the President of the Circuit Court  
 Judge Michael Coghlan, nominee of the President of the District Court  
 Professor Patricia Barker  
 Mr. Conan McKenna  
 Mr. Pat Doyle

### Building Committee

The Hon. Mr. Justice Patrick McCarthy – *Chairperson*  
 The Hon. Mr. Justice John Hedigan, judge of the Court of Appeal  
 His Hon. Judge Martin Nolan, nominee of the President of the Circuit Court  
 Judge Marie Quirke, nominee of the President of the District Court  
 Mr. Brendan Ryan  
 Mr. Liam Berney  
 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  
 Ms. Elaine Power, the Bar of Ireland \*  
 Mr. James McCourt,  
 \* Mr. Will Reidy nominated to act as an alternate

### Family Law Court Development Committee

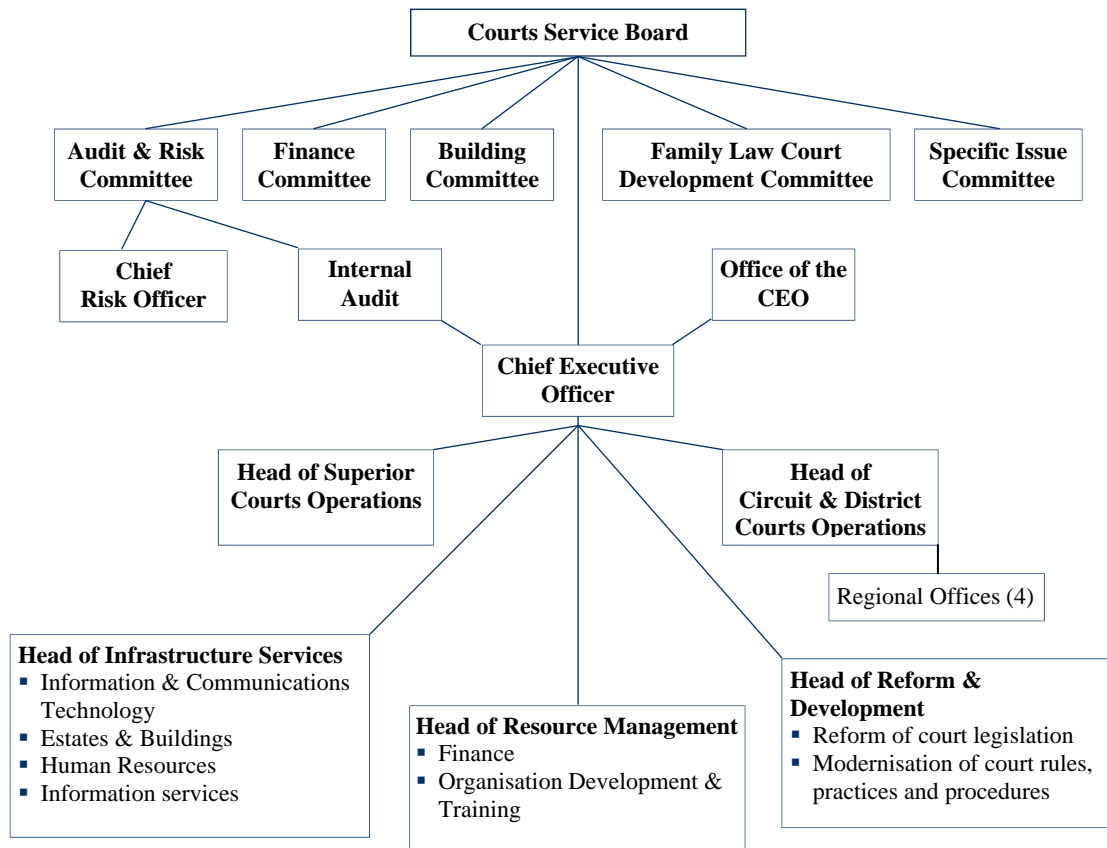
The Hon. Mr. Justice Michael White, judge of the High Court – *Chairperson*  
 The Hon. Mr. Justice Henry Abbott, judge of the High Court  
 Her Hon. Judge Petria McDonnell, judge of the Circuit Court  
 Her Hon. Judge Doirbhile Flanagan, judge of the Circuit Court  
 Judge Gerard Furlong, judge of the District Court  
 Mr. Shane Browne  
 Mr. John Coyle  
 Mr. Tom Ward, Chief Clerk, Dublin Circuit and District Civil Courts, Courts Service  
 Ms. Rita Considine, nominee of the County Registrar’s Association  
 Ms. Catherine Forde, the Bar of Ireland  
 Mr. Donagh McGowan, the Law Society of Ireland

## OTHER COMMITTEES:

### Irish Sentencing Committee

The Hon. Mrs. Justice Susan Denham, Chief Justice – *Chairperson*  
 The Hon. Mr. Justice Michael Peart, judge of the Court of Appeal  
 The Hon. Mr. Justice Patrick McCarthy  
 The Hon. Ms. Justice Mary Ellen Ring  
 Her Hon. Judge Rosemary Horgan  
 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 page 81.)

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

The Head of Reform and Development was also Head of Superior Courts Operations (in an acting capacity) at 31st December 2016.

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

In Dublin, court offices support the work of the Supreme Court, Court of Appeal, High Court, Dublin Circuit Court and Dublin Metropolitan District Court.

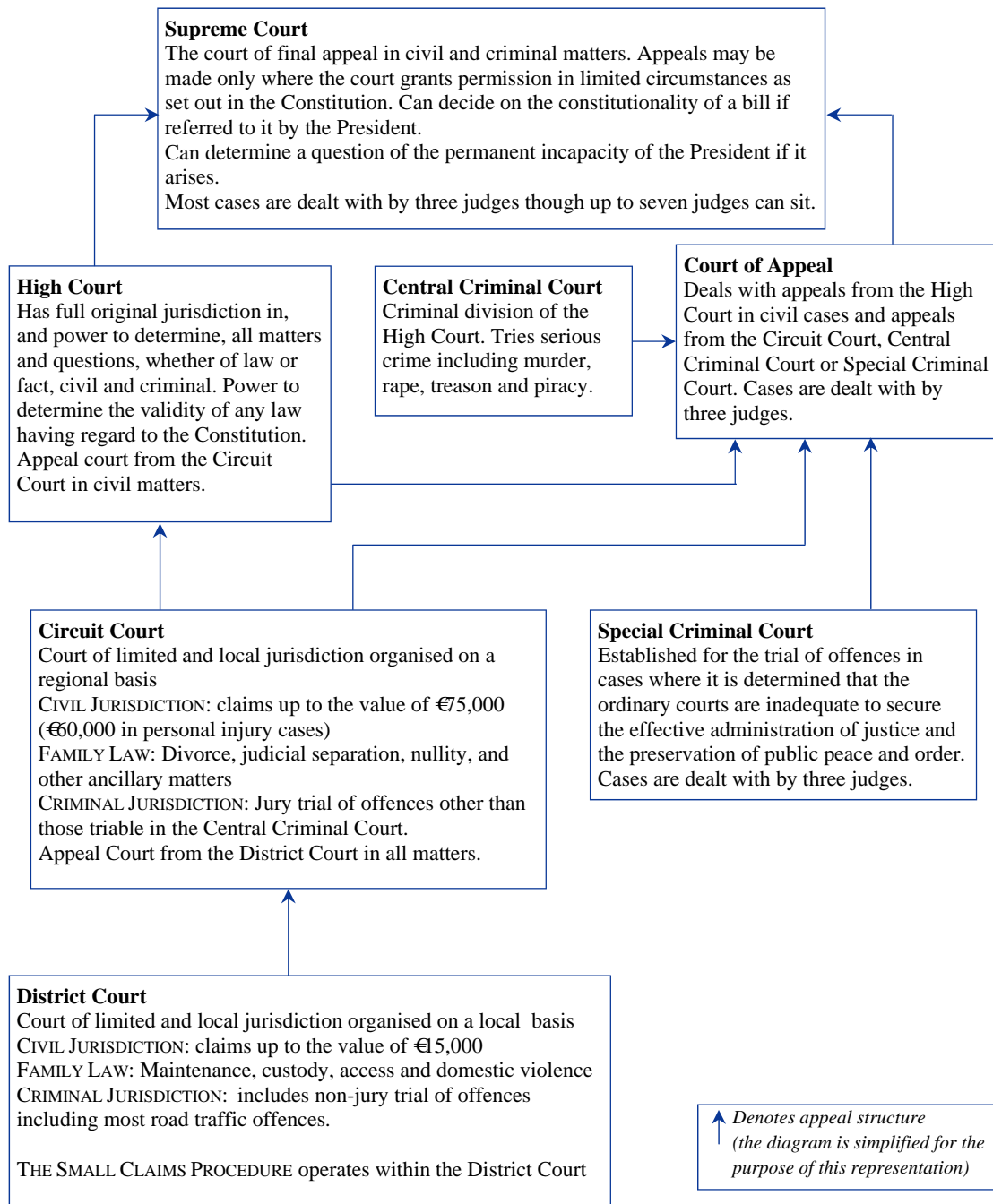
Outside of Dublin, 25 court offices support the work of the both the Circuit Court and the District Court, and eight offices support the work of the District Court only.



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



**STRUCTURE OF THE COURTS**







## CHAPTER 2 – THE YEAR IN REVIEW

### INTRODUCTION BY THE CHIEF EXECUTIVE OFFICER



The Courts Service continued to benefit from the improving economic climate in 2016 with a welcome increase in our budgetary allocation for the second successive year.

We used the increase to enhance the quality of our services – particularly in the areas of information and communications technology (ICT) and staffing. An additional €1 million for ICT was vital for the development of the infrastructure necessary for several major projects. Notwithstanding the funding shortfall in recent years we remain committed to exploring the potential of technology as it offers the best solution to enhancing customer service and delivering improved value for money.

Just as important is our commitment to supporting and developing our staff. An additional €1.25 million for our pay budget enabled us add 33 to our staff complement and fill vacancies in frontline and support offices. The replacement and up skilling of staff is a priority for us given the age profile of our staff and the loss of significant institutional knowledge as they retire. We operate in an increasingly complex political, business and international environment and must plan for an uncertain future that is likely to place ever more demands on our remaining staff. It is therefore critical that we engage in workforce planning to identify skills gaps and prepare for the years ahead. Our Workforce Plan identifies critical supply and demand staff issues in the three years to 2017 and we commenced work on a review of the Plan during the year to prepare for the years to 2020.

Additional funding allowed a supplementary programme of work in the provision of video conferencing facilities, an important contributor to the efficient running of civil and criminal cases in our courts. We continue to work with the Prison Service to increase video conferencing opportunities between courts and prison centres for the benefit of all involved in the criminal justice system.

Our emphasis on improving services reflects our commitment to supporting Government policy. As part of the wider Public Service community of organisations we support Government agreements and initiatives which seek to improve efficiencies and provide better value for money.

Our modernisation efforts reflect those identified in the Public Service Reform Plan 2014-2016. In our contribution to the Justice Sector Integrated Reform and Delivery Plan we set out key milestones and actions in respect of a number of important projects during 2016 which are mentioned throughout this Report. They include:

- our major building project which will deliver seven new or refurbished courthouses around the country in 2017
- our proposed new courts complex in Dublin which will provide a dedicated family law and children court building, a new location for the Supreme Court, and new office accommodation for the Service
- information and communications technology projects which will facilitate payment of fines by instalment and lodgement of licensing applications online
- our project to improve staff learning and development with its renewed emphasis on coaching, mentoring, and training and
- our participation and contribution to justice wide sector reform initiatives.

The actions set out in the Government's Civil Service Renewal Plan are focused on delivering practical change. We have long identified such change as critical to improving our services. Our project to combine the offices of the Circuit Court and District Court was evidence of our commitment to streamline our services and improve conditions and opportunities for our staff. It continues to provide the basis for the introduction of more efficient ways of doing business across all our offices. We continue to employ a LEAN approach to review processes and are constantly examining how we do things so as to eliminate unnecessary practices.

We established a Change Management Office to build on the momentum gained by our modernisation initiatives and drive our various change projects. And following several years of limited investment, we renewed our focus on staff learning and development placing significant emphasis on coaching and mentoring alongside the more traditional approach to training.

Our seven courthouse building projects made impressive progress and are on course for completion in towns and cities around the country during 2017. Together with our plans to construct a major civic complex in Dublin for family law and children court cases, and the Supreme Court, we can move forward with confidence that court users will avail of the best facilities we can provide.

We continue to take steps to embed the principles of good governance into our operations. Our revised governance framework document published in April 2016 is in line with the revised Corporate Governance Standard published by the Department of Public Expenditure and Reform in 2015. We also published a Protected Disclosures Policy to confirm our commitment to supporting staff who wish to raise issues of wrongdoing, or potential wrongdoing, in the workplace. Being made aware of anything that is going wrong within the organisation provides an opportunity to deal with an issue before it leads potentially to a loss of standards and reputation and prevents further potential wrongdoing.

We were proud to join with the State's commemoration of events that occurred during 1916. The inclusive nature of the centenary initiative saw both the Easter Rising and the Battle of the Somme acknowledged with many fitting tributes. Hundreds of people joined us at events in the Four Courts and around the country to remember those who fought and died. President Michael D. Higgins spoke enthusiastically of the potential of the new Kilmainham Gaol visitor attraction when he officially opened the combined gaol and courthouse facility in March. It is gratifying that our return of that historic courthouse to the Office of Public Works has resulted in such an impressive venue.

The efficient operation of the courts system requires the support and co-operation of a wide variety of groups, agencies and departments throughout the country. The Service is only one part of a greater community of interest working to ensure access for all court users. I extend my gratitude to the staff of the Service for their untiring dedication to delivering a high quality service across all court jurisdictions and in a variety of support areas. They remain our greatest resource and are assured of my unstinting support, and that of my Senior Management Team colleagues, for their work. I thank the Chief Justice and the members of the Board of the Service and other members of the judiciary for their involvement and continued interest in our various projects. The support of the Minister for Justice and Equality, the staff of her Department, and others in a variety of other government departments is also an important support to us. Likewise colleague organisations including An Garda Síochána, the Bar of Ireland, the Law Society of Ireland, the Prison Service, the Probation Service, and the Office of Public Works, and organisations supporting victims and others, provide us with support that we hugely value and for which I extend sincere gratitude.

Throughout this Report you will read about the efforts made during 2016 to deliver on our mandates – manage the courts, support the judiciary, provide information on the courts system for the public, provide court buildings, and provide facilities for court users.

## **DEVELOPMENTS DURING 2016**

This section sets out the activities and achievements of the Service during 2016 against the strategic goals outlined in the Strategic Plan 2014-2017. These are:

1. Deliver quality services and value for money
2. Support the judiciary
3. Develop skilled, competent and engaged staff
4. Support case management, collaboration and reform
5. Utilise modern technology and
6. Provide suitable court accommodation.

### **GOAL 1: DELIVERING QUALITY SERVICES AND VALUE FOR MONEY**

#### ***Implementation of frontline services***

The maintenance of front line services is critical to the management of the courts and the success of the Service. Every effort continued during the year to ensure that office services were maintained at the levels in previous years or above. Court offices across jurisdictions continued to maintain services and sittings and support the efficient disposal of cases.

The efficient management of the courts caseload is critical to the delivery of a quality service for court users. Staff continued to engage with the judiciary throughout the year to manage court lists and promote case management initiatives across all jurisdictions. (details of court list management initiatives are on page 29). All scheduled court sittings and additional sittings across all court jurisdictions – Supreme Court, Court

of Appeal, High Court, Circuit Court and District Court – together with the Special Criminal Court, were maintained. Staff also continued to interact with court users in offices in Dublin and around the country face-to-face, at public counters, by telephone, by email, and online.

### *Improving services*

The implementation of legislative initiatives can impact on the work of the Service. (see [Chapter 7](#)). Examples during 2016 included those aimed at increasing options for interaction between the citizen and the justice system in the payment of fines:

#### *Road Traffic Act 2010*

The Road Traffic Act 2010 (section 44) provides that a person who has not paid a fixed charge penalty within the specified time limit, and who has received a summons, may opt to pay the penalty before the date of the court hearing. The Service continued to work on a project with the Department of Justice and Equality, the Department of Transport, and An Garda Síochána to prepare for the implementation of this payment option. The Department of Justice and Equality and the Department of Transport are co-funding the ICT element of the project with the Department of Transport meeting the majority of the cost.

The project group proposed that the new payment option be facilitated by the issue of summonses electronically to An Garda Síochána who will print and dispatch the summonses for service. The necessary development was deployed in August but not implemented pending the resolution of legislative issues with the primary legislation.

#### *Fines (Payment and Recovery) Act 2014*

The Fines (Payment and Recovery) Act 2014, which came into operation on 11th January 2016, introduced fundamental changes to the administration of court imposed fines. A primary focus of this legislation is to reduce the number of people being imprisoned for the non payment of such fines. Among the features of the Act is the introduction of liberty to pay fines by instalment and the imposition of a subsequent court hearing and sanction where a fine remains unpaid.

The Service is engaged in a four phase project to accommodate the ICT requirements of the Act, including the new payment option. The first and second phases of the project, to enable the payment of fines by instalment and the enforcement of unpaid fines in the District Court, were in place from January 2016.

The payment by instalment is being implemented by An Post *via* a number of channels (including on-line, postal, over the counter and telephone) with a subsidiary of An Post printing fines notices and issuing reminders and letters.

Work continued during the year on the third phase of the Project, which is divided into two sections. The first section dealing with the tracking of District Court appeals was deployed in August. Development of the second section dealing with enforcement proceedings for District Court appeals was undergoing testing at year end.

### *Providing additional online services*

Licensing applications and renewals account for approximately 50,000 cases a year in the Circuit Court and District Court. Work commenced on a system (e-licensing) to incorporate the online filing of licensing applications in the Circuit Court and District Court, the payment of court fees online and provide access to an electronic licensing register.

By year end the e-licensing system had been implemented in six pilot offices: Donegal, Sligo, Carrick-on-Shannon, Dundalk, Bray, and Wexford. Registers of Licences and Register of Clubs were made available to the public online for these counties. The pilot system was being further progressed to enable solicitors create and submit licensing applications to court offices online.

### ***Review of Combined Offices***

Terms of reference for a project to review the operation of Circuit Court and District Court offices 'combined' following the completion of the Combined Office Project were agreed in November. The project will assess the structures, roles and responsibilities, functional operation, resourcing guidelines and supports currently applicable in combined court offices. It will also formulate recommendations and actions to realise the full potential benefits and efficiencies achievable for the organisation and for staff. A working group to progress the project will be established in early 2017.

### ***Change Management Office***

In addition to the Combined Office Project, the Service has embarked on several other major change projects in recent years across both operational and support areas. These include the Transforming Administration and Structures in the Courts Project, the Digital Audio Recording Logging Project and financial projects such as the Courts Accounting System and the Financial Accounts System.

To ensure continued momentum in relation to these and create momentum in relation to other projects, the Service established a Change Management Office during the year. The office will provide a central point for the co-ordination and monitoring of all business change initiatives of the Service. It will ensure alignment of initiatives and projects with Strategic Plans, provide oversight of all change initiatives (planned and underway), and assist the business in their execution and delivery.

The office prepared a three year change programme which aligns its programme of work with the Public Service Reform Plan and the Justice Sector Integrated Reform Plan. The programme places emphasis on service delivery, people, technology and structures and on the effective implementation of the initiatives of the office. Implementation of the programme will be supported through a governance framework.

In addition, the office is providing ongoing support to several major projects including the review of the provision of probate services, the roll out of e-licensing, the family law re-development project and is chairing the review of combined court offices. The office also supports the Learning and Development Unit as part of its remit to review how the Service trains and develops staff.

*"The Change Management Office will ensure a more coordinated approach to the implementation of change thereby ensuring that maximum benefit is achieved for court users and the delivery of value for money". Brendan Ryan, Chief Executive.*

### ***Support and user groups***

The Service continues to consult with groups who use the services of the courts in the development of policies and initiatives, on a formal and informal basis. These groups, comprising members of An Garda Síochána, the Probation Service, the Prison Service, the Bar of Ireland, the Law Society, the Office of the Director of Public Prosecutions, the Office of the Chief State Solicitor, and a variety of support and interest groups, also provide valuable feedback and input into the ongoing work of the Service.

Specific user groups deal with different areas of court business impacting the Circuit Court and District Court in locations in Dublin and around the country including Cork, Dundalk, Ennis, Letterkenny, Limerick, Naas, Nenagh, Tralee, Trim, Tullamore, and Wicklow.

The Superior Courts Civil Users Group met three times in 2016 to address issues relating to the work of the Supreme Court, Court of Appeal, and High Court. In addition, the High Court Central Office established a group to engage with law agents to discuss potential efficiencies in the public area of the office.

*User groups continued to ensure that the views and suggestions of those particularly involved in the courts system are taken into consideration in the development and operation of policy and initiatives. They also provide a forum for the exchange of ideas and an opportunity for users to share needs and concerns.*

### ***Victim support***

Support for victims remains an important element of the service provided for court users. Major building projects completed since the establishment of the Service include dedicated facilities for victims with the Criminal Courts of Justice providing facilities of a particularly high standard. Similar facilities but on a less extensive scale are available in other court buildings including Carrick-on-Shannon, Castlebar, Cork, Ennis, Galway, Kilkenny, Sligo, and Tullamore. The Service supported the provision of new facilities in Tralee courthouse by Kerry Rape and Sexual Abuse Centre during the year.

Additional dedicated facilities are included in the seven court building projects (see page 32) underway around the country. These facilities will be a feature of future major courthouse refurbishment works.

During the year, the Service, on request, continued to reserve seats for victims and their families in courtrooms, particularly during longer running criminal trials.

The Service continues to be represented on a criminal justice interagency working group co-ordinating the implementation of Directive 2012/29/EU on the Victims of Crime across criminal justice agencies. The Criminal Justice (Victims of Crime) Bill 2016 to transpose the Directive into Irish law was published on 29th December. It establishes minimum standards on the rights, support and protection of victims of crime.

Over 70 frontline staff who interact with victims of crime attended a training and information session during the year. The session included information on the requirements in the EU Directive, and information from Victim Support at Court (VSAC), a non governmental organisation that supports victims of crime and their families when attending court.

Training was also provided to 11 staff who facilitate vulnerable witnesses giving evidence in criminal trials by video link. They attend in a room separate from the courtroom while the witness is giving evidence to the court. The training was carried out jointly with the children's charity Barnardos. It covers the Children First guidelines of the Department of Children and Youth Affairs and the internal protocols of the Service for the provision of the video link service.

### *Support for those with debt issues*

The Service continued to work with the Money Advice and Budgeting Service (MABS) during the year to offer quality information for those with problems with mortgage arrears. MABS advisers attended courthouses when possession proceedings were being held before county registrars in the Circuit Court. Personal debt advisers were available in court buildings to assist people appearing before the courts.

### *Customer training initiative*

An initiative to assist trainee solicitors in their dealings with the staff and business of the High Court continued during the year. The initiative, including the structure and content of the training, was developed by staff of the Central Office of the High Court and agreed with the Law Society Education Department. Staff gave presentations to over 70 trainee solicitors on matters including listing of High Court cases, information available on the website, procedural matters, and a general guide to the work of the office.

### *Customer complaints*

There were 51 formal customer complaints received during 2016. The majority (41) concerned administrative matters which were dealt with through the customer complaints procedure. Ten complaints related to matters which could not be dealt with by administrative means.

### *Mediation and Support Services*

The Service continued to work with other agencies in the development of non-judicial alternatives for resolving disputes and settling issues during the year.

#### *Civil cases*

Volunteers of three service agencies continued to be available in Dublin District Civil Court to encourage litigants to consider mediating certain disputes, including boundary disputes, private prosecutions for breach of the peace, complaints about noise or nuisance pets, and disputes between adult family members on questions of property. Parties in 17 cases met representatives of one of the agencies, following their appearance in court or at the court office.

#### *Family cases – mediation*

The mediation initiative involving the Service, the Legal Aid Board and the Family Mediation Service of the Legal Aid Board in the District Court continued in Cork, Dublin (Dolphin House), Naas, Limerick and Tipperary (Nenagh and Clonmel). New services commenced in Ennis in October and in Dundalk and Tralee in December.

The objective is to offer an alternative to a courts determined outcome and a more appropriate means of resolving certain family disputes. Parties contemplating proceedings in relation to access, custody or guardianship matters are initially invited to attend mediation information sessions. A formal mediation process is then offered to parties willing to engage with legal advice which is available on site *via* the Legal Aid Board.

Family mediation initiative				
Venue	Parties attending information sessions		Agreements finalised	
	2016	2015	2016	2015
Cork	100	162	23	31
Dublin	1,342	1,603	337	421
Naas	170	194	37	47
Tipperary	132	144	23	25
Limerick	102	115	13	12
Ennis	27	-	6	-
Dundalk	6	-	0	-
Tralee	5	-	0	-

The Service supported an inaugural event in the Four Courts, entitled 'Mediation and the Courts – Perspectives from the Bench' to coincide with Mediation Awareness Week in October. Members of the judiciary gave their perspective on the issue of mediation and the courts, from their experiences before and since being appointed to the bench.

#### *Family cases - support*

A support and referral service for women provided by three organisations – Women's Aid, Dublin 12 Domestic Violence Service, and Inchicore Outreach Centre – continued in Dublin District Family Court during the year. The service is available to all women using the court for applications under the Domestic Violence Act in particular but also for important ancillary matters including protection of infants. It is also available to women who present in the office indicating that domestic violence is an issue for them. Over 400 women availed of the Support and Referral Service in Dolphin House with a further 113 women receiving support *via* telephone during the year.

AMEN, a State-supported non-governmental organisation working with male victims of domestic violence, continued to provide an outreach service in Dolphin House. Male applicants who report instances of domestic violence are provided with contact details for AMEN. If they need further support, an appointment can be made with a support worker from AMEN to meet in a consultation room in Dolphin House.

Amber (Kilkenny Women's Refuge Limited) commenced a service to accompany women to court for the hearing of applications in domestic violence cases on District Court family law days in Kilkenny courthouse. Women's Aid provide a similar service in Carlow courthouse and Dundalk courthouse, with Laois Support Group for Domestic Abuse assisting women in Portlaoise courthouse, and Bray Refuge Centre assisting women in Bray courthouse.

#### *Official Languages Act*

The Service continued to enhance services available in Irish in line with the first and second schemes prepared since the commencement of the Official Languages Act 2003. Irish services have been developed in information, translation, public tours, ICT systems, email, phone reception, speaking competence and in training programmes. The website of the Service and a variety of publications, including rules of court and court fees, are available in Irish, and the Service provides tours of court buildings in Dublin and Donegal in Irish. The Service has also borne translation and interpretation costs to enable Irish speaking court users conduct cases in Irish, in appropriate cases.

The two complaints received from An Coimisinéir Teanga in 2016 related to the use of English-only signage outside a building of the Service. They were both resolved to the satisfaction of the complainant and of An Coimisinéir.

A draft of the third scheme of the Service under the Act was submitted to An Coimisinéir at the end of the year. Notice of the preparation of the Scheme was published in the national newspapers in accordance with the Act.

### Interpretation services

Notwithstanding an increase in the cost of the provision of interpretation services from €12,000 in 2015 to €1.038m in 2016, the overall cost has decreased by 65% in the years since 2008.

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

#### GOAL 2: SUPPORT THE JUDICIARY

Supporting the judiciary is a statutory function of the Service and significant resources are focussed on fulfilling this remit. In addition to ensuring that all scheduled and special court sittings were supported, the Service continued to assist the judiciary with initiatives to streamline the processing of cases. These included improved case management procedures and practice directions to improve the standard of documentation lodged in court offices.

Language	Requests	
	2016	2015
Polish	2,420	2,141
Romanian	1,449	1,433
Lithuanian	1,081	1,049
Russian	797	712
Latvian	240	259
Mandarin	243	251
Portuguese	232	166
Czech	194	160
French	97	120
Arabic	183	118
Other	1079	1,081
<b>Total</b>	<b>8,015</b>	<b>7,490</b>

During 2016 the Service provided support for judges of all court jurisdictions:

Judiciary: 2012 – 2016 at 31st December (with maximum numbers allowed)					
	2012	2013	2014	2015	2016
Supreme Court	8 (8)	10 (10)	10 (10)	10(10)	9 (10)
Court of Appeal	n/a	n/a	10 (10)	9(10)	10 (10)
High Court	36 (36)	33 (36)	34 (36)	36 (40)	40 (40)
Circuit Court	38 (38)	44 (46)	44 (46)	43 (46)	44 (46)
District Court	62 (64)	61 (64)	63 (64)	63 (64)	62 (64)
<b>Total</b>	<b>144 (146)</b>	<b>148 (156)</b>	<b>161 (166)</b>	<b>161 (170)</b>	<b>165 (170)</b>

### Court sittings

#### Supreme Court

Appeals retained by the court following the establishment of the Court of Appeal in 2014 (legacy appeals) were substantially disposed of by the end of the year. There was a 63% increase in applications for leave to appeal under the court's new jurisdiction compared to 2015.

The court disposed of 189 legacy appeals during 2016. In addition, the court received 152 new applications for leave to appeal, granted leave to appeal in 58 applications, and disposed of 161 applications. The majority of applications for leave are determined without an oral hearing. The written determinations and application documents in these cases are published on the website of the Service.

The court, supported by the Supreme Court Office, case manages applications and appeals from the date of filing to the date of disposal. The court continued to sit in two panels to deal with new and legacy appeals. The Chief Justice assigns applications for leave under the new jurisdiction to panels of three judges to ensure their efficient determination. New appeals where leave has been granted are assigned to individual judges for case management under new arrangements designed to optimise case flow and the use of judicial time.

At year end, the average waiting time for applications for leave to appeal was three weeks (from the filing of complete documentation to a determination by the court). The average waiting time for an appeal hearing (from the determination of a leave application) was 38 weeks.

*The Supreme Court hears appeals on points of law of general public importance or where it determines that the interests of justice warrant an appeal to the court. It thus concentrates on the constitutional and legal issues of the most significance that arise in the administration of justice system.*

#### Court of Appeal

Management of the Court of Appeal list is overseen by a judge designated by the President of the court to actively manage both civil and criminal appeals list on a weekly basis to ensure cases are dealt with as efficiently as possible and delays are kept to a minimum. A fast track approach is applied to short civil appeals where similar legal principles apply and where judgment can be delivered on the day of the hearing.

Waiting times for such appeals is nine months (depending on the availability of gaps in the annual schedule). Waiting time for appeals requiring more than two hours is 18 months.

Urgent appeals such as Hague Convention/child abduction and refugee asylum cases are accommodated having regard to the degree of urgency demonstrated. Civil appeals with a custody/criminal element are case managed in the Criminal Courts of Justice by a panel of four judges assigned to deal with the criminal appeal list thus ensuring the degree of priority necessary for the hearing of such appeals.

A practice direction issued by the President of the court during the year sets out the requirements of the court in relation to the content and presentation of civil appeal papers with a view to identifying the net issues in the appeal and confining the papers to relevant material to ensure efficiencies as to time and presentation in the oral presentation of the appeal.

#### *Special Criminal Court*

Following a Government decision to establish a second Special Criminal Court to address waiting times for trials, a second court commenced hearing cases in the Criminal Courts of Justice in May. In conjunction with other stakeholders, the Service assisted in the preparations for the new court which included the development of courtroom facilities with additional security, judicial accommodation, ICT system upgrades, appointment of court registrars and revision of court rules.

Prior to the sitting of the second court the waiting time for cases ready for trial was 24 months. At year end this time had been reduced to 15 months

#### *High Court*

Waiting times in the High Court remained generally low, with waiting times of under six weeks in the majority of lists. The President of the court continued to keep waiting times under review and to introduce measures to assist in the prompt disposal of cases. An example was in the bail list where the introduction of changes to the operation of the list reduced the number of applications by over 35% leading to almost all matters being heard on the first day of listing or the following day. This manifested in improved case conclusion times for the courts and major efficiencies for the Prison Service.

Additional improvements included practice directions providing for the electronic lodgment, format and length of legal submissions to streamline procedures; and an initiative to reduce waiting times for the hearing of personal injuries actions in country venues, including by way of transfer for hearing to Dublin.

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

#### *Central Criminal Court*

The Service supported the President of the High Court in the introduction of a fifth sitting of the Central Criminal Court during the year. Additional staff were assigned to the court and facilities (both courtroom and jury accommodation) made available in the Criminal Courts of Justice. The additional sitting contributed to a reduction in waiting time in the court from 18 months to 13 months.

#### *Circuit Court and District Court*

Sittings of the Circuit Court and District Court were held as scheduled during the year with no sittings cancelled due to the non availability of resources of the Service. Waiting times were kept under ongoing review in consultation with the Presidents of both courts to ensure waiting times were kept to a minimum.

The Service continued to liaise with the Presidents of the Circuit Court and District Court in relation to the holding of additional sittings. In this regard, support for additional sittings was prioritised in the allocation of additional staff.

Where necessary the listing of criminal business in the Circuit Court was adjusted to afford the maximum time to urgent areas of business. Criminal business continued to be given priority (other than in emergencies) to ensure the earliest trial date for those in custody with separate sittings for crime in the majority of circuits.

The Service, in consultation with the President of the District Court, arranged a re-organisation of the business of the District Court in Dublin, to address the serious level of delays in the hearing of family law cases. Childcare business was transferred from Dolphin House to Chancery Street. Summons business of



An Garda Síochána transferred from Chancery Street to District Courts in the Criminal Courts of Justice, and Blanchardstown, and the Drug Treatment court transferred from Chancery Street to Green Street. The outcome was an increase in the number of courtrooms dedicated to District Court family law in Dublin city centre from five to eight.

The increased availability of courtrooms in Dolphin House addresses some of the inadequacies in the building and allows applications, including domestic violence applications, to be prioritised bringing about a reduction in waiting times.

The work transferred to the Criminal Courts of Justice was incorporated into the work of the existing six District Courts. This necessitated a re-organisation of the distribution of work across all six courts in co-operation with the judiciary and all other stakeholders. It also involved significant challenges in co-ordinating the move of work and staff from Chancery Street to both new locations.

### *Drug Treatment Court*

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

There were 174 new participants referred to the court programme in 2016, the highest number since the programme commenced in 2001 and an increase of 77% on 2015. Five participants graduated at the highest (gold) level. Visitors to the court during the year included homeless rights campaigner Father Peter McVerry, Minister of State for Communities and National Drug Strategy Catherine Byrne, TD and Judge Katherine Kelly from the Drug Court Programme, San Francisco, United States.

### *Research assistance*

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

### *Judicial assistants*

By the end of the year, there were over 60 judicial assistants, generally recent law graduates, employed by the Service on fixed term contracts. These assistants are assigned to the Judicial Research Office, and to the Supreme Court, Court of Appeal, High Court and Circuit Court.

The Judicial Research Office (JRO) provides research assistance to the judiciary in all jurisdictions. Tasks assigned to this office include research for judges of all jurisdictions, preparation of material for publication on the judges' intranet, preparation and updating of handbooks for all court jurisdictions, and proof-reading of judgments and other documents. The Judicial Research Office also maintains a database of research materials for their use.

Judicial assistants assigned to judges of the various court jurisdictions combine the role of judicial assistant with that of the traditional tipstaff. Judges appointed after 2011 are assigned an individual judicial assistant rather than a tipstaff. These judicial assistants assist the judge in preparing for court, conduct the judge to court, and assist the judge as required. They also research points of law, prepare drafts of judgments, and proof-read completed judgments prior to delivery and publication.

A further group of judicial assistants are assigned to support the work of the Supreme Court, Court of Appeal, and High Court.

In December 2016, the Board of the Service approved the establishment of a Judicial Assistant Review Group to carry out a comprehensive review of the current system and its ability to meet the needs of the judiciary in the medium and long term. The group, consisting of members of the judiciary and senior officials of the Service, will review judicial support services available in other common law jurisdictions, particularly Northern Ireland, Scotland and the United Kingdom, and make recommendations in the matter. The group, chaired by a judge of the Supreme Court, is expected to report to the Board by mid 2017.

### *Library and research facilities*

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

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 newly appointed judges, and detailed training

on online databases. They also availed of continuing professional development and training to keep abreast of trends and best practices, and contributed to the profession by involvement in professional bodies.

### ***Additional support***

#### ***Judicial Support Unit***

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

The unit continued to accommodate judicial and administrative visitors from Ireland and abroad and organised tailored visits which included opportunities to meet judges and staff of the Service. Visitors from abroad during 2016 came from Albania, Belgium, Bosnia and Herzegovina, Canada, China, Kosovo, Macedonia, Malawi, Montenegro, Norway, Romania, Serbia, South Africa, Turkey, the United Kingdom, and the United States, and also included the International Academy of Trial Judges, and the European Circuit of the Bar.

Events co-ordinated by the unit during the year included a meeting of judges from Ireland, Northern Ireland, and England and Wales, and a meeting of the European Network of Council of Judges. The unit also organised conferences for judges of individual court jurisdictions in April, May, and July and a national conference in November.

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

#### ***Chief Justice's Internship Programme***

The Service continued to support a programme for newly graduated third level students sponsored by the Chief Justice in June. Students from eight universities interned with judges of the Supreme Court, Court of Appeal, High Court and District Court. During the programme they observed court proceedings, and conducted legal research to assist with case preparation. They also attended lectures organised by a judicial committee and visited a number of court buildings in Dublin.

*"The Programme is the best internship programme available to students. Not only did my understanding of the courts system in Ireland improve, but my understanding of law was substantially enhanced during my four weeks. It was perhaps the biggest learning experience I have had during my four years studying law as an undergraduate". Ross Power, Maynooth University.*

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

Staff of the ICT Unit, supported by managed service providers, continued to attend at judicial conferences during the year to provide additional information and support to the judiciary regarding the provision and use of equipment and to respond to particular technical issues. Other supports include an ICT helpdesk and deskside support service for judicial requests.

Newly appointed judges avail of training on the use of ICT equipment with additional training made available to all judges on request.

#### ***Provision and use of courtroom technology***

The introduction of technology into the courtroom has assisted in the more efficient processing of cases including the viewing, taking and recording of evidence.

#### ***Video viewing***

Video viewing facilities continue to allow for viewing of evidence including recordings of interviews in garda stations, CCTV security footage and other forms of evidence held electronically including scanned documentary evidence. Facilities are available in over 50 courtrooms. In addition, mobile CCTV units continued to enable video viewing in courtrooms without built-in viewing facilities in the Criminal Courts of Justice and around the country. These units are also used by juries to review CCTV footage during deliberations in the jury room.

#### ***Video conferencing – general***

The use of video conferencing facilities enables more efficient use of court time and streamlines court hearings. These facilities eliminate the necessity for witnesses and accused in custody to attend in person,

and are of particular benefit where witnesses are abroad and for vulnerable underage witnesses. Their use leads to considerable cost savings especially in relation to expert witnesses in civil cases.

Video conferencing facilities continued to be used in various types of cases during 2016 including:

o *Mutual assistance cases*

Evidence can be taken before a judge in a court in Ireland in respect of criminal trials in another jurisdiction, particularly another EU Member State. Evidence was given by witnesses in courts in the Criminal Courts of Justice in seven cases and relayed by video link to trials in the United Kingdom and Spain.

o *Criminal cases – giving evidence outside the courtroom*

Children or vulnerable witnesses can avail of video link to give evidence to the court from a witness room. Evidence given in witness rooms in Ireland during 2016 included that given by underage or vulnerable witnesses in 30 cases in the Criminal Courts of Justice.

In addition, evidence was given to an Irish court *via* a portable video link for the first time when the Service facilitated a request to enable an elderly witness give evidence from a private house.

o *Criminal cases – giving evidence from abroad*

Witnesses can give evidence *via* video link to trials/court cases in Ireland from other countries. During 2016, witnesses gave evidence from countries including Australia, Germany, Isle of Man, United Kingdom, and the United States of America.

o *Commercial, non-jury, chancery, and personal injury cases in the High Court.*

Witnesses can give evidence *via* video link for cases in Ireland, in particular medical witnesses in child care cases, and for cases abroad. The High Court heard evidence in 48 cases by way of video conferencing during the year. While this represented an increase on previous years, the use of the technology remains under utilised by parties in the Court.

Video conferencing facilities were installed in the Criminal Courts of Justice following the reorganisation of courtrooms required by the establishment of a second Special Criminal Court. The allocation of additional funding later in the year facilitated installations in Trim and Ennis with a complete replacement of equipment in Cloverhill, the Four Courts (two courtrooms), and Limerick (one courtroom).

These installations increased the number of courtrooms with video conferencing facilities to 33 adding to those already available in courtrooms in Castlebar, Cavan, Cork, Dublin, Dundalk, Kilkenny, Limerick, Letterkenny, Monaghan, Nenagh, Sligo, and Tullamore.

*Video conferencing - between courts and prisons*

The availability of video conferencing facilities is of particular benefit where courts are dealing with persons in custody. The Prisons Act 2007 provides that an accused in custody may give evidence to the court by video link from the prison rather than give evidence by attending in court.

The Service continued to chair a joint working group to examine the potential for the extension of the use of video link between courts and prisons for pre-trial matters in accordance with the Act. The group includes representatives of An Garda Síochána, the Prison Service, and the Chief Prosecution Solicitor's Office.

During 2016 video links to prisons were in operation in Cloverhill District Court, the Criminal Courts of Justice (Dublin District Court 2 and Dublin Circuit Criminal Court), Galway District Court, Limerick District Court, Cork District Court, and on occasion, Letterkenny District Court.

*“There are considerable efficiencies and savings arising from the initiative to enable evidence via video link between courts and prisons, not only for the Service but for other criminal justice agencies in the transportation of accused persons to court”. Brendan Ryan, Chief Executive*

*Digital Audio Recording*

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

The Service concluded a procurement exercise for a new contract to manage DAR services in May. The contract, awarded in two lots, is expected to deliver significant savings in respect of the managed service and storage contract and in respect of the managed transcription service contract.

The savings delivered in respect of the managed service and storage contract will be applied towards a refresh of the technology underpinning the DAR system. The refresh will involve upgrading all existing DAR courtroom equipment. It commenced in December 2016 with the Criminal Courts of Justice complex and is scheduled to conclude in 2018.

Court registrars continued to 'log' (note) certain information to assist in the production of transcripts from DAR recordings during the year. In this area, registrars are replacing persons known as loggers who were engaged by the Service to undertake this work. The removal of loggers from the Circuit Court and the Central Criminal Court saves the Service approximately €360,000 per annum.

At year end the Service was extending the initiative to Circuit Criminal Courts in Carlow, Sligo, Letterkenny, Wicklow, Naas, Cavan, Trim, Wexford and Monaghan. It will be completed in 2017 with the removal of loggers from Longford, Roscommon, and Carrick-on-Shannon.

#### *Support for Interim Judicial Council*

The Service continued to support the Board of the Interim Judicial Council by providing input into the Judicial Council Bill.

### **GOAL 3: DEVELOP SKILLED, COMPETENT AND ENGAGED STAFF**

It is essential that staff have the necessary skills to perform at a high level and achieve their potential. This includes equipping court going staff with the requisite technical and legal knowledge to discharge their responsibilities effectively, and supporting and developing managers and staff to deal with the challenges and issues they face. In this regard an effective learning and development function is critical to the provision of a workforce equipped to cope with change and deliver ever improving services to the judiciary and court users.

*"We rely on a professional workforce of well trained, highly dedicated and innovative employees to fulfil our statutory remit to manage the courts, support the judiciary and serve the constantly evolving needs of court users".  
Brendan Ryan, Chief Executive*

#### *Learning and Development Strategy*

Following extensive consultation and engagement with managers and staff, the Service developed a three year Learning and Development Strategy (L&D Strategy) which was launched by the Chief Justice in March. The objectives of the L&D Strategy include the development of a learning culture, a focused approach to learning and development, and management and leadership capability. It represents a renewed focus on this critical area and, importantly, a commitment to investment to ensure its success. A key feature of the new Strategy is the flexible approach to learning integrating the more traditional methods with new technologies to provide increased access to learning opportunities.

The launch of the L&D Strategy was followed by a series of staff workshops attended by the Chief Executive and members of the Senior Management Team. A Committee to support and monitor implementation of the Strategy was also established with representatives of all grades and locations.

*"The Learning and Development Strategy is a tangible recognition by the Service of the vital importance of ensuring our staff have the requisite knowledge and skills to perform their roles" Seán Quigley, Head of Resource Management*

#### *Coaching for managers*

A key action of the L&D Strategy is the development of leadership and management capability through the introduction of a coaching culture. The Service introduced a Coaching for Performance programme to develop managers' skills, particularly in the areas of people management, communication, listening and the provision of feedback.

Over 85 managers participated in the three day programme which will continue during 2017. To embed the learning resulting from the programme, some staff achieved additional coaching qualifications to enable them coach internally. One-to-one executive coaching was also provided by external coaches.



### ***Technical Training Programme***

Building the capability, capacity and technical expertise of staff is critical for the future of the Service. To that end, training programmes to enable staff maintain and enhance technical skills are a central part of the L&D Strategy. The model for developing these skills is to capture the organisational knowledge of 'subject matter experts' (staff expert in individual areas) and use it to build and deliver training programmes.

During 2016, subject matter experts assisted in the development and delivery of a comprehensive technical training programme that included family law, e-licensing, small claims, and updates on legislative enactments including the Fines (Payment and Recovery) Act 2014 and the Criminal Justice (Victims of Crime) Bill 2016. Communities of practice (groups of staff who share a passion for a particular area of their work) assisted in the drive to share knowledge and experience around the organisation.

### ***E-learning***

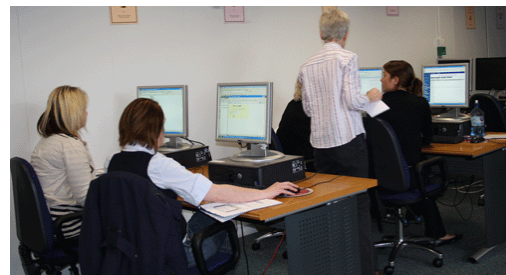
An online management system was developed for e-learning modules supporting classroom based programmes. The first e-learning module dealt with the issue of warrants under section 99 of the Criminal Justice Act 2006.

### ***Other training initiatives***

Other training initiatives during the year included induction, health and safety, new manager's tool kit, conflict resolution for dealing with difficult situations, train the trainer, procurement, Microsoft Office, and Microsoft Skills for Registrars.

Further development of staff was facilitated through supporting their attendance at various external programmes/workshops/seminars in a diverse mix of areas including human resources, procurement, project management, internal audit and ICT. The Service also provided support for third level qualifications through the refund of fees scheme.

The increased emphasis on the importance of staff learning and development resulted in over 1,000 staff attending in-house training programmes across 1,511 training days.



### ***Business Support Unit***

Enhanced support for front line staff was provided with the establishment of a Business Support Unit in September. The unit will initially provide advice, guidance and assistance to staff in relation to Circuit Court and District Court procedures and processes.

### ***Filling staff vacancies***

The increase in funding made available in the 2016 Estimates allowed for the appointment of additional staff. At the end of 2016, there were 976 staff, an increase from 943 at the end of 2015.

The support of additional court sittings required by the Presidents and those offices worst affected by the staff reductions in the years immediately prior to 2016 were afforded priority in the allocation of posts. In particular, staff were allocated to support additional District Court family law sittings in Dublin, additional sittings of the Central Criminal Court and of the second Special Criminal Court. Additional staff were allocated to the ICT Unit and the Learning and Development Unit and staff were allocated to the new Business Support Unit and the new Change Management Office.

### ***Delegated sanction***

The Service was given delegated sanction to approve the appointment of staff, both additional positions and the filling of vacancies within the Service up to and including Principal Officer. This allows for greater flexibility in the expenditure of the pay budget and allows the Service fill posts more speedily as vacancies or additional posts arise. Restrictions in approving the filling of positions include that the annual pay allocation must not be exceeded and all posts filled must be supported by an internal business case which is open to audit in due course.

Promotion competitions held during the year included internal competitions for a number of grades and an external competition for judicial assistants. In addition, approximately 50 posts were filled by way of mobility processes.

### ***Transfer of administration of human resource functions to the Human Resource Shared Service Centre (PeoplePoint)***

The Service transferred human resource functions, including the recording of staff leave and information relating to performance management and development, to PeoplePoint, at the end of 2015. Work continued in 2016 to adapt the role of the HR Unit of the Service following the transition to PeoplePoint, specifically to develop a strategic support role.

*PeoplePoint forms part of the Government's overall Public Service Reform agenda to restructure how the Public Service does business by establishing shared service models for a number of areas.*

### ***Performance management***

The on-going management of performance is a key enabler of current and future Civil Service reform. The Performance Management and Development System (PMDS) is designed to be a meaningful and useful support to all staff and managers in the management and improvement of individual performance. In particular, it provides staff with a planned structure for clarifying their role and reviewing their performance.

PMDS includes the completion of a role profile form and two performance reviews (an interim review in June and an annual review in December). Following the transfer of information relating to performance management and development to PeoplePoint staff commenced using ePMDS in January 2016.

### ***Workforce planning***

Like many civil service departments and agencies, the Service has an aging workforce with almost 35% of staff aged over 55 years. Planning for the future is therefore critical not only in terms of the foreseeable loss of institutional knowledge but in view of the unforeseeable demands arising from the complex and uncertain environment in which the Service operates.

Workforce planning assists the Service to make critical decisions related to its workforce over the short to medium term. The process involves measuring and comparing the workforce (supply) with future workforce requirements (demand), relative to the strategy of the Service, its planning process and overall pay budget. The current Workforce Plan identified requirements of the Service for the three years to 2017. Work commenced on a review of the plan during the year to prepare for the next version covering the three years to 2020.

*Factors to be considered when workforce planning include business objectives and strategic goals, human resource risks, knowledge management, transition planning, performance management, and learning and development.*

### ***Partnership***

The Partnership Committee discussed a range of matters including financial updates, staff appointments, progress on staff learning and development, an induction policy for new staff, and the need for a policy providing guidelines on dealing with distressed customers during the year.

### ***Contribution to Civil Service Renewal/Reform Agenda***

The Service continued to participate and contribute to the Civil Service reform agenda. This included staff acting on working groups involved in a variety of reform initiatives, for example the review and development of the amended Civil Service Disciplinary Code, and the Guidelines on the Management of Underperformance and Mobility.

### ***Disability***

The Service supported the National Disability Authority to conduct research into good practice in the employment of people with disabilities in the public sector. Staff were invited to join a focus group of colleagues of employees with a disability in July to discuss their experiences of good practices within their organisation that have supported employees with disabilities obtain and retain employment.

In addition, the Service complies with the Disability Act 2005 on the employment of people with disabilities. In excess of 3% of employees of the Service have a disability.

### ***Employee assistance***

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

services of the CSEAS for advice, support and information on personal and work related matters during 2016.

### ***Protected Disclosures Act, 2014***

The Protected Disclosures Act, 2014 facilitates workers in raising a concern regarding wrongdoing or potential wrongdoing in the workplace by providing them with certain forms of protection from action which might be taken against them for doing so.

The Act provides for different methods of protected disclosure depending on the circumstances, and protects disclosures by workers including current or former employees, contractors, consultants, trainees, agency staff and interns.

The Protected Disclosures Policy of the Service was issued to all staff in 2016. It was published on the intranet site of the Service and included in the Governance Framework Document published on the website. One potential protected disclosure was referred to the Service in December 2016 by the Department of Justice and Equality and was under consideration in accordance with the Policy at year end.

*“The Protected Disclosures Policy confirms our commitment to ensuring that our culture and work environment are such that any member of staff is encouraged and supported in raising any issue regarding wrongdoing or potential wrongdoing in the workplace and any matter that may impact adversely on the ability of the Service to carry out its functions, without fear of adverse treatment”. Brendan Ryan, Chief Executive.*

### **GOAL 4: SUPPORT CASE MANAGEMENT, COLLABORATION AND REFORM**

The Service continued to work with the judiciary, the Department of Justice and Equality and the legal profession to introduce measures aimed at reducing the time required for case processing, and to bring about improvements to the operation of the courts and the wider justice system.

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

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

In addition, the programme to modernise and simplify court rules and forms, practice and terminology continued, with the Service preparing amendments to reform litigation procedure, facilitate the operation of new primary legislation, respond to developments in jurisprudence and implement EU judicial co-operation and mutual assistance instruments. Details of amendments prepared by the Service and adopted by the various rules committees are in [Chapter 6](#).

The Service also continued to assess the potential impact of new legislative initiatives, particularly those affecting the range and type of criminal proceedings and civil actions which come before the courts, on available resources. Such assessment also includes procedural changes, such as those affecting jurisdiction or the manner in which remedies may be sought. Legislative provisions with particular significance for the Service during 2016 are in [Chapter 7](#).

### ***Court process and procedure***

Two sets of amendments to the Rules of the Superior Courts became law on the 1st October 2016, viz. the Rules of the Superior Courts (Conduct of Trials) 2016 (S.I. No. 254 of 2016) and the Rules of the Superior Courts (Chancery and Non-Jury Actions: Pre-trial procedures) 2016 (S.I. No. 255 of 2016).

The conduct of trials rules are intended to facilitate greater efficiency in the way trials in civil proceedings in the High Court are managed and expert evidence in such proceedings is dealt with. More specifically, the rules amendments: expressly empower the court to manage time at trial; regulate trial procedure and provide for modular trials; provide for witness statements as a means of reducing the extent to which oral evidence will require to be adduced at trial; provide for non-party disclosure as a supplement to non-party discovery and interrogatories; and make more detailed provision for trials with assessors.

Expert evidence frequently constitutes a significant costs component in litigation, and the amendments codify the duties of expert witnesses, require early disclosure of reliance by a party on expert evidence, seek

to contain the scope of such evidence, and regulate the way in which it is to be adduced, enabling use of a new ‘debate between experts’ procedure.

The pre-trial procedures rules facilitate case management in chancery and non-jury actions and other case categories designated by the President of the High Court with a view to ensuring that the proceedings are prepared for trial in a manner which is just, expeditious and likely to minimise the costs. The rules also enable the use of witnesses statements in respect of evidence intended to be given orally at trial, to shorten the length of time taken at trial in adducing such evidence. Assignment of list judges to operate the regime has been deferred pending allocation of the requisite resources.

### *Cross agency initiatives*

The Department of Justice and Equality’s Integrated Reform Delivery Plan, to which the Service contributes, identifies cross-departmental cooperation as an area with potential to reduce cost and improve efficiencies. Organisations in the Justice and Equality sector continue to work to share services where possible and to utilise common approaches wherever and whenever advantageous. Reference has already been made to a cross agency initiative in respect of the payment of road traffic fines (see page 17).

Additional examples of cross-agency co-operation are:

- *Criminal Justice Strategic Group*

The Service continues to be represented on the Criminal Justice Strategic Group established by the Department of Justice and Equality representing all the criminal justice agencies. The objective of this group is to facilitate interagency co-operation and to promote an integrated approach within and across the criminal justice system on areas of criminal justice.

The Service fully supports and participates in the work of this group and the subgroups set up to progress particular topics with a cross agency dimension. In particular, the Service continues to be represented on a number of working groups including the Criminal Justice Interoperability and Data Exchange Group, the Victim Services Group, the Working Group on Efficiencies in the Circuit Court and District Court, the Working Group on the development of a Criminal Justice Leadership Training Programme, and the Legal Aid Oversight Board. The work of these groups was ongoing during 2016.

- *Unified Patent Court*

The Service continues to be represented on the interdepartmental committee established to undertake preparatory work in relation to the establishment of a Unified Patent Court (UPC) in accordance with an international agreement signed by the State. The Service has agreed in principle to provide facilities for a local division of the UPC, which the Government announced in late 2014 would be established in Ireland, in the event that the agreement is ratified by a referendum.

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

This committee of the Council of Europe is charged with promoting improvements in the administration of justice in Member States of the Council. The Service was represented at two meetings of the commission during the year and continued to liaise with the Department of Justice and Equality on the provision of annual caseload and other court related statistics to CEPEJ. The statistics are included in the biennial report of CEPEJ European Judicial Systems (the latest edition of which was published in 2016 based on 2014 data) and in the EU Commission’s EU Justice Scoreboard mentioned below. The Service continues to engage in improving the capacity of its case processing systems to provide a wider range of caseflow data for its own needs as well as for those publications.

- *EU Justice Scoreboard*

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



### o *Probate Review Group*

The Probate Review Group comprising representatives of the Courts Service, the Office of the Revenue Commissioners, and the Department of Justice and Equality continued to work on a review of probate services.

The review is assessing the current probate service in terms of its rules, legislation, and structures with a view to improving the delivery of service to the next of kin of deceased persons. It is also assessing the opportunities for the utilisation of ICT and incorporation of online services in the delivery of the probate function. As part of its work during the year the group arranged a survey of both external and internal stakeholders of the probate service, to assess the effectiveness or otherwise of the current system and how the various constituencies perceive improvements might be made to improve delivery of this important State service to citizens into the future. The review will be completed in mid 2017.

## **GOAL 5: UTILISE MODERN TECHNOLOGY**

The Service relies on ICT to help meet the challenge of maintaining services to judiciary, staff, the legal profession and the public, and to meet legislative requirements and the demand for additional eGovernment and online services.

The additional €1 million provided for ICT development in 2016 provided vital funding to assist the Service continue to develop the infrastructure necessary to support several major projects. It was also applied to improve services across a number of key areas, including courtroom technology, online services and e-filing.

Projects commenced during 2016 included:

- o roll out of a new Citrix desktop solution
- o upgrade of the office productivity toolset MS Office
- o changes to the overall ICT environment/network
- o increase in network bandwidth through the Government Cloud Network
- o digital audio recording technology refresh
- o further development of the Courts Service Online system (CSOL)
- o upgrades to various pieces of software – Agresso, DAR and Oracle

At year end, progress had been made in respect of some of these projects. Following a procurement exercise and change of service provider, a new digital audio recording technology refresh project commenced in December; procurement projects had commenced in respect of the Criminal Case Tracking System and CSOL; a fixed line procurement project had been completed; and work was underway to connect to the Government Cloud Network. In addition, the project to replace desktops continued throughout the country.

Staff of the ICT Unit visited offices around the country in July to update staff on the changes and upgrades to the ICT infrastructure following the implementation of projects during 2016 and those planned for 2017. These information sessions, in Cork, Donegal, Dublin, Dundalk, Galway, Kilkenny, Limerick, Mayo, Offaly, Roscommon and Waterford, enabled operational and support staff exchange information relating to the development of technology and its practical impact in operational offices.

### ***ICT Strategy 2016-2018***

The Board approved the ICT Strategy 2016-2018 in February. The strategy is aligned with and supports the Strategic Plan of the Service 2014-2017.

The strategy takes account of the context in which the Service operates and the importance of ICT in meeting the strategic objectives of the organisation. A key factor of the context is the underfunding of ICT in recent years and the effect this has had on ICT services and equipment, the challenges it poses in maintaining existing services, developing systems to meet legislative requirements and satisfying the demand for more eGovernment and online services.

*The key focus of the Strategy is ensuring value for money in investment in technology, keeping the day to day operations up and running, taking advantage of Government provided shared service arrangements and continuing to explore opportunities for delivering services online.*

### ***Civil Courts Modernisation Programme***

The Courts Service Online (CSOL) project aims to deliver a single civil case management system to provide a common platform for the civil processes of all jurisdictions. The new system incorporates the facility to make applications and payments online, collect orders and file certain documents electronically. CSOL has replaced a number of existing systems and continues to be implemented on a modular basis.

Areas of work of the courts benefiting from the new platform include insolvency and small claims, the work of the Supreme Court and the work of the Court of Appeal. Work continued during the year to extend CSOL to support the e-licensing system. In addition, work commenced on a project to replace the individual systems supporting family law in the Circuit Court and District Court with a multi-jurisdictional system operating on CSOL. The project will be aligned with the development of the Family Law Office in the Hammond Lane complex (see page 32).

### ***Criminal Case Tracking System and Criminal Justice Interoperability Project***

The Criminal Case Tracking System (CCTS) manages the criminal work of the District Court. The Criminal Justice Interoperability Project (CJIP) provides for the electronic transfer of summons applications between the An Garda Síochána PULSE system and CCTS. It also provides for the transfer of the result of court cases, bail and warrant information to PULSE from CCTS.

The implementation of the option to pay a fixed charge penalty after a summons has issued required considerable development of CCTS during the year. As previously mentioned, the work is being co-funded by the Department of Justice and Equality and the Department of Transport.

In addition, work was completed during the year to enhance CJIP to accommodate the changes required to facilitate the new payment option.

### **GOAL 6: PROVIDE SUITABLE COURT ACCOMMODATION**

The Service continued to maintain courthouses around the country and to plan for future court accommodation requirements. Following a number of years of significantly reduced expenditure on capital projects, work commenced on the largest courthouse building project outside of Dublin undertaken in the history of the State. The construction/refurbishment of seven regional courthouses was included in the Government’s Infrastructure and Capital Investment Plan 2016-2021. A contract for the delivery of these courthouses was signed with BAM PPP PGGM in December 2015.

### ***Implementation of the Capital Building Programme***

#### ***Courthouse projects***

The projects included in the Government’s Infrastructure and Capital Investment Plan are four new courthouses in Drogheda, Letterkenny, Limerick, and Wexford; and substantial refurbishment and extension works to existing courthouses in Mullingar, Waterford, and Cork.

Construction work on all projects began in early 2016 with good progress made throughout the year. Dates for completion are projected to be between April and December 2017. On completion the Service will have

seven state of the art courthouses totalling 37,000 sq. metres, containing 31 fully fitted courtrooms together with all relevant support facilities including consultation rooms, victim support facilities, holding cells, judges’ chambers and court offices.

The new courthouses are being delivered as Public Private Partnership projects with finance arranged through the National Development Finance Agency and payments made by the Service over a period of 25 years.

#### **DROGHEDA COURTHOUSE** Wellington Quay, Drogheda, Co. Louth



**DESCRIPTION**  
NEW COURTHOUSE CONSISTING OF TWO COURTROOMS AND ASSOCIATED FACILITIES TO BE CONSTRUCTED ON A LANDMARK TOWN CENTRE SITE ADJACENT TO THE RIVER BOYNE.  
AREA 1,354M2



*“The projects will create a future which promises a great change in the axis of activity in the legal world of several towns and cities. The investment in these seven projects is the largest single investment in regional court structures in the history of the State. Each new courthouse will be of a standard befitting the serious nature of the business conducted there, and respectful of the dignity of the people who are called upon to appear in court, in any capacity”.*  
*Chief Justice Susan Denham*

The projects include the design, build, finance and maintenance of facilities ranging in size from 1,354m<sup>2</sup> to 8,490m<sup>2</sup> in gross floor area as follows:

New facilities upon completion of building projects	
Drogheda, County Louth	A new courthouse consisting of two courtrooms and associated facilities to be constructed on a landmark town centre site adjacent to the River Boyne
Letterkenny, County Donegal	A new courthouse to accommodate four courtrooms and associated facilities to be constructed on a town centre site close to the existing courthouse
Limerick City	A new criminal courthouse to be built on a site adjacent to Limerick Prison, to include six courtrooms, custody facilities, court offices and associated facilities
Wexford Town	The refurbishment and extension of an existing landmark building to provide a new courthouse consisting of four courtrooms, custody facilities, court offices and associated facilities
Cork City	The refurbishment and extension of the existing landmark courthouse building at Anglesea Street to accommodate six courtrooms, improved custody facilities, court offices, the regional office and associated facilities
Mullingar, County Westmeath	The refurbishment and extension of the existing historic courthouse in Mullingar to accommodate three courtrooms, improved custody facilities, court offices and associated facilities
Waterford City	The refurbishment and extension of the existing historic courthouse in Waterford to accommodate six courtrooms, improved custody facilities, court offices and associated facilities

#### *New Family Law and Children Court Complex*

The Infrastructure and Capital Investment Plan also includes the development of a Family Law and Children Court complex in Dublin which will include a new Supreme Court facility and accommodation for court offices. The complex will be located on a site bounded by Church Street and Hammond Lane in close proximity to the Four Courts. It will allow for the necessary replacement of the existing child and family law facilities in Dolphin House, Phoenix House, Áras Uí Dhálaigh, and the Children Court with a state of the art purpose built facility at a single location in the heart of the city’s legal quarter. It is anticipated that the project will be provided by way of Public Private Partnership.

A project board was established in early 2016 to progress the project. By year end, the board, working with an architectural team from the Office of Public Works, had made significant progress with regard to the internal design and layout of the building. A consultation process with both internal and external stakeholders had commenced and work was undertaken on the preparation of a business case and appraisal as required by the Public Spending Code.

#### *Additional family law facilities for Dublin District Court*

Pending the completion of the Hammond Lane complex, a major upgrade and refurbishment of Chancery Street courthouse was undertaken to facilitate the transfer of child care cases from Dolphin House. Significant refurbishment work was also undertaken at Green Street courthouse to allow for the relocation of the Drug Treatment Court.

#### *Criminal Courts of Justice*

The Service continued to closely manage the public private partnership contract for the Criminal Courts of Justice in Dublin – a twenty five year contract between the Service and a public private partnership consortium that will last until 2034. Three new judicial chambers were constructed during the year to accommodate additional judges based in the Criminal Courts of Justice following the establishment of the second Special Criminal Court.

#### *Courtroom security*

The Service continued to work with An Garda Síochána on the issue of courthouse and courtroom security. Security at a number of courtrooms was enhanced during the year.

### ***Four Courts Dome***

Following examinations and surveys, the Office of Public Works commenced work on repairing extensive damage to the Dome at the Four Courts. Structural engineers together with stone masons and conservationists were appointed to identify the work required which is expected to commence during 2017 and will take approximately two years to complete.

### ***Kilmainham Courthouse***

The Service handed Kilmainham Courthouse over to the Office of Public Works in 2013 for the creation of a visitor centre for Kilmainham Gaol. The centre was formally opened by President Michael D. Higgins as part of the Ireland 2016 Centenary Programme at a ceremony in March attended by the Chief Justice, the Chief Executive and other staff of the Service.

*“This former courthouse, a place of justice, is now part of a centre which tells a story of detention and executions. It is a vital window into our past. It proclaims its story, and challenges minds, both young and old”. Chief Justice Susan Denham*

### ***Waste Management***

New waste management arrangements were put in place during the year to make the Service more environmentally friendly while reducing waste disposal costs. An information campaign was undertaken to inform staff of the operation and benefits of the new system with the Dublin region achieving a recycling rate of 57%.

### ***Energy management***

#### ***Energy Usage***

There was a 5% decrease in overall energy consumption in 2016 when compared with 2015 and a 4% increase on 2014.

<b>Energy consumption</b>			
	<b>2016</b>	2015	2014
Overall Consumption	22,188,588	23,411,158 kwh	21,337,103 kwh
<b>Overall Expenditure</b>			
	<b>2016</b>	2015	2014
Overall Expenditure	€5,526,315	€6,696,485	€5,559,274
<b>Criminal Courts of Justice</b>			
	<b>2016</b>	2015	2014
Criminal Courts of Justice	5,240,232	5,069,482kwh	4,836,843 kwh

The Service occupies 120 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 to facilitate court sittings. The Service cannot provide precise figures in relation to energy usage in respect of buildings where it is not the sole user.

### ***Future Energy Management***

Work continued to meet the energy efficiency targets to bring about a reduction of 33% in the energy demand of the Service by 2020 in accordance with Ireland’s National Energy Efficiency Plan (NEEAP).

The Service availed of support programmes provided by the Sustainable Energy Authority of Ireland (SEAI). The training provided by the SEAI for achieving ISO500001 Certification was completed and work continued to meet obligations under the Energy Auditing Scheme set out in SI 426/2014. This requires non small and medium enterprises to carry out an energy audit of their operations or have a certified Energy Management System such as ISO50001 in place.

In addition, the Service continued to make use of the Office of Public Works Optimising Power @ Work programme to assist in reducing its energy consumption. The Energy Conservation Unit of the Office of Public Works continues to assist the Service to progress energy saving initiatives.

*ISO5001 is an international standard which enables organisations such as the Service to establish the systems and processes necessary to improve energy performance, including energy efficiency, use and consumption.*

### Energy Policy

The Service introduced an Energy Policy to support the commitment to achieving the energy reduction targets. An Energy Team, comprising representatives of the Service and the Office of Public Works, was established to support the organisation in achieving its energy goals through the development of focused action plans and sustainable performance indicators.

### Accessibility

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

### Providing information for the public

The third mandate of the Service is the provision of information on the courts system for the public. Staff throughout the country engage with court users to explain the practice and procedure of the courts on a daily basis. They also reach out to the community *via* visits, talks, and participation in a variety of events organised by the Service and by outside agencies. In addition, the Information Office of the Service engages in a number of specific initiatives aimed at improving knowledge of the history and operation of the court system.

### Website

The website of the Service ([www.courts.ie](http://www.courts.ie)) received over 2.7 million visits in 2016 with visits *via* mobile device comprising 30% of total visits. The most visited sections were High Court Search, Judgments and Determinations, Legal Diary and Court Rules.

Website: Visits	
<b>2016</b>	<b>2,709,351</b>
2015	2,766,751
2014	2,619,641
2013	2,569,418
2012	2,434,487

Website: Visits <i>via</i> mobile device (including tablet)	
<b>2016</b>	<b>811,914</b>
2015	769,640
2014	630,321
2013	457,894
2012	229,627

Additions to content on the website during 2016 included the Superior Court Rules in Irish and a section dedicated to the work of the High Court Central Office.

### Social media

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

### Outreach

#### Visiting courthouses

Interest in visiting the courts continued during the year with thousands of students visiting court buildings on visits facilitated by staff of the Service. Over 4,000 students availed of the opportunity to visit the Criminal Courts of Justice to witness the courts in operation. Members of the judiciary assisted the Visit Programme by facilitating question and answer sessions with many visitors.

The Service continued to support visits from community and other groups, and to facilitate access to court buildings for numerous projects around the country. The Criminal Courts of Justice hosted over 50 events including competitions, seminars, conferences, lectures, and visits from judiciary from other jurisdictions and opened as part of 'Open House' in October. Other buildings made available included Sligo courthouse during the 'Yeats Summer School' in June, the courthouse in Washington Street Cork as part of 'Heritage Day' in August, Green Street Courthouse as part of 'Open House' in October and Castlebar courthouse as

part of the 'Wild Atlantic Words' festival also in October. The courthouse in Athlone received the 'Best Public Building' award in the Athlone Tidy Town Awards, while staff in Sligo courthouse organised carol singing in December for charity.

### Commemorating 1916



The centenary of the Easter Rising was commemorated by the Courts Centenary Commemoration Committee (the committee) in a series of events during 2016. The Service supported the work of the committee at various events in the Four Courts including public lectures in February and November; talks and other activities as part of the RTE 'Reflecting the Rising' day long public event on Easter Monday; and a commemorative magazine.



An exhibition recalling the story and legacy of the Four Courts 1916, a co-operation between the committee, the Service and the Bar of Ireland, was on display in the Four Courts between July and October. The event to open the exhibition included a concert by the Courts Service choir and Piccolo Lasso Children's Choir in the Round Hall.



Other events supported by the Service included a re-enactment of the trial of Roger Casement in Ennis courthouse in August as part of Fleadh Cheoil na hÉireann, and the installation of a sculpture in Sligo courthouse as part of an exhibition inspired by the women of 1916.



The Service also supported the committee's commemoration of the centenary of the Battle of the Somme and an event in the forecourt of Kilkenny courthouse organised by Kilkenny County Council and the Kilkenny Great War Memorial Committee which included the recreation of a Somme trench.



*"I am proud that our commemoration efforts will form part of an archive of records so that future generations will know how we remembered those who were involved in the Easter Rising and in the Battle of the Somme all those years ago". Brendan Ryan, Chief Executive.*

### Public Guardianship Conference

Staff of the Office of Wards of Court and the Office of the General Solicitor for Minors and Wards of Court were among over 80 delegates who attended the ‘Public Guardian Conference’ organised by the Service in Dublin Castle in November. The delegates, from the jurisdictions of Ireland, England and Wales, Scotland, Northern Ireland, and Jersey, discussed matters of common interest in a variety of areas including the changes to be introduced following the enactment of the Assisted Decision Making Capacity Act, 2015.

### Media

The Service interacts with the media through a dedicated Media Relations Service (MRS). Its role is to assist in the dissemination of information about the activity of the Service and details of cases in our courts.

As a single point of initial contact for some local and regional media, and all national and international media, the MRS deals with queries from print, broadcast, online and social media platforms. It also assists with the accurate reporting of court cases and the compiling of fact based features and documentaries on the courts system.

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

During the year, the MRS organised workshops, seminars and news days for trainee and student journalists of all genres, and maintained contact with various media bodies including the National Union of Journalists, the Press Council and the Press Ombudsman's office.

Media queries are received on a broad range of subjects including court proceedings, details of charges, court processes and statistics. Archival and historical research for documentary makers is also facilitated. The MRS continues to answer over 95% of queries on the day of receipt. Information about, and relating to, other areas of the legal and justice system continued to be answered in cooperation with agencies across the justice community.

### Retired staff

The Service supported the establishment of an association which aims to provide opportunities for retired staff in meet a social context. The Chief Executive addressed the inaugural meeting of the association in July and two additional events were held in October and December.



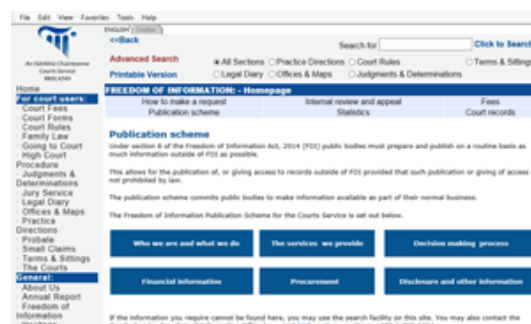
### Other information

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

Material for responses to 190 parliamentary questions tabled by members of the Oireachtas was provided and the Office of the Chief Executive dealt with 349 letters/representations from other government departments, TDs, senators and members of the public.

### Freedom of Information

The Publication Scheme of the Service required by the Freedom of Information Act 2014 was published in April. It includes general information on the Service together with information on services provided to the public, the decision making process for major policy proposals,



financial information, and procurement. It also includes a Freedom of Information Disclosure Log with details of previous Freedom of Information requests and other routinely published information.

The Service received 154 formal requests under the Freedom of Information Acts. Further requests were answered outside of the Acts. Additional queries were dealt with by telephone or e-mail, many of which related to requests for information contained in court records which are not covered by Freedom of Information legislation.

<b>Requests: Freedom of Information Acts</b>	
On hand 01/01/16	2
Received	155
Dealt with	154
On hand 31/12/16	3

<b>Outcome of requests dealt with</b>	
Access granted/part granted	49
Refused	86
Transferred/withdrawn	19

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.

#### *Data Protection*

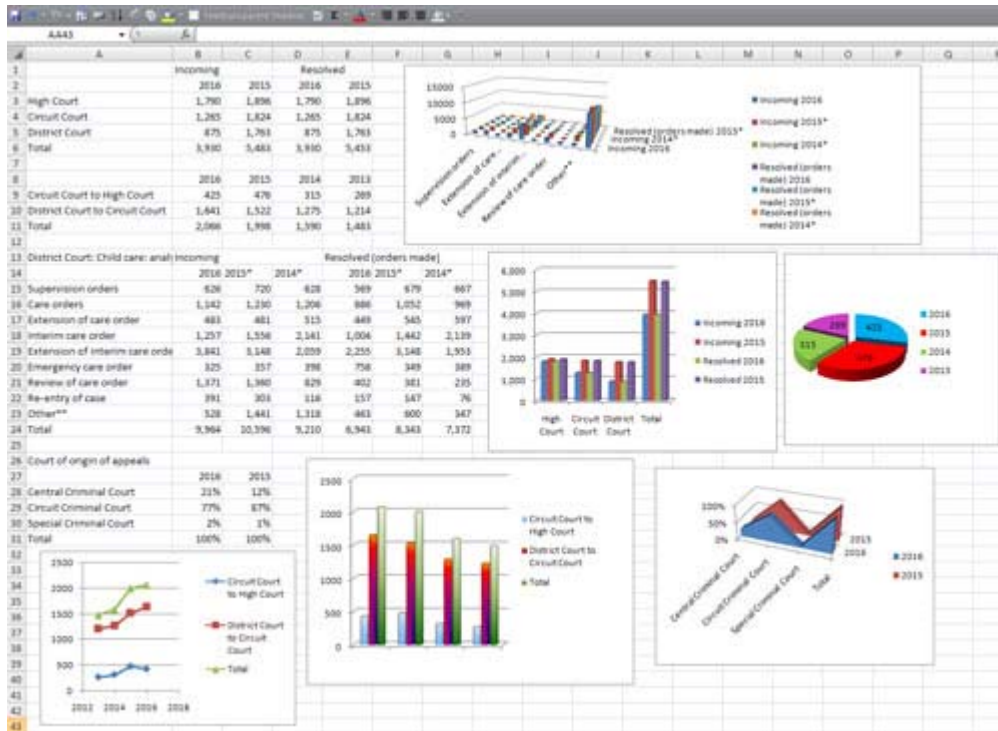
The Service dealt with 51 requests under the Data Protection legislation during the year, and continued to prepare for changes which will arise from the introduction of new EU Data Protection Regulations in 2018.



## CHAPTER 3 - STATISTICS

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## OVERVIEW

Civil business by jurisdiction	Incoming		Resolved	
	2016	2015	2016	2015
District Court	133,724	147,617	105,177	119,894
Circuit Court	53,287	57,161	37,723	37,865
High Court	48,132	42,717	35,964	31,730
Court of Appeal	594	641	591	750
Supreme Court	212	109	368	524
<b>Total</b>	<b>235,949</b>	<b>248,245</b>	<b>179,823</b>	<b>190,763</b>

Civil business by type	Incoming		Resolved	
	2016	2015	2016	2015
Civil and commercial litigious cases	127,395	138,540	75,463	87,505
Civil and commercial non-litigious cases	92,800	89,097	89,162	82,339
Non-litigious enforcement cases	12,048	16,526	11,807	16,844
Appeals	2,869	2,746	2,546	2,751
Cases Stated	22	37	30	25
Other	815	1,299	815	1,299
<b>Total</b>	<b>235,949</b>	<b>248,245</b>	<b>179,823</b>	<b>190,763</b>

Criminal offences and appeals (by offence)	Incoming		Resolved	
	2016	2015	2016	2015
District Criminal Court	382,325	405,007	284,678	298,797
Circuit Criminal Court	28,387	28,978	25,344	23,441
Special Criminal Court	60	45	67	29
Central Criminal Court	1,946	1,579	734	839
Court of Criminal Appeal	-	-	1	6
Court of Appeal (Criminal)	1,099	862	1,109	1,186
<b>Total</b>	<b>413,817</b>	<b>436,471</b>	<b>311,933</b>	<b>324,298</b>

Criminal offences and appeals total	Incoming		Resolved	
	2016	2015	2016	2015
Offences	398,586	420,720	294,718	310,220
Appeals	15,231	15,721	17,215	14,078
<b>Total</b>	<b>413,817</b>	<b>436,471</b>	<b>311,933</b>	<b>324,298</b>

## HIGHLIGHTS

## Civil

- 21,898 personal injury suits filed – a 15% increase on 2015
- 157 cases in High Court Commercial List – a 6% increase on 2015
- 1,135 orders for possession – 47 in High Court, a 58% decrease on 2015, and 1,088 in Circuit Court, a 42% decrease on 2015
- 526 people adjudicated bankrupt in High Court – 28 on foot of applications by creditors and 498 by debtors (self adjudications) – a 12% increase on 2015 and a 17% increase on 2014
- 2,114 applications received in Circuit Court under the debt resolution mechanisms introduced by the Personal Insolvency Act, 2012 – a 22% increase on 2015 and a 125% increase on 2014
- 1,353 applications for judicial separation – a 4% decrease on 2015 – the majority in both Circuit Court (73%) and High Court (83%) by wives
- 4,179 applications for divorce – a 3% decrease on 2015 – the majority in both Circuit Court (57%) and High Court (59%) by wives
- 61 applications to dissolve partnerships in Circuit Court – the majority (66%) by females
- 15,227 applications to District Court under the domestic violence legislation – a 6% increase on 2015
- 9,991 child care applications – a 2% decrease on 2015

- o 1,139 applications to appoint care representatives in Circuit Court – a 113% increase on 2015

### Criminal

- o 60% of orders in District Court relate to road traffic offences – little change from 2015
- o 7,800 orders in respect of drink driving offences – an 8% increase on 2015, and an 8% decrease on 2014
- o 13,127 orders in respect of drugs offences in District Court – a 6% increase on 2015
- o 28,368 orders in respect of public order offences in District Court – a 7% increase on 2015
- o 47% of offences in Circuit Court relate to fraud/theft/robbery
- o 93 trials in Central Criminal Court – a 27% increase on 2015 and a 48% increase on 2014
- o murder convictions in respect of 17 offences in Central Criminal Court
- o rape convictions in respect of 277 offences in Central Criminal Court

### Court of Appeal

- o 924 new appeals – 591 civil and 333 criminal – little change from 2015
- o 917 appeals disposed of – 588 civil and 329 criminal - a 19% decrease on 2015

### Supreme Court

- o 152 applications for leave to appeal – a 58% increase on 2015
- o 38% of applications for leave to appeal granted

## CIVIL BUSINESS

### Civil business is categorised by case type:

1. **Civil and commercial litigious cases** comprise cases where one party is suing another; European Payment order applications; corporate insolvency cases; personal insolvency cases (concerning applications by creditors); appeals to the District Court and litigious enforcement matters
2. **Civil and commercial non-litigious cases** comprise proceedings issued in Ireland that are not *inter-partes* (including probate, wards of court, and personal insolvency cases concerning applications by debtors in person); and certain foreign proceedings
3. **Non-litigious enforcement cases** comprise proceedings by creditors following judgment to procure payment of debts due
4. **Appeals** comprise civil and family law appeals from the District Court to the Circuit Court; from the Circuit Court to the High Court; and from the High Court to the Court of Appeal. They also include applications for leave to appeal and appeals to the Supreme Court.
5. **Cases stated** are instances where a court asks for an opinion on a point of law from a higher court.

Civil statistics are presented by reference to cases/matters received and cases/matters resolved during the year. The majority of civil cases initiated in Ireland do not proceed to trial. Typically, they are either settled between the parties (with or without a court approving the settlement), are formally discontinued (involving notification to the defendant and the court), or are not pursued further by the plaintiff without the plaintiff notifying the court. It is therefore not possible to provide figures for pending caseloads in most courts. Cases referred to as 'resolved' may include cases commenced in years other than 2016.

### 1. Civil and commercial litigious cases: District Court, Circuit Court, High Court

Civil and commercial litigious cases		Incoming		Resolved	
		2016	2015	2016	2015
(a)	Cases where one party is suing another	123,093	132,864	71,670	82,757
(b)	European Payment Order applications	175	83	25	79
(c)	Corporate insolvency	186	178	235	265
(d)	Personal insolvency (creditors)	160	128	126	96
(e)	Appeals to District Court	86	394	32	82
(f)	Litigious enforcement	3,695	4,893	3,375	4,226
	<b>Total</b>	<b>127,395</b>	<b>138,540</b>	<b>75,463</b>	<b>87,505</b>

**(a) (i) Cases where one party is suing another: general**

*1. Personal injury*

*A person may pursue a claim for damages for personal injuries through the courts upon receipt of an authorisation from the Personal Injuries Assessment Board. This is a legal document issued in the absence of consent from the person responsible for the injury (the respondent) to the assessment of the claim by the Board. Settlements in cases involving persons under 18 years (infant rulings) must be brought before the relevant court for approval prior to being accepted.*

There were 21,898 personal injury suits filed in 2016, a 15% increase on the 18,992 in 2015 – 8,510 (including 1,001 medical negligence) in the High Court, an 18% increase on the 7,219 in 2015, and 12,330 in the Circuit Court, a 15% increase on the 10,631 in 2015. There were 1,158 suits filed in the District Court, little change from the 1,142 filed in 2015.

	Incoming		Resolved			
	2016	2015	2016		2015	
			By court	Out of court	By court	Out of court
High Court	8,510	7,219	4,508*	41	814	3,377
Circuit Court	12,230	10,631	4,340	332	4,973	426
District Court	1,158	1,142	595	0	501	0
<b>Total</b>	<b>21,898</b>	<b>18,992</b>	<b>9,443</b>	<b>373</b>	<b>6,288</b>	<b>3,803</b>

\*From 2016, cases dealt with by the court include all cases assigned to a judge

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

Amount	Cases	
	2016	2015
€0 to €7,500	282	286
€7,500 to €15,000	248	211
€15,000+	5	4
<b>Total</b>	<b>535</b>	<b>501</b>

Amount	Cases	
	2016	2015
€0 to €15,000	398	460
€15,000 to €60,000	574	546
€60,000+	5	6
<b>Total</b>	<b>977</b>	<b>1,012</b>

Amount	Cases	
	2016	2015
€0 to €60,000	146	192*
€60,000 to €99,999	158	179**
€200,000 to €999,999	36	48
€1,000,000+	50	50
<b>Total</b>	<b>390</b>	<b>469</b>

\* figure understated in 2015 Report  
 \*\* figure overstated in 2015 Report

Personal injury awards	High Court		Circuit Court		District Court	
	2016	2015	2016	2015	2016	2015
Lowest amount awarded	€5,000	€2,500	€500	€208	€1,000	€700
Highest amount awarded	€9,000,000	€13,522,000	€206,810	€90,000	€16,065	€15,100
<b>Total amount awarded</b>	<b>€147,145,000</b>	<b>€168,106,000</b>	<b>€17,314,830</b>	<b>€16,626,600</b>	<b>€4,059,854</b>	<b>€3,525,900</b>

## 2. Commercial

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

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

High Court					
Incoming		Resolved			
2016	2015	2016		2015	
		By court	Out of court	By court	Out of court
157	148	75	40	85	26

Analysis of caseload	2016	2015	2014
On hands 01/01	203	166	106
Incoming	157	148	171
Resolved	115	111	111
<b>On hands 31/12</b>	<b>245</b>	<b>203</b>	<b>166</b>

Analysis of cases resolved	2016	2015	2014
Motion to dismiss	5	4	1
Settled after entry	7	5	8
Settled after directions hearing	21	13	13
Settled after hearing date set	12	8	15
Settled at hearing	12	9	11
Full hearing	58	61	61
Other	0	11	2
<b>Total</b>	<b>115</b>	<b>111</b>	<b>111</b>

## 3. Chancery

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

High Court					
Incoming		Resolved			
2016	2015	2016		2015	
		By court	Out of court	By court	Out of court
2,102	2,310	330	337	411	268

Analysis of incoming cases	2016	2015	2014
Specific performance	168	152	212
Injunction	337	298	375
Declaration	898	1,280	873
European Communities (Cross Border Mergers) Regulations, 2008*	3	9	6
Other	696	571	683
<b>Total</b>	<b>2,102</b>	<b>2,310</b>	<b>2,149</b>
* S.I. No. 157 of 2008			

#### 4. Property

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

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

There were 3,915 cases for the recovery of possession of lands and/or premises in the High Court and Circuit Court – a 24% decrease on the 5,169 cases in 2015. There were 719 other property cases across the jurisdictions.

Property (possession)	Incoming		Resolved			
	2016	2015	2016		2015	
			By court	Out of court	By court	Out of court
High Court	236	148	47	0	113	3
Circuit Court	3,679	5,021	2,992	0	2,738	0
<b>Total</b>	<b>3,915</b>	<b>5,169</b>	<b>3,039</b>	<b>0</b>	<b>2,851</b>	<b>3</b>

Property (possession): Circuit court			
Orders granted		Orders not granted	
2016	2015	2016	2015
1,088	1,284	1,904	1,454

Property (other)	Incoming		Resolved			
	2016	2015	2016		2015	
			By court	Out of court	By court	Out of court
High Court	35	54	30	0	21	1
Circuit Court	567	581	49	173	736	222
District Court	117	33	49	0	50	0
<b>Total</b>	<b>719</b>	<b>668</b>	<b>128</b>	<b>173</b>	<b>807</b>	<b>223</b>

#### 5. Breach of contract

*Where a party refuses or fails to fulfil an obligation imposed by a contract, the injured party can bring an action for damages. In this context, breach of contract cases do not include claims for liquidated damages (see section 6 below)*

High Court					
Incoming		Resolved			
2016	2015	2016		2015	
		By court	Out of court	By court	Out of court
526	474	20	82	48	80

#### 6. Recovery of debt (liquidated claims)

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

	Incoming		Resolved					
	2016	2015	2016			2015		
			By court	Out of court <sup>1</sup>	Out of court <sup>2</sup>	By court	Out of court <sup>1</sup>	Out of court <sup>2</sup>
High Court	2,842	2,748	489	103	684	680	97	1,153*
Circuit Court	3,718	4,241	391	258	1,985	461	409	3,031
District Court	17,374	18,873	1,439	0	7,299	1,274	0	8,836
<b>Total</b>	<b>23,934</b>	<b>25,862</b>	<b>2,319</b>	<b>361</b>	<b>9,968</b>	<b>2,415</b>	<b>506</b>	<b>13,020</b>

<sup>1</sup> discontinuance

<sup>2</sup> judgment marked in the office - these figures are also featured on page 56 as part of the civil and commercial non-litigious statistics.

\* includes judgment sets presented in the Central Office but returned with queries and subsequently re-lodged.

### 7. Negligence (excluding medical negligence)\*

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

\* Medical negligence cases form part of personal injury cases on page 42.

High Court:					
Incoming		Resolved			
2016	2015	2016	2015	2016	2015
433	766	50	86	60	89

### 8. Defamation

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

	Incoming		Resolved			
	2016	2015	2016		2015	
			By court	Out of court	By court	Out of court
High Court	133	212	13	31	10	24
Circuit Court	73	48	1	6	4	4
<b>Total</b>	<b>206</b>	<b>260</b>	<b>14</b>	<b>37</b>	<b>14</b>	<b>28</b>

### 9. Assault

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

High Court					
Incoming		Resolved			
2016	2015	2016		2015	
		By court	Out of court	By court	Out of court
130	139	41	19	9	12

### 10. Employment

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

Employment (dismissal)	Incoming		Resolved			
	2016	2015	2016		2015	
			By court	Out of court	By court	Out of court
High Court	0	1	0	0	0	0
Circuit Court	121	134	105	3	101	1
<b>Total</b>	<b>121</b>	<b>135</b>	<b>105</b>	<b>3</b>	<b>101</b>	<b>1</b>

Employment (other)	Incoming		Resolved			
	2016	2015	2016		2015	
			By court	Out of court	By court	Out of court
High Court	1	12	0	0	4	3
Circuit Court	108	152	34	2	88	44
<b>Total</b>	<b>109</b>	<b>164</b>	<b>34</b>	<b>2</b>	<b>92</b>	<b>47</b>

### 11. Small claims

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

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

Small claims: Ireland* and EU: District Court					
Incoming		Resolved			
2016	2015	2016		2015	
		By court	Out of court	By court	Out of court
2,786	2,339	498	2,072**	632	1,049

\* claims include those made online  
 \*\* includes 1,044 applications received but deemed to fall outside the scope of the rules for small claims.

Analysis of cases dealt with	2016		2015	
	Ireland	EU	Ireland	EU
Not proceeded with	150	24	110	5
Decrees by default	213	27	241	27
Settled by registrar	564	50	601	65
Settled after notice to pay	n/a	n/a	n/a	n/a
Referred to court	640	74	600	32
<b>Total</b>	<b>1,567</b>	<b>175</b>	<b>1,552</b>	<b>129</b>

Adjudicated by the court	2016		2015	
	Ireland	EU	Ireland	EU
Decrees granted	230	14	215	12
Cases dismissed	76	11	49	4
Withdrawn/struck out	161	6	164	3
<b>Total</b>	<b>467</b>	<b>31</b>	<b>428</b>	<b>19</b>

12. Proceeds of crime

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

High Court:					
Incoming		Resolved			
2016	2015	2016		2015	
		By court	Out of court	By court	Out of court
22	17	3	0	1	0

13. Judicial review

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

There were 960 applications for judicial review to the High Court in 2016, a 38% increase on the 693 in 2015. Asylum related applications represented 48% of the total number of judicial review applications – many of which related to a review of visa decisions or to compel a decision on a visa application in existing cases.

Judicial review (asylum related): High Court					
Incoming		Resolved			
2016	2015	2016		2015	
		By court	Out of court	By court	Out of court
458	164	258	122	349*	306*

\* includes legacy cases removed from list



Judicial review (other): High Court						
Incoming			Resolved			
2016	2015	2016		2015		
		By court	Out of court	By court	Out of court	
502	529	251	111	509	45	

High Court	Judicial review (asylum related)			Judicial review (other)		
	2016	2015	2014	2016	2015	2014
<b>Incoming</b>	458	164	187	502	529	648
<b>Orders made:</b>						
Liberty to apply for judicial review granted	314	124	98	339	392	481
Liberty to apply for judicial review refused	15	14	24	57	51	27
Interim orders	106	146	89	249	295	232
Final orders – relief granted	34	89	72	120	237	145
Final orders – relief refused	36	87	58	79	83	144
Final orders – miscellaneous	50	172	168	-	30	-
Final orders – struck out (no order)	120	309	334	111	159	78
<b>Total</b>	<b>675</b>	<b>941</b>	<b>843</b>	<b>955</b>	<b>1,247</b>	<b>1,107</b>

#### 14. Regulation of professions

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

	Incoming		Resolved			
	2016	2015	2016		2015	
			By court	Out of court	By court	Out of court
High Court	283	279	251	0	256	1

#### 15. Garda compensation

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

	Incoming		Resolved			
	2016	2015	2016		2015	
			By court	Out of court	By court	Out of court
High Court	173	76	83	0	67	0

#### 16. Habeas corpus

Persons who believe they are being detained or held unlawfully, may apply to the High Court for an order of habeas corpus under the Habeas Corpus Act 1782. This requires the person or institution detaining them to either produce the body of the person detained before the court or release that person from such detention. The expression 'order of habeas corpus' does not include an order made pursuant to Article 40 section 4 of the Constitution.

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

	Incoming		Resolved			
	2016	2015	2016		2015	
			By court	Out of court	By court	Out of court
High Court	157	139	67	0	110	0

### 17. European Arrest Warrants

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

	Incoming		Resolved			
	2016	2015	2016		2015	
			By court	Out of court	By court	Out of court
High Court	243	264	103	0	112	0

### 18. Bail

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

	Incoming		Resolved			
	2016	2015	2016		2015	
			By court	Out of court	By court	Out of court
High Court	1,243	1,985	1,243	0	1,985	0

### 19. Other

	Incoming	Resolved	
		By court	Out of court
High Court	1,180	332	65
Circuit Court	3,211	3,438	474
District Court*	4,748	3,416	0
<b>Total</b>	<b>9,139</b>	<b>7,186</b>	<b>539</b>

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

#### (a) (ii) Cases where one party is suing another: family law

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

#### 1. Divorce

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

There was a 3% decrease in the number of applications for divorce in 2016 – 4,179 as compared to 4,314 in 2015. There were 17 applications in the High Court and 4,162 in the Circuit Court - the majority were by wives – 59% in the High Court and 57% in the Circuit Court. There were 3,255 orders granting divorce made – 19 in the High Court and 3,236 in the Circuit Court.

	Incoming		Resolved			
	2016	2015	2016		2015	
			By court	Out of court	By court	Out of court
High Court	17	24	36	3	25	0
Circuit Court	4,162	4,290	3,238	0	3,266	0
<b>Total</b>	<b>4,179</b>	<b>4,314</b>	<b>3,274</b>	<b>3</b>	<b>3,291</b>	<b>0</b>

	2016			2015		
	Granted	Refused	Other	Granted	Refused	Other
High Court	19	0	17	13	0	12
Circuit Court	3,236	2	0	3,264	2	0
<b>Total</b>	<b>3,255</b>	<b>2</b>	<b>17</b>	<b>3,277</b>	<b>2</b>	<b>12</b>

Trends: Divorce: applicants				
Year	Wife		Husband	
	High Court	Circuit Court	High Court	Circuit Court
<b>2016</b>	<b>10</b>	<b>2,374</b>	<b>7</b>	<b>1,788</b>
2015	14	2,333	10	1,957
2014	10	2,202	13	1,731
2013	6	1,979	5	1,619
2012	8	1,840	12	1,622

## 2. Judicial separation

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

There were 1,353 applications for judicial separation in 2016 – 29 in the High Court and 1,324 in the Circuit Court – a 5% decrease on the 1,419 applications in 2015. The majority of applications in both jurisdictions (83% in High Court, 57% in Circuit Court) were by wives. There were 709 orders granting judicial separations made – 8 in the High Court and 701 in the Circuit Court with one application refused.

	Incoming		Resolved			
	2016	2015	2016		2015	
			By court	Out of court	By court	Out of court
High Court	29	35	34	1	38	1
Circuit Court	1,324	1,384	702	0	794	0
<b>Total</b>	<b>1,353</b>	<b>1,419</b>	<b>736</b>	<b>1</b>	<b>832</b>	<b>1</b>

	2016			2015		
	Granted	Refused	Other	Granted	Refused	Other
High Court	8	0	26	13*	0	0
Circuit Court	701	1	0	789	5	0
<b>Total</b>	<b>709</b>	<b>1</b>	<b>26</b>	<b>802</b>	<b>5</b>	<b>0</b>

\* there were 10 judicial separations granted and 3 divorces on foot of applications for judicial separation

Trends: Judicial separation: applicants				
Year	Wife		Husband	
	High Court	Circuit Court	High Court	Circuit Court
<b>2016</b>	<b>24</b>	<b>971</b>	<b>5</b>	<b>353</b>
2015	32	977	3	407
2014	19	943	6	333
2013	20	918	5	374
2012	16	926	5	343

## 3. Dissolution of partnership

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

There were 62 applications to dissolve partnerships in 2016 – 1 in the High Court and 61 in the Circuit Court – a 20% decrease on 2015. The High Court application was by a male with the majority of applications (71% in the Circuit Court) by females.

	Incoming		Resolved			
	2016	2015	2016		2015	
			By court	Out of court	By court	Out of court
High Court	1	3	0	1	0	0
Circuit Court	61	75	30	0	29	0
<b>Total</b>	<b>62</b>	<b>78</b>	<b>30</b>	<b>1</b>	<b>29</b>	<b>0</b>

	2016			2015		
	Granted	Refused	Other	Granted	Refused	Other
High Court	0	0	0	0	0	0
Circuit Court	23	7	0	22	7	0
<b>Total</b>	<b>23</b>	<b>7</b>	<b>0</b>	<b>22</b>	<b>7</b>	<b>0</b>

Dissolution of partnership: applicants	Female		Male	
	2016	2015	2016	2015
High Court	0	2	1	1
Circuit Court	40	53	21	22

#### 4. Cohabitation

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

	Incoming		Resolved			
	2016	2015	2016		2015	
			By court	Out of court	By court	Out of court
High Court	0	6	4	0	1	0

#### 5. Nullity

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

Nullity of civil partnership is a declaration by a court that a supposed civil partnership is null and void, and that no valid civil partnership exists between the partners. Unlike nullity of marriage (where void marriages and voidable marriages that may be annulled) in nullity of civil partnership law, there are only void civil partnerships.

Nullity of marriage	Incoming		Resolved			
	2016	2015	2016		2015	
			By court	Out of court	By court	Out of court
High Court	1	2	1	0	0	0
Circuit Court	32	33	14	0	16	0
<b>Total</b>	<b>33</b>	<b>35</b>	<b>15</b>	<b>0</b>	<b>16</b>	<b>0</b>

	2016			2015		
	Granted	Refused	Other	Granted	Refused	Other
High Court	0	0	1	0	0	0
Circuit Court	13	1	0	14	2	0
<b>Total</b>	<b>13</b>	<b>1</b>	<b>1</b>	<b>14</b>	<b>2</b>	<b>0</b>

#### Trends: Nullity of marriage: applicants

Year	Wife		Husband	
	High Court	Circuit Court	High Court	Circuit Court
2016	1	17	0	15
2015	1	12	1	21
2014	1	18	1	18
2013	1	19	1	27

### 6. Guardianship, custody, access

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

Guardianship, custody, access	Incoming		Resolved			
	2016	2015	2016		2015	
			By court	Out of court	By court	Out of court
District Court	12,488	14,396	12,128	0	13,037	0

Circuit Court: Custody and access: Outcomes									
	Judicial separation			Dissolution			Divorce		
	2016	2015	2014	2016	2015	2014	2016	2015	2014
Orders made	348	322	378	4	4	2	757	719	660

### 7. Maintenance

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

	Incoming		Resolved			
	2016	2015	2016		2015	
			By court	Out of court	By court	Out of court
High Court	1	3	2	0	2	0
District Court *	8,788**	9,270**	7,959	0	7,620	0

\* excludes foreign maintenance – see page 60  
 \*\* includes applications subsequent to initial application including applications to vary and applications to recover arrears

### 8. Domestic violence

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

#### Safety order

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

#### Barring order

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

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

#### Protection order

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

#### Interim barring order

*This is a temporary barring order. It is intended to last until the barring order application is heard in court and a decision made. Under the Domestic Violence Act, 2002 a full court hearing must take place within eight working days of the granting of an interim barring order. The court must be of the opinion that there are reasonable grounds for believing there is an immediate risk of significant harm to the applicant or any*

*dependent person if the order is not made immediately and the granting of a protection order would not be sufficient to protect the applicant or any dependent person.*

Applications to the District Court under the domestic violence legislation increased by 6% to 15,227 from 14,374 in 2015. There was an 8% increase in applications for safety orders (6,069 as compared to 5,626 in 2015) and a 5% increase in applications for protection orders (5,365 as compared to 5,108 in 2015). Applications for interim barring orders showed a 20% increase (880 as compared to 731 in 2015) while applications for barring orders showed a slight increase from 2,638 in 2015 to 2,658.

	Incoming		Resolved			
	2016	2015	2016		2015	
			By court	Out of court	By court	Out of court
District Court	15,227	14,374	10,055	0	13,400	0

Circuit Court: Domestic violence: Outcomes	2016	2015	2014
Orders made	40	50	47

District Court: Domestic violence: Trends	2016	2015	2014	2013	2012	2011
Barring order applications	2,658	2,638	2,671	2,738	2,789	2,763
Barring orders granted	1,329	859	877	1,167	1,165	1,043
Protection order applications	5,365	5,108	4,406	4,529	4,192	3,403
Protection orders granted*	4,627	4,225	4,024	4,142	3,849	3,085
Safety order applications	6,069	5,626	5,499	5,334	5,026	3,755
Safety orders granted	3,316	1,917	2,029	2,381	2,255	1,513
Interim barring order applications	880	731	699	674	648	731
Interim barring orders granted	676	563	569	522	520	569
Other applications	255	271	12	-	-	-
Orders granted	107	263	0	-	-	-

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

### 9. Adoption

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

	Incoming		Resolved			
	2016	2015	2016		2015	
			By court	Out of court	By court	Out of court
High Court	31	35	36	0	21	1

### 10. Child abduction: Hague Luxembourg Convention

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

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

	Incoming		Resolved			
	2016	2015	2016		2015	
			By court	Out of court	By court	Out of court
High Court	47	41	52	0	29	0

High Court: Child abduction: analysis	2016	2015	2014
Incoming	47	41	26
Orders made			
Assess child	9	19	7
Interim order*	130	91	59
Child returned (on consent)	8	8	10
Child returned (court order)	10	7	4
Child remain (on consent)	14	8	2
Child remain (court order)	8	1	1
Other	12	-	-
<b>Total</b>	<b>191</b>	<b>134</b>	<b>83</b>
* there may be a number of interim orders made in individual cases			

### 11. Child care - Supervision and care orders

The courts deal with applications for orders in respect of the care or supervision of minors, or on behalf of minors concerning the arrangements made by the Child and Family Agency (CFA) for their care. The CFA can apply to the courts for a number of different orders when dealing with children who are at risk or who are in need of care. These orders give the courts a range of powers about the type of care necessary and about access to the children for parents and other relatives. The vast majority of applications are made to the District Court.

#### Emergency care orders

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

#### Care orders and interim care orders

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

#### Supervision orders

A supervision order is an alternative to children being taken into the care of the CFA. It may be applied for by the CFA instead of a Care Order. The CFA may consider that a care order is not necessary or appropriate in the circumstances, but that the child should be visited regularly by a social worker under a court supervision order.

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

There were 9,991 child care applications to the courts, a slight decrease on the 10,217 in 2015. 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.

	Incoming		Resolved			
	2016	2015	2016		2015	
			By court	Out of court	By court	Out of court
High Court	27	32	4	0	40	0
District Court	9,964	10,185	6,494	0	7,771	0
<b>Total</b>	<b>9,991</b>	<b>10,217</b>	<b>6,498</b>	<b>0</b>	<b>7,811</b>	<b>0</b>

High Court: Child care: analysis	2016	2015	2014
Received	27	32	63
Orders made	323	531	400

District Court: Child care: analysis	Incoming			Resolved (orders made)		
	2016	2015*	2014*	2016	2015*	2014*
Supervision orders	626	720	628	569	679	667
Care orders	1,142	1,230	1,206	886	1,052	969
Extension of care order	483	481	515	449	545	597
Interim care order	1,257	1,556	2,141	1,004	1,442	2,139
Extension of interim care order	3,841	3,148	2,059	2,255	3,148	1,953
Emergency care order	325	357	398	758	349	389
Review of care order	1,371	1,360	829	402	381	235
Re-entry of case	391	303	116	157	147	76
Other**	528	1,441	1,318	463	600	347
<b>Total</b>	<b>9,964</b>	<b>10,596</b>	<b>9,210</b>	<b>6,943</b>	<b>8,343</b>	<b>7,372</b>

\* figures for 2014 and 2015 have been revised to account for additional returns from offices

\*\* includes applications under:

- o s.23 Children Act, 1997 (to allow admission of hearsay evidence)
- o s.37 Child Care Act 1991 (access to children in care) and
- o s.47 (applications for directions) Child Care Act 1991 which may include applications by parents or interested relatives where children are in voluntary care
- o s.25 Mental Health Act 2001 (involuntary admission of children).

## 12. Family: Other

	Incoming		Resolved			
	2016	2015	2016		2015	
			By court	Out of court	By court	Out of court
High Court	137	150	152	0	72	2
Circuit Court	300	1,030	37	0	638	0
District Court	1,160	1,074	1,077	0	1,013	991
<b>Total</b>	<b>1,597</b>	<b>2,254</b>	<b>1,266</b>	<b>0</b>	<b>1,723</b>	<b>993</b>

### (b) European order for payment applications

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

	Incoming		Resolved	
	2016	2015	2016	2015
High Court	175	83	25	79

Resolved: outcome	2016	2015
Declared enforceable	22	10
Terminated by claimant	1	40
Remitted for hearing	2	5
Other	0	24

### (c) Corporate insolvency

#### 1. Examinership

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

High Court															
Incoming		Resolved													
		Out of court		By court											
		Petition withdrawn		Appoint interim Examiner*		Appoint Examiner*		Extend time		Order reports		Wind up company		Misc	
2016	2015	2016	2015	2016	2015	2016	2015	2016	2015	2016	2015	2016	2015	2016	2015
16	14	2	1	12	13	8	11	17	18	7	10	4	4	22	52

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



Circuit Court					
Incoming		Resolved			
2016	2015	2016		2015	
		By court	Out of court	By court	Out of court
5	6	2	0	8	0

## 2. Liquidation

The Companies Act 2014 introduced a new regime for court liquidations. Since the commencement of the Companies Act 2014 on 1st June 2015 the High Court may direct, following the making of an order to wind up a company and the appointment of a liquidator, that the liquidation continue using the rules relating to a Creditors Voluntary Winding Up removing the Examiner of the High Court from any role in the winding up. The Examiner continues to have a role in respect of court liquidations where the winding up order was made prior to 1st June 2015.

High Court	Incoming		Resolved			
	2016	2015	2016		2015	
			Settled/struck out/withdrawn	Orders made	Settled/struck out/withdrawn	Orders made
Wind up company orders	89	109	30	50	35	51

## 3. Restrict Directors

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

	Incoming		Resolved			
	2016	2015	2016		2015	
			By court		By court	
			Order made	Order refused	Order made	Order refused
High Court	29	47	19	2	48	12

## 4. Disqualify Directors

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

	Incoming		Resolved			
	2016	2015	2016		2015	
			By court		By court	
			Order made	Order refused	Order made	Order refused
High Court	47	2	48	12	2	0

### (d) Personal insolvency

#### Personal insolvency (creditors' applications)

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

Bankruptcy applications may be made by creditors or by debtors in person. See below for details of pre-bankruptcy applications by creditors (bankruptcy summonses) and applications by creditors to have debtors adjudicated bankrupt. For details of applications by debtors to be adjudicated bankrupt (self adjudications) and information about debt settlement procedures introduced under the Personal Insolvency Act, 2012 see page 58.

*The normal duration of bankruptcy was reduced from three years to one year following the commencement of the relevant provisions of the Bankruptcy (Amendment) Act 2015 on 29th January 2016. Accordingly, a person is automatically discharged from bankruptcy one year after the order of adjudication (unless the period is extended upon application by the Official Assignee in Bankruptcy).*

High Court	Incoming		Resolved	
	2016	2015	2016	2015
			Issued/adjudicated / granted/ approved	Issued/adjudicated / granted/ approved
Bankruptcy summonses	91	82	98	82
Bankruptcy petitions (creditors)	69	46	28	14

**(e) Appeals to District Court**

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

Incoming		Resolved			
		By court		Out of court	
2016	2015	2016	2015	2016	2015
86	394	32	82	0	0

**(f) Litigious enforcement**

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

There were 3,695 summonses for the attendance of debtors before the District Court for non-payment of debts, a 32% decrease on the 4,893 in 2015, and a 46% decrease on the 6,883 summonses in 2014. There were 3,015 instalment orders made, a 21% decrease on the 3,827 made in 2015. Proceedings for committal resulted in the issue of 33 orders. There were 327 orders made varying previous orders.

Summons for attendance of debtor	Incoming		
	2016	2015	2014
District Court	3,695	4,893	6,883

Outcome	2016	2015
Instalment orders issued	3,015	3,827
Variation orders issued	327	357
Committal orders issued	33	42

**2. Civil and commercial non-litigious cases**

Civil and commercial non-litigious cases	Incoming	Resolved
(a) Proceedings in Ireland	90,025	86,672
(b) Foreign proceedings	2,775	2,490
<b>Total</b>	<b>92,800</b>	<b>89,162</b>

**(a) Proceedings in Ireland**

*1. Judgment marked in the office*

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

	Incoming		Resolved	
	2016	2015	2016	2015
High Court	684	2,337*	684	1,153*
Circuit Court	2,144	3,031	1,985	3,031
District Court	7,647	8,836	7,299	8,836
<b>Total</b>	<b>10,475</b>	<b>14,204</b>	<b>9,968</b>	<b>13,020</b>
* includes judgment sets presented in the Central Office but returned with a query				

2. Deed Poll

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

	Incoming		Resolved	
	2016	2015	2016	2015
High Court	747	704	746	703

3. Probate

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

	Incoming		Resolved	
	2016	2015	2016	2015
Principal Registry	8,705	8,953	8,098	7,705
Local registries	8,407	7,445	7,854	7,000
<b>Total</b>	<b>17,112</b>	<b>16,398</b>	<b>15,952</b>	<b>14,705</b>

Probate (and administrations with wills annexed): resolved			
	2016	2015	2014
Principal Registry	6,417	6,259	7,044
Local registries	6,247	5,553	5,405
<b>Total</b>	<b>12,664</b>	<b>11,812</b>	<b>12,449</b>

Intestacies: no valid wills: resolved			
	2016	2015	2014
Principal Registry	1,681	1,446	1,808
Local registries	1,607	1,447	1,490
<b>Total</b>	<b>3,288</b>	<b>2,893</b>	<b>3,298</b>

4. Wards of court

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

A person under 18 years old may also be taken into wardship as a minor.

	Incoming		Resolved	
	2016	2015	2016	2015
High Court	368	402	325*	237

\* 311 Declaration Orders and 14 applications dealt with by way of 'undertaking'

High Court: Wards of court	2016	2015	2014
Wardship cases	2,626	2,553*	2,515*
Applications awaiting hearing**	196	201	78
Adults and minors taken into wardship (declaratory orders)	311	237	322
Dismissed/discharged	220	161	160
Orders signed	1,553	1,410	1,458
* figure misstated in 2014 and 2015 reports			
** cases pending with inquiry order signed at 31st December			

Wards of Court: Active cases: Reason admitted to wardship	2016
Brain injury	20
Dementia and age related illness	234
Learning/intellectual disability	18
Minors (under 18 years of age)	22
Psychiatric illness	7
Other	10
<b>Total</b>	<b>311</b>

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

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

General Solicitor for Minors and Wards of Court	2016	2015	2014
Active (yearly average)	422	438	420
Pending	7	6	10
Dismissal	194	146	141
Sub cases	281	270	296

Active cases: Reason admitted to wardship			
	2016	2015	2014
Brain injury	64	55	54
Dementia and age related illness	142	155	159
Learning/intellectual disability	123	122	122
Minors (under 18 years of age)	3	5	6
Psychiatric illness	93	96	95
Residential abuse	2	2	2
<b>Total</b>	<b>427</b>	<b>435</b>	<b>438</b>

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

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

	Incoming		Resolved	
	2016	2015	2016	2015
High Court	766	715	738	661

### 7. Care representatives

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

	Incoming		Resolved	
	2016	2015	2016	2015
Circuit Court	1,139	534	485	502

### 8. Mental Health Act applications

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

	Incoming		Resolved	
	2016	2015	2016	2015
Circuit Court	109	115	103	100

### 9. Personal insolvency (self) - see also page 55

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

*A Debt Relief Notice allows for the write-off of qualifying debt up to €20,000, subject to a 3-year supervision period. A Debt Settlement Arrangement applies to the agreed settlement of unsecured debts, usually over a period of 5 years. A Personal Insolvency Arrangement applies to the agreed settlement*

and/or restructuring of secured debts up to a total of €3 million (as well as unsecured debts) over a period of 6 years.

Bankruptcy applications may be made to the High Court by creditors or by debtors in person (self adjudications). See below for details of applications by debtors to be adjudicated bankrupt. For details of pre-bankruptcy applications by creditors (bankruptcy summonses) and details of applications by creditors to have debtors adjudicated bankrupt see page 55

There were 2,114 applications to the Circuit Court in respect of debt settlement procedures, an 18% increase on the 1,735 in 2015 and a 125% increase on the 941 in 2014. Applications to the High Court almost doubled – from 30 to 57.

There were 559 applications to the High Court by debtors to be adjudicated bankrupt (self adjudications) in 2016 – a 22% increase on the 458 in 2015 and a 26% increase on the 445 in 2014.

High Court	Incoming		Resolved – by court							
	2016	2015	Approve request		Refused		Struck out		Withdrawn	
	2016	2015	2016	2015	2016	2015	2016	2015	2016	2015
Debt relief notices	n/a	n/a	-	-	-	-	-	-	-	-
Debt settlement arrangements	7	4	1	3	0	0	0	0	0	0
Personal insolvency arrangements	50	26	7	13	0	0	0	0	1	0
<b>Total</b>	<b>57</b>	<b>30</b>	<b>8</b>	<b>16</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>

Circuit Court	Incoming		Resolved – by court							
	2016	2015	Approve request		Refused		Struck out		Withdrawn	
	2016	2015	2016	2015	2016	2015	2016	2015	2016	2015
Debt relief notices	355	348	359	346	0	0	0	0	1	1
Debt settlement arrangements	313	328	230	205	0	3	1	1	1	1
Personal insolvency arrangements	1,446	1,059	720	616	35	2	7	1	6	2
<b>Total</b>	<b>2,114</b>	<b>1,735</b>	<b>1,309</b>	<b>1,167</b>	<b>35</b>	<b>5</b>	<b>8</b>	<b>2</b>	<b>8</b>	<b>4</b>

High Court	Incoming		Resolved			
	2016	2015	2016		2015	
			Adjudicated / granted / approved	Discharged / annulled	Adjudicated / granted / approved	Discharged / annulled
Bankruptcy petitions (self)	559	458	498	0	457	0

## 10. Licensing

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

	Incoming			Resolved		
	2016	2015	2014	2016	2015	2014
Circuit Court	305	250	241	305	250	241
District Court	47,251	49,038	48,799	47,251	49,038	48,799
<b>Total</b>	<b>47,556</b>	<b>49,288</b>	<b>49,040</b>	<b>47,556</b>	<b>49,288</b>	<b>49,040</b>

## 11. Marriage exemption

The Circuit Court can exempt persons wishing to marry from the requirement to give three months notice to the Registrar of Marriages. It can also exempt persons from the age requirements for marriage.

Marriage exemption: short notice	Incoming		Resolved	
	2016	2015	2016	2015
Circuit Court	622	695	506	551

Marriage exemption: under age	Incoming		Resolved	
	2016	2015	2016	2015
Circuit Court	24	33	37	42

### (b) Foreign proceedings

#### 1. Service of documents

	Incoming requests		Outgoing requests	
	2016	2015	2016	2015
High Court*	89	103	No requests	No requests
Circuit Court	1,930	3,544	392	816

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

#### 2. Maintenance (foreign)

	Incoming		Resolved	
	2016	2015	2016	2015
High Court*	62	76	11	7
District Court	183	93	38	72

\* Applications under Regulation (EC) 4/2009

#### 3. Other

District Court – taking of evidence			
Incoming		Resolved	
2016	2015	2016	2015
119	75	119	75

### 3. Non-litigious enforcement

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

#### Execution orders

The courts issued 4,711 execution orders in 2016, a 29% decrease on the 6,624 in 2015. In the High Court there were 1,082 execution orders for the recovery of money, a 33% decrease on the 1,607 in 2015 and a 54% decrease on the 2,364 in 2014, and 57 for possession of property, a 29% decrease on the 83 issued in 2015 and a 59% decrease on the 139 issued in 2014. In the Circuit Court there were 2,831 execution orders to recover money, a 32% decrease on the 4,139 in 2015 and a 50% decrease on the 5,705 in 2014 and 500 for possession, a 37% decrease on the 795 in 2015 and a 70% increase on the 294 in 2014.

#### Registration of judgments

Judgments obtained in the District Court, Circuit Court and High Court can be registered in the High Court. There were 3,239 judgments registered in 2016, a 27% decrease on the 4,471 in 2015. Judgments registers are open for public inspection in the Central Office of the High Court.

#### Judgment mortgage certificates

There were 1,790 judgment mortgage certificates signed in the High Court, a 6% decrease on the 1,896 certificates signed in 2015. There were 1,265 certificates signed in the Circuit Court, a 31% decrease on the 1,824 certificates signed in 2015, and 875 certificates signed in the District Court, a 50% decrease on the 1,763 signed in 2015.

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

	Incoming		Resolved	
	2016	2015	2016	2015
High Court*	1,165	1,153	1,082	1,607
Circuit Court	2,144	3,031	1,985	2,884
<b>Total</b>	<b>3,309</b>	<b>4,184</b>	<b>3,067</b>	<b>4,491</b>

\* includes execution orders issued on foot of court orders

2. Execution orders issued – on foot of court orders

	Incoming		Resolved	
	2016	2015	2016	2015
Circuit Court	845	1,246	846	1,255

3. Execution orders issued – possession cases

	Incoming		Resolved	
	2016	2015	2016	2015
High Court	57	83	57	83
Circuit Court	500	793	500	795
<b>Total</b>	<b>557</b>	<b>876</b>	<b>557</b>	<b>878</b>

4. Judgments registered \*

	Incoming		Resolved	
	2016	2015	2016	2015
High Court; Circuit Court; District Court	3,239	4,471	3,239	4,471

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

5. Judgment mortgage certificates issued

	Incoming		Resolved	
	2016	2015	2016	2015
High Court	1,790	1,896	1,790	1,896
Circuit Court	1,265	1,824	1,265	1,824
District Court	875	1,763	875	1,763
<b>Total</b>	<b>3,930</b>	<b>5,483</b>	<b>3,930</b>	<b>5,453</b>

6. Satisfaction piece issued

	Incoming		Resolved	
	2016	2015	2016	2015
High Court	35	101	35	101
Circuit Court	75	86	75	86
District Court	58	79	58	79
<b>Total</b>	<b>168</b>	<b>266</b>	<b>168</b>	<b>266</b>

4. Appeals (civil and family law)

Court	Incoming		Resolved	
	2016	2015	2016	2015
Circuit Court to High Court	425	476	315	269
District Court to Circuit Court	1,641	1,522	1,275	1,214
<b>Total</b>	<b>2,066</b>	<b>1,998</b>	<b>1,590</b>	<b>1,483</b>

5. Cases stated

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

		2016		2015		2014
	Received	Orders made	Received	Orders made	Received	Orders made
District Court to High Court	17	18	25	17	17	11
Revenue (District Court) to High Court	2	9	10	2	4	0
Circuit Court to Supreme Court	0	0	0	6	3	2
Circuit Court to Court of Appeal	1	1	0	0	0	0
High Court to Court of Appeal	2	1	0	0	0	0
Military Judge to Court of Appeal	0	1	2	0	0	0
<b>Total</b>	<b>22</b>	<b>30</b>	<b>37</b>	<b>25</b>	<b>24</b>	<b>13</b>

## 6. Miscellaneous

### 1. Written judgments

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

High Court	2016	2015
Written judgments delivered	796	867

High Court: Written judgments delivered	2016	2015	2014
Reserved at 01-01	69	115	105
Delivered	796	867	668
Reserved at 31-12	99	69	115

### 2. Taxation of costs

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

High Court	2016	2015
Summonses issued	815	1,299

### 3. Notices of motion

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

Issued/Dealt with	
High Court	12,219
Circuit Court	45,911*
* includes adjournments	

### 4. Case Progression (family law)

Case progression is the term given to the management of a case before it comes to trial. Its purpose is to ensure that proceedings are prepared in a manner which is fair, efficient and likely to keep the costs as low as possible. It also ensures that time and other resources of the court are put to best use. Cases which have gone through the case progression process are better prepared resulting in the cases being heard more quickly and trials being shorter.

Number of hearings	2016	2015
Circuit Court	4,138	3,195



**CRIMINAL BUSINESS**

By offence	Incoming		Resolved	
	2016	2015	2016	2015
Serious criminal offences: Central Criminal Court; Special Criminal Court; Circuit Criminal Court	16,261	15,743	10,040	11,423
Misdemeanour and/or minor criminal offences: District Court	382,325	405,007	284,678	298,797
Appeals: Court of Criminal Appeal; Court of Appeal; Circuit Court	15,231	15,721	17,215	14,078
<b>Total</b>	<b>413,817</b>	<b>436,471</b>	<b>311,933</b>	<b>324,298</b>

**District Court**

*The District Court exercising its criminal jurisdiction deals with four particular types of offences: summary offences, indictable offences tried summarily, some indictable offences, and indictable offences not tried summarily.*

The District Court received 382,325 new offences in 2016. Not all offences were proceeded with by the prosecutor. Of the offences that did proceed, the court made 284,678 orders and sent a further 16,320 forward for trial to higher courts (the Circuit Court and the Central Criminal Court). There were 44,993 indictable offences dealt with summarily, a slight increase on the 44,614 in 2015.

Categories	Incoming		Resolved: offences		
	Offences	Defendants	(a) Summary	(b) Indictable dealt with summarily	Sent forward for trial
2016					
Road traffic	225,806	142,300	167,897	1,729	210
Drugs	20,746	13,033	505	12,622	1,576
Sexual	2,730	461	42	229	2,260
Larceny/fraud/robbery	33,117	13,675	8	22,062	6,663
Public order/assault	37,047	21,359	26,531	1,837	1,637
Other	62,879	44,797	44,702	6,514	3,974
<b>Total</b>	<b>382,325</b>	<b>235,625</b>	<b>239,685</b>	<b>44,993</b>	<b>16,320</b>

**Summary offences: outcomes**

2016	Dis.	S/O	TIC	Fine	Bond	Disq	C/S.	Prob	Imp	Susp	Other	Total
Road traffic	4,629	77,978	17,834	39,949	41	9,396	588	1,215	1,191	943	14,133	<b>167,897</b>
Drugs	27	156	72	62	4	-	9	62	37	22	54	<b>505</b>
Sexual	4	10	3	8	-	-	-	5	8	2	2	<b>42</b>
Larceny/fraud/robbery	1	2	3	1	-	-	-	1	-	-	-	<b>8</b>
Public order/assault	851	7,197	4,788	5,032	339	3	581	3,286	1,025	631	2,798	<b>26,531</b>
Other	872	16,263	4,320	16,669	117	76	129	1,958	592	330	3,376	<b>44,702</b>
<b>Total</b>	<b>6,384</b>	<b>101,606</b>	<b>27,020</b>	<b>61,721</b>	<b>501</b>	<b>9,475</b>	<b>1,307</b>	<b>6,527</b>	<b>2,853</b>	<b>1,928</b>	<b>20,363</b>	<b>239,685</b>

Key: Dis = Dismiss. S/O = strike out. TIC = taken into consideration. Disq = disqualified. C/S. = community service. Prob = probation. Imp = imprisonment or detention. Susp = suspended sentence

**Indictable offences dealt with summarily: outcomes**

2016	Dis	S/O	TIC	Fine	Bond	Disq	C/S	Prob	Imp	Susp	Other	Total
Road traffic	40	512	226	121	6	243	47	75	184	118	157	<b>1,729</b>
Drugs	249	3,149	1,360	2,274	67	6	322	1,779	380	342	2,694	<b>12,622</b>
Sexual	14	53	2	13	2	-	-	21	10	11	103	<b>229</b>
Larceny/fraud/robbery	478	5,874	3,781	2,256	197	49	600	2,864	2,804	1,443	1,716	<b>22,062</b>
Public order/assault	117	572	75	146	60	2	78	233	140	174	240	<b>1,837</b>
Other	240	2,146	887	591	72	3	129	708	669	343	726	<b>6,514</b>
<b>Total</b>	<b>1,138</b>	<b>12,306</b>	<b>6,331</b>	<b>5,401</b>	<b>404</b>	<b>303</b>	<b>1,176</b>	<b>5,680</b>	<b>4,187</b>	<b>2,431</b>	<b>5,636</b>	<b>44,993</b>

Key: Dis = Dismiss. S/O = strike out. TIC = taken into consideration. Disq = disqualified. C/S. = community service. Prob = probation. Imp = imprisonment or detention. Susp = suspended sentence

Specific road traffic offences												
2016	Dis	S/O	TIC	Fine	Bond	Disq	C/S	Prob	Imp	Susp	Other	Total
Dangerous driving	80	1,093	403	456	4	823	42	57	238	90	969	4,255
Drink driving	572	1,257	58	2,537	-	2,800	61	30	100	95	290	7,800
Offences attracting penalty points	2,461	25,084	2,580	21,782	14	5,220	402	407	643	626	4,731	63,950
<b>Total</b>	<b>3,113</b>	<b>27,434</b>	<b>3,041</b>	<b>24,775</b>	<b>18</b>	<b>8,843</b>	<b>505</b>	<b>494</b>	<b>981</b>	<b>811</b>	<b>5,990</b>	<b>76,005</b>

Key: Dis = Dismiss. S/O = strike out. TIC = taken into consideration. Disq = disqualified. C/S. = community service. Prob = probation. Imp = imprisonment or detention. Susp = suspended sentence

### Juvenile crime

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

	Dis	S/O	TIC	Fine	Bond	Disq	C/S	Prob	Imp	Susp	Other	Total
Road traffic	31	325	346	85	14	100	2	115	39	11	71	1,139
Drugs	8	48	56	14	2			39	4	1	22	194
Sexual		2						2	3	1	1	9
Larceny/ fraud/robbery	46	279	280	36	20	1	9	234	87	31	80	1,103
Public order/ assault	47	278	219	52	21	0	8	221	50	23	82	1,001
Other	30	203	221	10	14	2	3	110	49	21	55	718
<b>Total</b>	<b>162</b>	<b>1,135</b>	<b>1,122</b>	<b>197</b>	<b>71</b>	<b>103</b>	<b>22</b>	<b>721</b>	<b>232</b>	<b>88</b>	<b>311</b>	<b>4,164</b>

Key: Dis = Dismiss. S/O = strike out. TIC = taken into consideration. Disq = disqualified. C/S. = community service. Prob = probation. Imp = imprisonment or detention. Susp = suspended sentence

### Circuit Court

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

(a) Offences	Incoming		Resolved: offences						
	Offences	Defendants	Guilty	Trials		N/P	TIC	Quash	Dec
				Convicted	Acquitted				
Road traffic	210	183	464	60	22	91	155	0	0
Drugs	1,576	473	951	31	19	567	48	0	11
Sexual	971	205	489	231	98	228	29	0	1
Firearms	765	524	409	21	44	167	69	0	2
Larceny/fraud/robbery	6,658	1,220	3,386	119	83	895	545	0	1
Assault	1,348	926	966	48	127	232	51	0	0
Child abuse	-	-	77	0	22	40	0	0	0
Manslaughter	7	7	1	1	0	0	0	0	0
Other	2,720	905	1,494	235	145	636	283	0	9
<b>Total</b>	<b>14,255</b>	<b>4,443*</b>	<b>8,237</b>	<b>746</b>	<b>560</b>	<b>2,856</b>	<b>1,180</b>	<b>0</b>	<b>24</b>

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

Offences: outcomes (following convictions)										
2016	TIC	Fine	Bond	Disq	C/S	Prob	Imp	Susp	Other	Total
Road traffic	52	23	65	118	7	11	163	42	68	549
Drugs	94	7	242	0	12	33	191	197	239	1,015
Sexual	78	0	176	0	2	10	307	96	107	776
Firearms	61	3	99	1	7	13	135	61	80	460
Larceny/fraud/robbery	251	8	1,084	7	65	129	1,091	664	234	3,533
Assault	35	2	318	1	36	41	310	218	60	1,021
Child abuse	2	0	34	0	0	1	35	5	20	97
Manslaughter			0	0			2	0	0	2
Other	181	28	553	9	33	37	534	259	152	1,786
<b>Total</b>	<b>754</b>	<b>71</b>	<b>2,571</b>	<b>136</b>	<b>162</b>	<b>275</b>	<b>2,768</b>	<b>1,542</b>	<b>960</b>	<b>9,239</b>

Key: TIC = taken into consideration. Disq = disqualified. C/S. = community service. Prob = probation.  
Imp = imprisonment or detention. Susp = suspended sentence

Appeals (from District Court)							
2016 Categories	Incoming		Resolved: offences				
	Off	Def	Aff	Var	Rev	S/O	S/O N/A
Road traffic	8,861	5,166	1,120	4,538	2,591	910	654
Drugs	492	267	93	240	40	81	52
Sexual	10	8	2	11	14	0	0
Larceny/fraud/robbery	1,700	673	464	809	66	304	381
Public order/assault	1,281	723	289	747	142	160	126
Other	1,788	1,069	223	1,018	534	238	258
<b>Total</b>	<b>14,132</b>	<b>7,906</b>	<b>2,191</b>	<b>7,363</b>	<b>3,387</b>	<b>1,693</b>	<b>1,471</b>

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

### Special Criminal Court

*The Offences Against the State Act 1939 provides for the establishment of Special Criminal Courts. The Special Criminal Court sits with three judges and no jury. The rules of evidence that apply in proceedings before the court are the same as those applicable to trials in the Central Criminal Court. The court is authorised by the 1939 Act to make rules governing its own practice and procedure. The second Special Criminal Court commenced sitting in 2016.*

2016 Categories	Incoming		Resolved: offences			
	Offences	Defendants	Guilty pleas	Trials		Nolle prosequi
				Convicted	Acquitted	
Membership of illegal organisation	14	13	2	1	1	15
Possession of firearms/ammunition/ explosive substance	14	6	15	10	0	2
Murder	2	2	0	0	0	0
Threaten to kill	4	3	0	0	0	0
Other	26	5	4	14	0	2
<b>Total</b>	<b>60</b>	<b>29*</b>	<b>21</b>	<b>25</b>	<b>1</b>	<b>19</b>

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

Offences: outcomes					
2016	Imprisonment	Nolle prosequi	Acquittal	Taken into consideration	Total
Membership of illegal organisation	3	15	1	0	19
Possession of firearms/ammunition/explosive substance	25	2	0	1	28
Murder	0	0	0	0	0
Other	17	2	0	1	20
<b>Total</b>	<b>45</b>	<b>19</b>	<b>1</b>	<b>2</b>	<b>67</b>

## High Court: Central Criminal Court

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

There were 93 trials in the Central Criminal Court involving 95 defendants in 2016. A further 57 defendants entered pleas.

Analysis of trials* and defendants		
Offence type	Trials	Defendants (in trials)
Murder <sup>a</sup>	21	24
Manslaughter	5	5
Rape <sup>b</sup>	59	58
Indecent/sexual assault <sup>c</sup>	7 (and 30 involving other offences)	7 (24 other defendants involved in other trials)
Assault (and other offences) <sup>d</sup>	0 (11 involving other offences)	0 (11 defendants involved in other trials)
Other <sup>e</sup>	1 (10 involving other offences)	1 (11 other defendants involved in other offences)
<b>Total</b>	<b>93</b>	<b>95</b>

\* note that some trials include more than one offence  
<sup>a</sup> including attempted murder  
<sup>b</sup> 20 rape only trials; 39 rape and attempted rape; rape and indecent/sexual assault; or rape and other offences  
<sup>c</sup> 7 indecent/sexual assault only trials; 30 involve other offences  
<sup>d</sup> 0 assault only trials; 11 involving other offences  
<sup>e</sup> 1 trial; other 10 already included in other categories

Offences	Incoming		Resolved: offences					
	Offences	Defendants	Guilty pleas	Trials	Nolle prosequi	TIC *	Quash	Accused deceased
Murder**	25	25	4	26	3	0	1	1
Manslaughter	0	0	5	5	0	0	0	0
Rape	768	96	142	279	160	118	1	4
Indecent/sexual assault	1,090	58	144	353	112	229	0	0
Assault	18	11	8	18	2	1	0	1
Other ***	45	20	14	53	23	3	0	0
<b>Total</b>	<b>1,946</b>	<b>210</b>	<b>317</b>	<b>734</b>	<b>300</b>	<b>351</b>	<b>2</b>	<b>6</b>

\*TIC – ‘taken into consideration’ - offences may be taken into consideration where an offender is sentenced on other multiple offences.  
\*\* includes attempted murder  
\*\*\* ‘other’ offences include impeding a prosecution, accessory to manslaughter, false imprisonment, criminal damaged, possession of a knife, burglary

Offences: resolved: outcome of trials						
2016	Convicted	Acquitted	Disagreed	Committal: not guilty by reason of insanity	Taken into consideration/ Permanent Stay	Total
Murder	13	2	0	11	0	<b>26</b>
Manslaughter	4	1	0	0	0	<b>5</b>
Rape	135	127	13	0	4	<b>279</b>
Indecent/sexual assault	124	162	67	0	0	<b>353</b>
Assault	4	4	4	6	0	<b>18</b>
Other	10	37	6	0	0	<b>53</b>
<b>Total</b>	<b>290</b>	<b>333</b>	<b>90</b>	<b>17</b>	<b>4</b>	<b>734</b>

Offences: resolved: penalties imposed on conviction							
2016	Fine	Probation	Det P/S	Sent F/S	Imp P/S	Imp	Total
Murder	0	0	0	0	1	16	17
Manslaughter	0	0	0	0	5	4	9
Rape	0	0	11	0	86	160	257
Indecent/sexual assault	0	0	2	3	16	188	209
Assault	0	0	0	0	3	9	12
Other	0	0	0	3	1	13	17
<b>Total</b>	<b>0</b>	<b>0</b>	<b>13</b>	<b>6</b>	<b>112</b>	<b>390</b>	<b>521</b>

Key: Det P/S = detention part suspended Sent F/S = sentence fully suspended Imp P/S = imprisonment fully suspended  
imp = imprisonment

## COURT OF APPEAL

### Court of Appeal: Civil

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

*The court operates two directions lists which allows the court to case-manage every new appeal lodged – one list for appeals which fall within the categories as set out in Order 86A Rule 7 of the Rules of the Superior Courts (expedited appeals) and another list for all other appeals (ordinary appeals). Article 64 appeals are also case-managed by the court by way of periodic call over of groups of such cases. Pending inclusion on one of the call over lists, any party to an Article 64 appeal may apply to have an appeal included in one of the weekly directions lists for the allocation of a hearing date.*

1. New appeals			
Pending at 01/01	Incoming	Resolved	Pending at 31/12
380	591	451	520

New appeals: Case type						
	Pending at 01/01	Incoming	Resolved			Pending at 31/12
			In court		Out of court	
			Determined	Withdrawn	Withdrawn	
Article 40/habeas corpus	12	21	15	5	1	12
Bail	3	28	9	9	1	12
Chancery	63	115	33	28	2	115
Commercial	49	34	22	16	1	44
Company	4	11	2	3	0	10
Contract	11	10	9	3	0	9
Criminal	15	35	19	10	0	21
Extradition	10	9	11	1	1	6
Family	8	11	7	4	0	8
Insolvency (corporate)	5	3	1	1	0	6
Insolvency (personal)	3	11	3	4	4	3
Judicial review (asylum related)	16	22	15	2	0	21
Judicial review (other)	31	46	20	8	1	48
Personal injury	47	67	27	33	3	51
Plenary	27	37	24	8	0	32
Proceeds of Crime Act	2	3	2	1	0	2
Security for costs	0	5	0	0	0	5
Summary judgment	48	74	36	21	0	65
Other	26	49	14	11	0	50
<b>Total</b>	<b>380</b>	<b>591</b>	<b>269</b>	<b>168</b>	<b>14</b>	<b>520</b>

New appeals: nature of appeal	
Expedited	313
Ordinary	278
<b>Total</b>	<b>591</b>

2. Article 64 appeals		
Pending at 01/01	Resolved	Pending at 31/12
906	137	769

Article 64 appeals: Case type						
	Pending at 01/01	Incoming	Resolved			Pending at 31/12
			In court		Out of court	
			Determined	Withdrawn	Withdrawn	
Article 40/ <i>habeas corpus</i>	7	-	0	0	1	6
Bail	14	-	0	0	4	10
Chancery	157	-	8	2	5	142
Commercial	55	-	1	1	8	45
Company	21	-	3	2	0	16
Contract	1	-	0	0	0	1
Criminal	4	-	1	0	0	3
Extradition	0	-	0	0	0	0
Family	20	-	5	0	0	15
Insolvency (corporate)	5	-	0	0	0	5
Insolvency (personal)	17	-	0	0	0	17
Judicial Review (asylum related)	35	-	0	1	0	34
Judicial review (other)	113	-	8	1	7	97
Personal injury	81	-	16	7	5	53
Plenary	111	-	10	5	4	92
Proceeds of Crime Act	8	-	0	0	0	8
Security for costs	6	-	4	0	0	2
Summary judgment	82	-	6	2	4	70
Other	169	-	7	6	3	153
<b>Total</b>	<b>906</b>		<b>69</b>	<b>27</b>	<b>41</b>	<b>769</b>

3. Additional matters	2016	2015
Motions listed before the court	229	305
Appeals from appellants in person	162 (27%)	188 (29%)
Applications for directions in Article 64 appeals	50	112
Written judgments delivered	221	304
Length of appeal hearing:		
o one day or less	516	632
o greater than one day but less than two days	2	5
o two days or more	15	7

### COURT OF APPEAL: CRIMINAL

*The Court of Appeal deals with appeals from the Circuit Court, Central Criminal Court and Special Criminal Court. The Court of Criminal Appeal remained in existence to deal with one remaining case.*

There were 333 appeals in respect of 1,099 offences lodged in the Court of Appeal in 2016. Comparable figures in 2015 were 302 appeals in respect of 862 offences. The court disposed of 329 appeals in respect of 1,109 offences (373 appeals in respect of 1,186 offences in 2015).

	Pending at 01/01	Incoming	Resolved	Pending at 31/12
Appeals	528	333	329	532

Court of origin	Appeals		Percentage of appeals	
	2016	2015	2016	2015
Central Criminal Court	69	37	21%	12%
Circuit Criminal Court	258	264	77%	87%
Special Criminal Court	6	1	2%	1%
<b>Total</b>	<b>333</b>	<b>302</b>	<b>100%</b>	<b>100%</b>

Appeals: outcomes					
	Conviction	Sentence (severity)	Sentence (leniency)	Other	Total
Central Criminal Court	28	18	1	2	49
Circuit Criminal Court	45	183	42	5	275
Special Criminal Court	4	0	1	0	5
<b>Total</b>	<b>77</b>	<b>201</b>	<b>44</b>	<b>7</b>	<b>329</b>

Categories (by offence)	Incoming (by jurisdiction)			
	Central Criminal Court	Circuit Criminal Court	Special Criminal Court	Total
Assault	6	76	0	82
Drugs/Misuse of Drugs	0	49	0	49
Firearms/weapon/possession of explosives/ ammunition	0	32	10	42
Manslaughter	2	1	0	3
Murder	23	0	0	23
Public Order	0	13	0	13
Rape	165	0	0	165
Road Traffic	0	53	0	53
Sexual Offences	158	236	0	394
Theft/Fraud/Robbery	2	159	0	161
Other	12	93	9	114
<b>Total</b>	<b>368</b>	<b>712</b>	<b>19</b>	<b>1,099</b>

Categories (by offence)	Resolved (by jurisdiction)			
	Central Criminal Court	Circuit Criminal Court	Special Criminal Court	Total
Assault	2	61	0	63
Drugs/Misuse of Drugs	0	78	0	78
Firearms/weapon/possession of explosives/ammunition	2	2	1	5
Manslaughter	0	1	0	1
Murder	22	0	2	24
Public Order	0	19	0	19
Rape	106	0	0	106
Road Traffic	0	0	0	0
Sexual Offences	290	152	0	442
Theft/Fraud/Robbery	2	177	0	179
Other	10	173	9	192
<b>Total</b>	<b>434</b>	<b>663</b>	<b>12</b>	<b>1,109</b>

**COURT OF CRIMINAL APPEAL**

	Pending at 01/01	Resolved	Outstanding at 31/12
Appeals	1	1	0

**SUPREME COURT**

*The Supreme Court is the court of final appeals in civil and criminal matters. Appeals may be made only where the court grants permission in limited circumstances as set out in the Constitution. The court can decide on the constitutionality of a Bill if referred to it by the President of Ireland, and it can determine a question of the permanent capacity of the President if it arises.*

Applications for leave to appeal					*Incoming		2016	2015
Pending at 01/01	Incoming*	Resolved			Pending at 31/12	High Court to Supreme Court	124	72
		Refused	Granted	Withdrawn				
53	152	99	58	4	44	-	2	
<b>Total</b>						<b>152</b>	<b>96</b>	

Appeals from High Court and Court of Appeal (following granting of leave to appeal to Supreme Court)						
	Pending at 01/01	Incoming	Resolved			Pending at 31/12
	12	58		14		56
			In court		Out of court	
			Determined	Referred to ECJ	Withdrawn in office	
Article 40/habeas corpus	0	3	2	0	0	1
Constitution	3	2	3	0	0	2
Criminal	2	9	2	0	0	9
Extradition	1	3	1	0	0	3
Family	2	1	1	0	0	2
Judicial review (asylum related)	0	3	1	0	0	2
Judicial review (other)	0	9	1	0	0	8
Personal injury	1	2	1	0	0	2
Plenary	2	15	1	0	0	16
Other	1	11	0	0	1	11

Legacy appeals	Case type	Incoming	Resolved		
			In court	Out of court	
			Determined	Referred to ECJ	Withdrawn in office
<b>From High Court:</b>	Article 40/habeas corpus	Not applicable	10	0	0
	Chancery	-	29	0	1
	Commercial	-	10	0	3
	Contract	-	5	0	0
	Criminal	-	4	0	1
	Extradition	-	3	0	0
	Judicial Review (asylum related)	-	6	0	0
	Judicial Review (criminal)	-	12	0	0
	Judicial review (other)	-	43	0	1
	Personal injury	-	6	0	0
	Plenary	-	27	0	0
	Other	-	28	0	0
<b>From Court of Criminal Appeal:</b>	Criminal	3	0	0	0
<b>Total</b>		<b>3</b>	<b>183</b>	<b>0</b>	<b>6</b>



Article 64 Applications	Pending at 01/01	Incoming	Resolved	Pending at 31/12
	2	2	4	0

Cases stated (legacy cases)	Matters	Incoming	Resolved
	Circuit and High Court to Supreme Court	Not applicable	0

Other matters	2016	2015	2014
Motions listed before the Court	39	77	373
Reserved judgments delivered	99	155	106
Applications for leave to appeal from appellants in person	52	48	141
Length of appeal hearing:			
o one day or less	149	141	142
o two days or more	25	25	27
Commissioners appointed	27	24	23
Notaries Public appointed	26	16	26

## CASE ANALYSIS

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

Civil	High Court to Supreme Court		High Court to Court of Appeal		Circuit Court to High Court		District Court to Circuit Court	
	2016	2015	2016	2015	2016	2015	2016	2015
All	0.11%	0.10%	2.4%	2.6%	2.4%	2.5%	2.7%	2.6%

Criminal: Appeals (from first instance courts) (by offence)	2016	2015
Special Criminal Court, Central Criminal Court and Circuit Court to Court of Appeal	11%	8%
District Court to Circuit Court	5%	5%

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

Civil : Court of Appeal to Supreme Court		
	2016	2015
All	37%	22%*
* figure understated in 2015 report		

Criminal: Court of Appeal to Supreme Court	
	2016
All	2.7%

### 3. Average length of proceedings (first instance courts)

#### Civil

In days - from issue to disposal	High Court		Circuit Court		District Court	
	2016	2015	2016	2015	2016	2015
All (excluding employment dismissal and divorce)	772	680	532	568	514	294*
Employment (dismissal)	none	none	166	132	N/A	N/A
Divorce	1,176	1,282	327	791	N/A	N/A
* excludes licensing N/A = not applicable						

**Criminal**

<b>District Court: average length in days - by offence</b>					
<b>Summary</b>		<b>Indictable dealt with summarily</b>		<b>Return for trial</b>	
<b>2016</b>	2015	<b>2016</b>	2015	<b>2016</b>	2015
243	232	302	284	86	89

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

<b>Circuit Court : average length in days*</b>	
<b>2016</b>	2015
413	678

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

<b>Central Criminal Court : average length in days*</b>	
<b>2016</b>	2015
865	645

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

<b>Special Criminal Court : average length in days *</b>	
<b>2016</b>	2015
827	585

\* Time from receipt of charge sheet to final order

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

<b>Court of Appeal: Civil appeals</b>		
	<b>2016</b>	2015
All (new appeals and Article 64 appeals)	585	631

<b>Court of Appeal : Criminal appeals</b>	
<b>2016</b>	2015
1,582	1,027

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

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

<b>Supreme Court</b>		<b>2016</b>	<b>2015</b>
Legacy	All (issue to disposal)	1,969	1,700
	Certified (from certification date to disposal)	1,247	1,320
	Priority (from priority date to disposal)	926	633
	Application for Leave Determined (issue to determination date)	105	103
	Application for Leave Determined (from papers being ready to determination)	20	28

## WAITING TIMES

### District Court - Criminal: Waiting time

*Summons:* The time from receipt of summons application to scheduled date for hearing. There is an agreement with An Garda Síochána as part of Criminal Justice Interoperability Project that a period of 12-14 weeks will be allowed between the issuing of a summons and the first court date to allow time for service of the summons. The waiting times for criminal summonses generally reflect this agreement

*Charge sheets:* The time from receipt of a charge sheet to the first court date. Charge sheet cases are initially listed before the court usually within a day of the person being charged by An Garda Síochána. The first listing may not be the date of the hearing of the matter as the court may adjourn/postpone the hearing for a variety of reasons.

### District Court - Civil: Waiting time

*Applications:* The time from receipt of application to date when application is listed for hearing

### District Court - Family: Waiting time

*Applications:* The time from receipt of application to date when application is listed for hearing

### District Court - Waiting times shown in weeks (unless otherwise stated)

Office	Criminal		Civil	Family	
	Summonses	Charge sheets	Applications	Domestic violence applications**	Maintenance / guardianship Applications
<b>Athlone</b>	12-14	N.S.	N.S.	N.S.	N.S.
<b>Ballina</b>	15-20	N.S.	6-8	N.S.	N.S.
<b>Bray</b>	16	N.S.	8	1-3	3-6
<b>Carlow</b>	20-28	N.S.	14	12	12
<b>Carrick-on-Shannon</b>	12-15	N.S.	4-8	N.S.	N.S.
<b>Castlebar</b>	12	N.S.	12	N.S.	6
<b>Cavan</b>	16	N.S.	8	N.S.	10-12
<b>Clonakilty</b>	15	N.S.	2-4	2-4	2-4
<b>Clonmel</b>	14	N.S.	4-6	2-5	4-12
<b>Cork</b>	15	N.S.	4-6	12	12
<b>Donegal</b>	12	N.S.	4-6	N.S.	N.S.
<b>Dublin</b>	s.49: 25 * other:26	N.S.	17	6	6
<b>Dundalk</b>	14-18	N.S.	8-10	N.S.	3-4
<b>Ennis</b>	12-15	N.S.	8-12	N.S.	4
<b>Galway</b>	16	N.S.	16	4	4-8
<b>Kilkenny</b>	20-24	N.S.	4	2-4	4-8
<b>Letterkenny</b>	20-24	N.S.	12-16	N.S.	13
<b>Limerick</b>	19	N.S.	3-4	10	11
<b>Longford</b>	12-15	N.S.	8	1	4
<b>Loughrea</b>	12	N.S.	10	N.S.	4
<b>Mallow</b>	12-15	N.S.	8	N.S.	N.S.
<b>Monaghan</b>	16	N.S.	8-10	N.S.	N.S.
<b>Mullingar</b>	12-16	N.S.	4-8	N.S.	4
<b>Naas</b>	12-16	N.S.	8-10	2-4	10-12
<b>Nenagh</b>	16	N.S.	8-10	2-4	10-12
<b>Portlaoise</b>	14-18	N.S.	12-16	N.S.	8-10
<b>Roscommon</b>	12-15	N.S.	4	N.S.	N.S.
<b>Sligo</b>	12-15	N.S.	8-24	N.S.	N.S.
<b>Tralee</b>	8-12	N.S.	8	4	4
<b>Trim</b>	10-14	N.S.	6-12	8-12	8-12
<b>Tullamore</b>	14-16	N.S.	4	N.S.	10
<b>Waterford</b>	14	N.S.	4	8	12
<b>Wexford</b>	16	N.S.	6-10	N.S.	6-8
<b>Youghal</b>	12-14	N.S.	8	N.S.	N.S.

\* Drink driving prosecutions  
 \*\* Urgent interim applications are dealt with immediately (that is on next sitting day in every district)  
 NS = Next sitting of the court  
 Details of the sittings of the District Court are available on the website of the Service (www.courts.ie)

**Circuit Court - criminal**

Nature of matter	Waiting time
Trials	The time from receipt of return for trial to trial date
Sentences	The time from receipt of return for trial to sentence hearing (where plea of guilty entered)
Appeals	The time from receipt of District Court appeal to hearing of appeal

**Circuit Court - civil**

Nature of matter	Waiting time
Trials	The time from receipt of notice of trial to hearing date
Appeals	The time from receipt of District Court appeal to hearing date

**Circuit Court - family**

Nature of matter	Waiting time
Cases	The time from receipt of notice of trial/notice of motion to hearing date
Appeals	The time from receipt of District Court appeal to hearing date

**Circuit Court - Waiting times shown in months (unless otherwise stated)**

Office	Criminal			Civil		Family Law		
	Trials	Sentences	Appeals	Trials	Appeals	Contested cases	Non-contested cases	Appeals
Carlow	N.S.	6	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.
Carrick on Shannon	6	N.S.	N.S.	3-6	3-6	6	N.S.	N.S.
Castlebar	3-6	N.S.	9	6	N.S.	N.S.	N.S.	N.S.
Cavan	9	N.S.	9	12	9	6	N.S.	N.S.
Clonmel	3-6	N.S.	3-6	N.S.	N.S.	N.S.	N.S.	N.S.
Cork	N.S.	N.S.	3	3-6	3-6	N.S.	N.S.	N.S.
Dublin	9	2	1	4	4	3-4*	2	2
Dundalk	12-18	N.S.	N.S.	12	N.S.	6-12	N.S.	6-12
Ennis	6	3	3	5	3	6	N.S.	6
Galway	7-9	3	2	N.S.	N.S.	N.S.	N.S.	N.S.
Kilkenny	3-6	N.S.	N.S.	N.S.	N.S.	6	N.S.	N.S.
Letterkenny	6-9	3-6	N.S.	12-18	12	6-9	N.S.	6-9
Limerick	9-12	12	N.S.	12-15	3-6	N.S.	N.S.	3-6
Longford	3-6	N.S.	N.S.	3-6	N.S.	N.S.	N.S.	N.S.
Monaghan	9-12	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.
Mullingar	6-12	N.S.	N.S.	9-12	3-9	9-12	9-12	9-12
Naas	12	N.S.	N.S.	6-9	N.S.	N.S.	N.S.	N.S.
Portlaoise	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.
Roscommon	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.
Sligo	6	3	3	3-6	3	3	3	3
Tralee	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.
Trim	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.
Tullamore	3-6	3	N.S.	6	N.S.	6	N.S.	N.S.
Waterford	3-6	3-6	N.S.	6	N.S.	6	N.S.	N.S.
Wexford	12	N.S.	6-12	6-12	N.S.	6-12	N.S.	3-6
Wicklow	12	N.S.	18	6-9	N.S.	6	3-6	6

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

**High Court – civil and family****Personal injury****Waiting time: Dublin**

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

**Waiting time in other venues**

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

Venue:	2016	2015
Cork	15 months	23 months
Dundalk	6 months	7 months
Galway	2 months	3 months
Kilkenny/Waterford	7 months	9 months
Limerick	6 months	7 months
Sligo	4 months	6 months

**Insolvency (corporate)****Waiting time:**

The time from the issue of a petition to the allocation of the first return date before the High Court

	2016	2015
Applications to appoint examiner	Date immediately available	Date immediately available
Applications to wind up company	3 weeks	3 weeks

**Other corporate applications****Waiting time:**

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

	2016	2015
Restrict directors	4 weeks	4 weeks

**Insolvency (personal)****Waiting time:**

The time from the issue of a summons/petition to the first return date before the High Court

	2016	2015
Applications to issue summons	Date immediately available	Date immediately available
Applications for adjudication	Date immediately available	Date immediately available

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

Nature of application	Waiting time	2016	2015
Liberty to enter list (motion)	The time from the issue of a summons to the first return date before the High Court	Date immediately available	Date immediately available
Full hearing	The time from the first return date to the date of the full hearing	1 week to 4 months depending on time required for hearing	1 week to 4 months depending on time required for hearing

**Competition list**

Nature of application	Waiting time	2016	2015
Monday motion list	The time from the issue of a notice of motion to the first return date before the High Court	3 weeks	3 weeks

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

Nature of application	Waiting time	2016	2015
Monday motion list	The time from the issue of a notice of motion to the first return date before the High Court	4 weeks	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	4 months	3 months
Special summonses (Master's Court)	The time from the issue of a summons to the first return date before the Master of the High Court	4 weeks	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	3 weeks	3 weeks

*Possession*

Nature of application	Waiting time	2016	2015
Special summonses for possession	The time from the issue of a summons to the first return date before the Master of the High Court	4 weeks	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	3 weeks	3 weeks

*Mortgage suits*

Nature of application	Waiting time	2016	2015
Special summonses for well charging order	The time from the issue of a summons to the first return date before the Master of the High Court	4 weeks	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	3 weeks	3 weeks

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

Nature of application	Waiting time	2016	2015
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	18 weeks	16 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	10 months	5 months
Full hearing – cases more than one week in duration	As above	10 months (3 months for parties willing to travel to Cork)	9 months (3 months for parties willing to travel to Cork)

*Appeals from the Circuit Court*

Nature of application	Waiting time	2016	2015
Full hearing – cases less than one week in duration	The time from the lodgement of the books of appeal to the allocation of the first date for hearing before the High Court	10 months	5 months
Full hearing – cases more than one week in duration	As above	10 months	9 months (3 months for hearing in Cork)

*Judicial review: asylum related*

Nature of application	Waiting time	
	2016	2015
Pre-leave	4 months	9 months
Post leave	4 months	4 months

**Judicial review: other**

Nature of application	Waiting time	
	2016	2015
Pre-leave	Application made <i>ex parte</i> on any Monday	Application made <i>ex parte</i> on any Monday
Post leave	5 months	4 months

**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	
2016	2015
2 months	4 months

**Garda Compensation Act**

Nature of application	Waiting time	2016	2015
Special summons	The time from the issue of a summons to the first return date before the Master of the High Court	4 weeks	4 weeks
Full hearing	The time from the date of transfer from the Master's Court to the first return date before the High Court	5 weeks	4 weeks

**Proceeds of Crime Act**

Waiting time:	2016	2015
The time from receipt of application to hearing	Date immediately available	Date immediately available

**Master's court**

Nature of application	Waiting time	2016	2015
Motions	The time from the issue of a notice of motion to the first return date before the Master	4 weeks	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	
2016	2015
4 weeks	3 weeks

**Family**

Nature of application	Waiting time	
	2016	2015
Urgent applications	Within 3 weeks	Within 3 weeks
Non-contested cases	Within 3 months	Within 3 months
Contested cases	Within 3 months	Within 3 months
Applications under Hague Luxembourg Convention	Case must be dealt with within 6 weeks	Case must be dealt with within 6 weeks
Appeals from Circuit Court	Within 3 months	Within 3 months

**High Court – Criminal****Central Criminal Court**

Nature of matter	Waiting time	
Murder and rape trials	The time from the first listing of a case before the Central Criminal Court on return for trial from the District Court, to the trial date	
Bail applications	The date from the issue of a notice of motion to the date the matter is first listed before the High Court	
	2016	2015
Murder and rape trials	13 months	13-14 months
Bail	Date immediately available	Date immediately available

### Special Criminal Court

Waiting time	
The time from when a charge sheet is received to the trial date	
<b>2016</b>	2015
15 months	18 months

### Court of Appeal - Civil

Waiting time		
The time from when an appeal is entered into the court list to the date of hearing		
	<b>2016</b>	2015
Appeals	18 months*	10 months
Fast tracked short appeals	9 months**	-
* appeals requiring more than two hours		
** depends on time available		

### Court of Appeal - Criminal

Waiting time		
The time from when an appeal is entered into the court list to the date of hearing		
	<b>2016</b>	2015
Appeals	4 months	2 months
Article 40/habeas corpus appeals	1 month (or less)	-
European Arrest Warrant / Judicial Review appeals	Within the current legal term	-

### Supreme Court

Nature of application	Waiting time	2016	2015
Applications for leave to appeal	The time from the filing of complete documentation to the determination of the application	3 weeks	10 weeks
New jurisdiction appeals	The time from the determination of the leave application to the hearing of the appeal	38 weeks	24 weeks
Legacy (not including priority) appeals	The time from the filing of complete documentation to the hearing of the appeal	41 months	41 months



## CHAPTER 4 – CORPORATE GOVERNANCE

Governance can be described as the set of responsibilities and practices, policies and procedures used by an organisation to provide strategic direction, ensure objectives are achieved, risks are managed and resources used responsibly and with accountability. High standards of governance in State bodies contribute to the overall economic efficiency of the State.

The Service has strong governance arrangements in place at organisational and Board level providing a framework of rules and practices to ensure accountability, fairness and transparency across organisational activities. These arrangements are not fixed – they must evolve, in accordance with best practice, as the needs of the organisation and the needs of those who use the courts develop.

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

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

### Corporate Governance Standard for the Civil Service

A Corporate Governance Standard for the Civil Service was published by DEPR in 2015. It sets out a summary of good governance principles and an adaptable Governance Framework to be used in documenting each organisation’s arrangements. The Standard requires each organisation to publish a framework document which sets out the statutory framework including the governance arrangements in place; its role, function and organisational structure, information on strategic and business planning processes; and the accountability, audit and assurance arrangements.

The Service published a revised framework document in April which reflects the responsibilities, structure and governance of the organisation in line with the new Standard. It sets out the statutory framework for the Service as set out in the Courts Service Act 1998, the structure of the organisation, the role of the Board, Committees of the Board, the Chief Executive and Senior Management Team and the governance and accountability/assurance arrangements already in place. The framework document will evolve over time and will be updated and reviewed as appropriate.

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

An Agency Framework Agreement, in accordance with best corporate governance practice and the requirements of the CPGSB, was put in place between the Service and the Department of Justice and Equality for 2016. The objective of the agreement is to enhance the working relationship between the Service and the Department, support the Service in carrying out its functions and assess performance of those functions through review of agreed mutual commitments, annual targets, output and outcome indicators.

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

The code provides a framework for the application of best practice in corporate governance by both commercial and non-commercial State bodies. It concerns both the internal practices of the State bodies and their external relations with Government, the relevant Minister under whose aegis they fall, the Minister for Public Expenditure and Reform and their respective parent Departments. A revised code was published by DPER in August 2016.

The Board received reports on the revised code prior to its publication and again in October 2016. A gap analysis was carried out to assess the level of compliance and identify additional measures required by the code. The implementation of the code is ongoing.

The Chief Executive provides an annual report on behalf of the Board to the Minister for Justice and Equality providing assurance on compliance with the CPGSB.

## Organisation overview

### *Courts Service Board*

The Service is governed by a Board consisting of a chairperson and 17 other members. In accordance with the Courts Service Act, 1998 the term of office of the Board is three years. The current Board was established on 9th November 2014. The Board is responsible for determining policies for the Service and for overseeing their implementation. It performs these functions directly and through the committees of the Board.

The Board prepares a strategic plan which is submitted to the Minister for Justice and Equality for approval. The Strategic Plan for the period 2014-2017 was approved by the Board in October 2014 and subsequently approved by the Minister.

*The Strategic Plan 2014-2017 sets out the strategic direction for the Service and places continuing emphasis on the implementation of the transformation programme and ensuring value for money. The plan is translated into detailed business work programmes through annual corporate business plans and unit business plans. This in turn is supported by corporate and business unit risk registers.*

The Board reviews and monitors the implementation of the Strategic Plan and approves an annual Corporate Business Plan to ensure a focussed approach to achieving the goals and objectives set out in the Strategic Plan. The Board also approves a number of other annual corporate documents:

Document	Approved by the Board
Corporate Business Plan 2016	December 2015
Corporate Business Plan 2017	December 2016
Annual Report 2015	June 2016
Annual Budget 2016	December 2015
Annual Budget 2017	December 2016
Corporate Risk Register 2016	February 2016
Corporate Risk Register 2017	December 2016
Annual return to Minister for Justice and Equality under the CPGSB	June 2016

In addition, the Board approved the Courts Service ICT Strategy 2016 – 2018 and the Learning and Development Strategy 2016 – 2018 at its meeting in February 2016.

The Board may appoint committees to advise it in relation to the performance of its functions as it thinks fit. The composition and membership of committees is kept under review by the board and during 2016 the Board approved the appointment of an additional external member to the Audit and Risk Committee.

The Board is responsible for the engagement of legal advisors, investment advisors, and fund managers. It approves proposals for contracts and arrangements including the acquisition or disposal of any interest in land or property with a value in excess of €5m, proposals for leases for periods in excess of four years and nine months irrespective of value, and proposals for contracts for consultancy in excess of €500,000. During 2016 the Board approved the award of a contract for the provision of a digital audio recording service for a period of 3 years.

Standing items on the agenda for meetings of the Board include minutes of meetings and reports considered by committees of the Board, financial reports, reports from the Chief Executive, reports from Chief Risk Officer and Head of Resource Management, and details of all new contracts entered into by the Service and recorded on the contract register. The Board approved the Annual Report of the Audit Committee 2016 at its meeting in April.

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

In the development of the policies of the Service and oversight of the implementation of those policies the Board also considered, approved or noted reports on the courthouse building projects, the proposed development of a family law and children court complex in Dublin, and a report on the governance of court funds.

The Board also considered a report on the review of the operation of the Board and its committees during 2016 and kept its operating procedures and those of the committees under review.

The Board held meetings on 8th February, 11th April, 27th June, 17th October and 12th December with an overall attendance rate of 82%.

In April the Board decided to publish an account of each Board meeting on the website of the Service to provide information on matters considered by the Board and decisions made. This is in accordance with best governance practice and promotes transparency in relation to the operation of the Board and the Service. The account of Board meetings is also available on the Service's intranet.

Meetings of committees of the Board were held regularly during the year as outlined in the following table:

Meetings of Committees of the Board	
Finance Committee	1st February, 4th April, 20th June, 10th October and 5th December
Audit and Risk Committee	1st February, 14th March, 20th June, 10th October and 5th December
Building Committee	26th January, 15th March, 14th June, 4th October and 29th November
Family Law Court Development Committee	15th February, 25th April, 13th June, 25th July, 17th October and 28th November
Irish Sentencing Committee	4th March, 2016

An annual fee is payable to non judicial members of the Board (with the exception of the Chief Executive Officer) in the sum of €1,970 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. He prepares an annual budget for approval by both the Finance Committee and the Board with support from the Senior Management Team. He provides regular updates to the Board, the Finance Committee, and other committees of the Board, in regard to the management of the Service, implementation of policy, progress on the strategic plan and the modernisation agenda of the Service.

As mentioned on page 79 the Chief Executive provides an annual report on behalf of the Board to the Minister for Justice and Equality providing assurance on compliance with the CPGSB. The report outlines the organisation's system of internal controls and confirms compliance across a range of headings. In particular, the report affirms compliance with:

- appropriate procedures for financial reporting, internal audit, travel, procurement and asset disposals
- inclusion of a statement on the system of internal financial control
- adherence to codes of business conduct for directors and employees
- compliance with Government guidelines on the payment of directors' fees and
- provision of a draft strategic plan to the relevant Minister prior to the plan being finalised and adopted by the Board.

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

### **Appropriation Account**

The Appropriation Account is the annual financial account of the Service and is furnished to the Comptroller and Auditor General on or before 31st March each year. It is compiled on foot of approved estimates by the Oireachtas and is prepared by the Chief Executive. An extract from the Appropriation Account 2016 submitted to the Comptroller and Auditor General is on page 87.

*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.*

## **Internal Financial Control**

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

The Statement of Internal Financial Control signed by the Chief Executive Officer for the purpose of the Appropriation Account addresses the internal control environment within the Service with particular regard to the financial control environment, the framework of administration, management reporting and internal control. It includes a statement of compliance with procurement guidelines and confirmation that the Service has an audit committee and internal audit function. It also provides assurance from the relevant accounting officers of those votes that the appropriate controls are exercised in the provision of shared services to the Service.

In the case of internal controls, systems can provide only reasonable and not absolute assurance against material misstatement or loss. Breaches of controls, in particular instances of fraud or irregularity, must be brought to the attention of the Comptroller and Auditor General in accordance with public financial procedures. The Service made a nil return in respect of such incidences in 2016. The Service has a policy statement on the prevention and detection of fraud with all cases irrespective of value being reported to the Resource Management Directorate, the Senior Management Team, and the Audit and Risk Committee.

## **Budget Management**

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

## **Performance budgeting**

The Service complies with the performance budgeting format which identifies key outputs, context and impact indicators for the Service. The performance budgeting targets for the Service for 2016 were set out in the Revised Estimates Volume. The key outputs highlighted the work to be undertaken to deliver on the goals set out in the Strategic Plan of the Service, the progress in respect of which is referred to in Chapter 2.

## **Audit and Assurance arrangements**

### ***Audit and Risk Committee***

The Audit and Risk Committee is chaired by a member of the Board and includes a judicial representative from the Court of Appeal, Circuit Court and District Court, and members with significant business expertise and experience within the public and private sectors. The committee plays a fundamental role in ensuring that the Service functions according to good governance, accounting and auditing standards and adopts appropriate management and risk arrangements. It does this by overseeing and advising the Board and the Chief Executive Officer as Accounting Officer on matters relating to financial reporting and budgeting process, financial and operational risks, the effectiveness of internal controls and risk management, the effectiveness of internal and external audit functions, the adequacy of governance procedures, procurement and, value for money issues.

The committee held five meetings in 2016 at which it reviewed and considered a wide range of reports. The Head of Internal Audit and the Head of Resource Management and Chief Risk Officer attend all meetings of the committee. Other heads of directorates and senior managers attend meetings of the committee in relation to matters within their remit. The Chief Executive Officer also meets with the committee to discuss issues of interest and concern and deal with any queries the committee might have.

### ***Internal Audit Function***

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

The Internal Audit Unit operates in accordance with an audit charter approved by the Board and an annual audit plan approved by the Chief Executive Officer and the Audit and Risk Committee. In carrying out

audits, the unit complies with the Institute of Internal Audit Standards, as adapted by the Department of Public Reform and Expenditure for use in Government Departments.

All audit reports are submitted directly to the Chief Executive Officer and to the Audit and Risk Committee who also receive periodic reports showing progress against the plan. The unit completed 22 audits during the year.

### *External audit*

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

### *Risk Management*

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

The Department of Public Expenditure and Reform (DPER) issued revised Risk Management Guidelines in February 2016 the main principals of which have been adopted by the Service. The Risk Management Policy was revised and approved by the Board in October. The policy defines the key principles of risk management, risk appetite (the level of risk that is acceptable to the Service), risk structure, and responsibilities and reporting.

The Service maintains a Corporate Risk Register which is reviewed regularly by the Chief Executive Officer, Senior Management Team, Audit and Risk Committee and the Board. The Register is linked to the annual business planning process and is a key document in enabling the Service deal with the challenges it faces. It sets out the major risks facing the Service together with existing controls and actions to mitigate them, and identifies owners and target dates for completion. It also provides the context through which Heads of Directorates prepare risk registers for their respective directorates.

In line with the risk management policy a comprehensive review of existing risks and actions was undertaken during the year by way of refreshing the Corporate Risk Register.

*The risk management framework continues to be applied on the basis of clearly defined roles and responsibilities at Board, Audit and Risk Committee, and at all levels of management.*

### **Protected Disclosures Act 2014**

The Board maintains a role in relation to oversight of the operation of the policy of the Service under the Protected Disclosures Act 2014.

### **Procurement**

The Service operates under the Public Procurement Guidelines which provides the direction for all procurement policy activity and ensures that the objectives and key principles of competition, equality of treatment and transparency which underpins national and EU rules are complied with and observed.

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

Two new EU Directives, covering procurement in the public service and in the utilities sector, were transposed into Irish law on 5th May 2016. They apply to competitions for contracts above the EU Threshold which are commenced on or after the 18th April 2016 and are designed to improve and streamline public procurement processes and embed more simplified and flexible rules for the selection of suppliers. The features of the EU directives were included as part of procurement training schedule of the Service during 2016.

Responsibility for procurement is devolved to each head of directorate with the Resource Management Directorate taking a lead co-ordination role in promoting awareness of obligations at both national and EU

level. The Directorate provides training for staff, maintains a contract register, procurement plan, and monitors the expenditure subject to the procurement process.

In addition to the contract for the provision of a digital recording service approved by the Board (referred to on page 31), new contracts entered into during 2016 included the outsourcing arrangement for the payment of fines and the printing of related notices under the Fines (Payment and Recovery) Act 2014; desktop and notebook computers; facility management support services (Cork); I.P. telephony service; and photocopying paper. In addition, procurement training was conducted on two occasions during the year.



## CHAPTER 5 – ANNUAL FINANCIAL STATEMENTS

### FINANCIAL HIGHLIGHTS

Expenditure & Income	2016 €000	2015 €000
Current expenditure:		
Pay	48,998	48,907
Non-Pay	26,936	26,817
<b>Total Current</b>	<b>75,934</b>	<b>75,724</b>
Capital expenditure	36,431	31,388
<b>Total gross expenditure</b>	<b>112,365</b>	<b>107,112</b>
<b>Total Income</b>	<b>47,780</b>	<b>48,097</b>
<b>Expenditure net of income</b>	<b>64,585</b>	<b>59,015</b>

Court funds	2016	2015
Funds managed on behalf of wards of court, minors and other beneficiaries at 30th September	€1.676 billion	€1.534 billion

Financial Operations	2016 €000	2015 €000
Fines collected	10,405	13,383
Family law receipts	17,630	17,925
Bail receipts	2,510	2,338
Court fees collected (and retained)*	44,336	44,136
Poor box receipts	1,720	1,498
Civil court and small claims receipts	688	460
<b>Total</b>	<b>77,289</b>	<b>79,740</b>

\* excludes miscellaneous income and the pension levy

### FINANCIAL OVERVIEW

For 2016 total funding net of receipts was €63.669m. This reflects a gross allocation of €109.672m combined with total receipts of €46.003m. Operating within the funding parameters and the achievement of balanced budget is a requirement under Government accounting guidelines. The funding for 2016 reflects a small increase on 2015. Part of the 2016 estimates funding was provision for the recruitment and addition of staff.

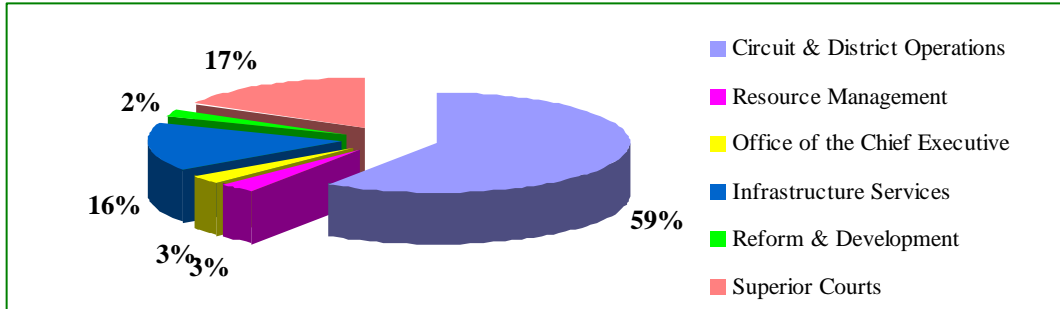
The composition of funding, which is broadly consistent with 2015 reflects that circa 46% is attributable to pay, with 24% relating to the day-to-day operation of the Service, 20% the Unitary Charge for the Criminal Courts of Justice Complex, and the balance of 10% for both ICT and courthouse capital.

During 2016, sanction was approved by the Dáil for additional funding in the area of ICT in addition to utilising excess court fees, the effect of which allowed for additional expenditure of €4.0m across the areas of capital and non pay current.

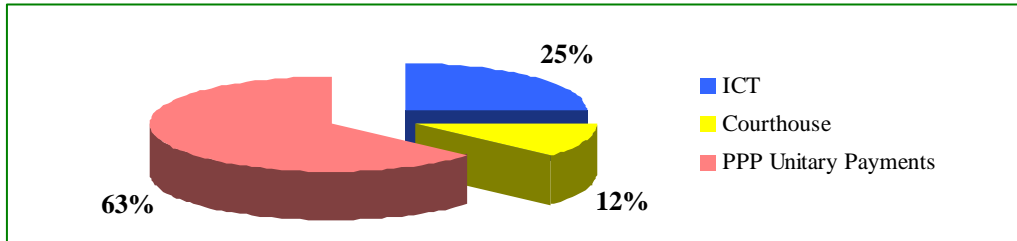
The outturn for 2016 saw the achievement of a balanced budget, with total gross expenditure of €12.365m. for running the Service. This compares with €107.112m in 2015. Expenditure for 2016 compared with that of 2015 can be broken down between total current expenditure, including payroll, non pay totalling €75.934m (€75.724m for 2015), and total capital expenditure, including PPP of €36.431m (€31.385m in 2015).

The funding of the Service is supplemented by court fee income which represents the main source of receipts for the Service. In 2016, this amounted to €44,336m (€44.136m in 2015). In addition to court fee income the Service receipts include miscellaneous income and a pension levy. Court fee income relates to the administrative charge for the processing of civil cases and represents 39% of the total cost of running the Service in 2016.

**Current Expenditure by Directorates 2016 - total spend €75.9m**



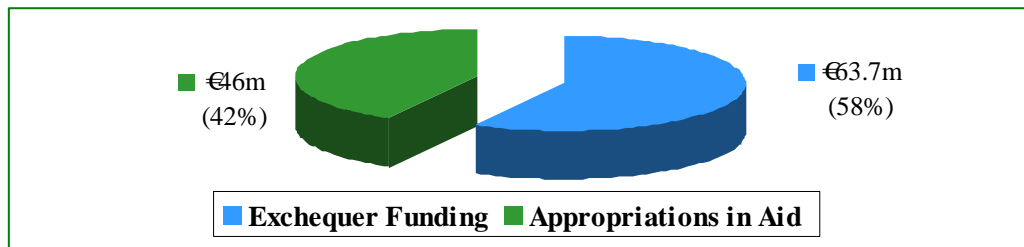
**Capital Expenditure 2016 - total spend €36.4m**



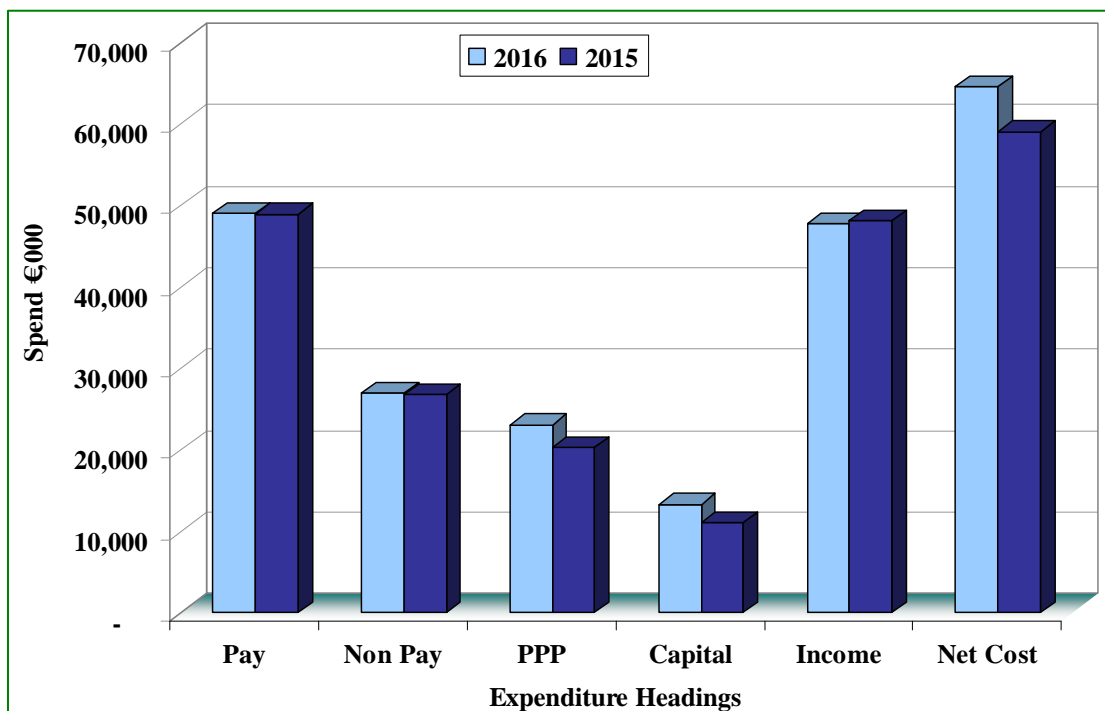
**SOURCES OF FUNDING**

The Service is funded from two primary sources – direct Exchequer funding and *via* Appropriation in Aid (income) generated by the Service, primarily through court fees.

**Diagram 1: Sources of Funding 2016 - total funding €109.7m**



**Diagram 2 : Expenditure/Income analysis: 2016 v 2015**





**COURT FEES**

Court fees are charged in respect of legal documents lodged and services provided in court offices.

The Service also collects fees on behalf of the Revenue Commissioners and the Property Registration Authority. The fees collected on behalf of the Revenue Commissioners include excise duties on certain licensing applications.

<b>Court fees</b>	<b>2016 (000's)</b>	<b>2015 (000's)</b>
Retained by the Courts Service *	44,336	44,136
Revenue Commissioners	4,935	5,033
Property Registration Authority	0	1
<b>Total</b>	<b>49,271</b>	<b>49,170</b>
* court fees only.		

**EXTRACT FROM APPROPRIATION ACCOUNT**

<b>Expenditure and Income</b>	<b>2016 €000</b>	<b>2015 €000</b>
<b>Current Expenditure</b>		
Salaries and wages	48,998	48,907
Travel and subsistence	2,768	2,893
Staff and judicial training	594	403
Digital audio recording and other fees	2,622	2,725
Legal services	696	663
Postal services	1,100	1,266
Telecommunications	935	1,381
Office equipment and materials	643	573
Courthouse maintenance	7,321	7,133
Heat, light and fuel costs	2,529	2,734
Furniture and fittings	260	150
Leases	5,173	4,987
Consultancy (non I.T. related)	84	69
Incidental/ miscellaneous costs	2,210	1,840
<b>Total Current Expenditure</b>	<b>75,934</b>	<b>75,724</b>
<b>Capital Expenditure</b>		
Computer and telecommunications systems	9,123	6,492
Courthouses and other buildings	4,223	4,602
PPP – Unitary Payment	23,085	20,294
<b>Total Capital Expenditure</b>	<b>36,431</b>	<b>31,388</b>
<b>Total Gross Expenditure</b>	<b>112,365</b>	<b>107,112</b>
<b>Income (Appropriations - in - Aid)</b>		
Fees	44,336	44,136
Miscellaneous	1,497	1,288
Pension levy	1,947	2,673
<b>Total Income</b>	<b>47,780</b>	<b>48,097</b>
<b>Total Net Expenditure</b>	<b>64,585</b>	<b>59,015</b>

Note: The figures are provisional and subject to audit by the Comptroller and Auditor General.

**PROMPT PAYMENT OF ACCOUNTS ACT 1997****Payment practices**

Prompt payment interest provides for the payment of interest to suppliers for invoices not paid within 30 days. The Service has procedures in place to ensure that all invoices are paid within the time limits identified on the invoices or, if no time limit is specified, within the statutory time limit. While the procedures have been designed to ensure compliance with the Act, they only provide reasonable and not absolute assurance against material non compliance with the Act.

*Prompt payment interest*

Prompt payment interest and compensation is paid to suppliers in respect of invoices not paid within 30 days of receipt. In 2016, the total amount paid out in respect of late payments was €6,208.58

Late payments			
Year	Interest amount	Compensation amount	Total
2016	€1,428.58	€4,780.00	€6,208.58
2015	€84.60	€3,330.00	€3,714.60

*15 day payment requirement*

The Service makes every effort, consistent with proper financial procedures, to ensure that all suppliers are paid within 15 days.

Prompt Payment Quarterly Returns by Government Departments				
Agency: Courts Service				
Year	% of overall total value paid within 15 days	Value of payments within 15 days	% no. of payments within 15 days	No. of payments within 15 days
2016	89%	€47,609,245	76%	7,376
2015	89%	€41,840,617	76%	7,180

**COURT FUNDS OFFICE – COURT FUNDS**

The Service, in accordance with the Courts Service Act 1998, is responsible for the management and administration of the courts and the provision of support services for judges. It is in this capacity that the Service has a role in the management and investment of court funds, which are held in trust by the courts. These funds are invested in line with the provisions of the Trustee (Authorised Investments) Act, 1958 and subsequent orders.

At the 30th September 2016 the Accountant's Office was managing €1.675 billion in a fiduciary capacity (€1.534 billion, at 30th September 2015) on behalf of more than 20,000 beneficiaries. 2,850 of these beneficiaries are persons who have been declared wards of court with funds valued at €1.142 billion as at 30th September 2016. A further 15,394 are minors with funds valued at €299 million. The remainder mostly consist of cases pending further court orders, Residential Redress Board cases, lodgements with defence case types and the Insurance Compensation Fund.

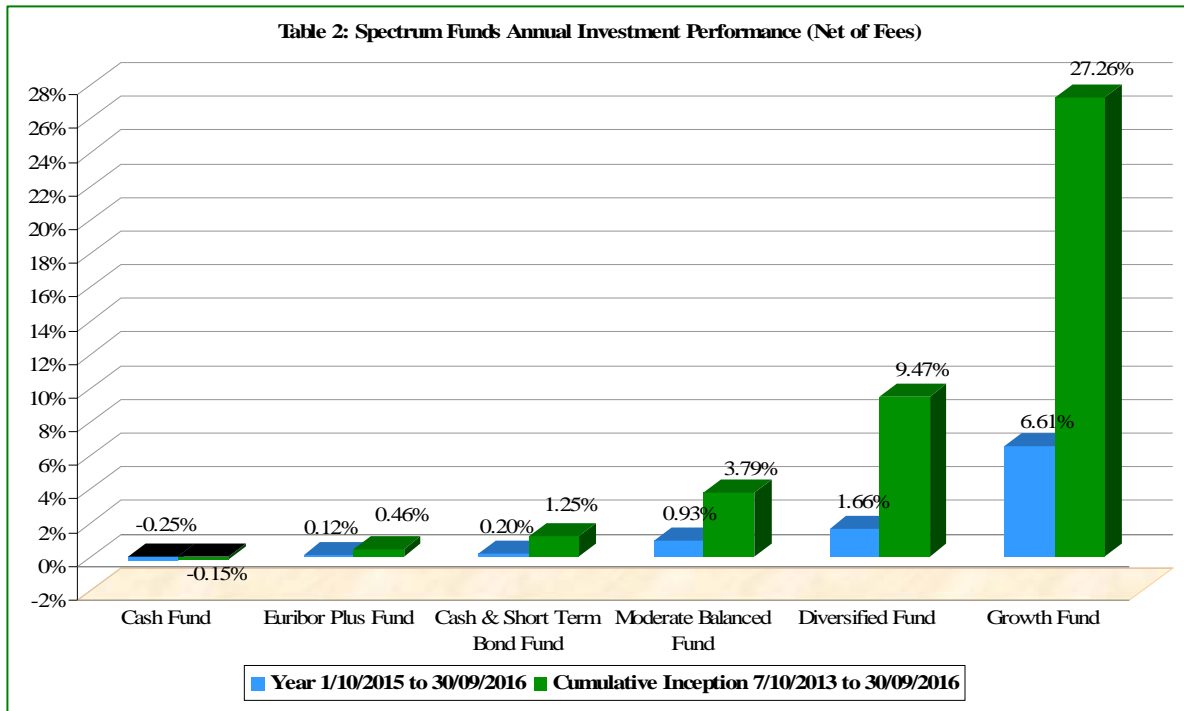
This is further analysed between the three court jurisdictions in table 1. The increase in the total value of funds by €142 million (9.3%) is attributable to a net increase from investment performance of €37 million for the year (€8.8 million in 2015) and an increase in net capital transactions of €105 million (€1.9 million in 2015) (*i.e.* net excess receipts over disbursements).

**Table 1: Total net assets under management - by jurisdiction**

	Net assets € at 30/09/2015	%	Net assets € at 30/09/2016	%	% Increase in net assets
High Court	1,390,397,552	90.7%	1,520,000,522	90.7%	+9.3%
Circuit Court	134,616,440	8.8%	142,448,850	8.5%	+5.8%
District Court	8,677,356	0.6%	13,310,912	0.8%	+53.4%
<b>Total</b>	<b>€1,533,691,348</b>	<b>100%</b>	<b>€1,675,760,284</b>	<b>100%</b>	<b>+9.3%</b>

**Investment performance**

Table 2 shows investment performance, net of fees, for all existing strategies for the financial year 1st October 2015 to 30th September 2016 and the cumulative performance since inception of the current range of funds in October 2013. The net returns for the financial year were as follows: Cash Fund (-0.25%), Euribor Plus Fund (+0.12%), Cash and Short Term Bond Fund (+0.20%), Moderate Balanced Fund (+0.93%), Diversified Fund (+1.66%), and Growth Fund (+6.61%).



Note: Full details are contained in the annual report of the Financial Statements of the Accountant of the Courts of Justice for the year ending 30th September 2016 and is available on [www.courts.ie](http://www.courts.ie)

**THE OFFICE OF THE ACCOUNTANT OF THE COURTS OF JUSTICE**

**EXTRACT FROM THE AUDITED FINANCIAL STATEMENTS AS AT 30TH SEPTEMBER 2016**

<b>Statement of financial position at 30th September 2016</b>		
	<b>30/9/2016</b>	<b>30/9/2015</b>
	<b>€</b>	<b>€</b>
Financial assets at fair value through profit or loss	1,628,406,846	1,500,050,470
<b>CURRENT ASSETS</b>		
Debtors	24,405,953	19,034,989
Cash and cash equivalents	24,165,674	15,504,541
<b>TOTAL CURRENT ASSETS</b>	<u>48,571,627</u>	<u>34,539,530</u>
<b>CURRENT LIABILITIES</b>		
Creditors	(1,218,189)	(898,652)
<b>TOTAL CURRENT LIABILITIES</b>	<u>(1,218,189)</u>	<u>(898,652)</u>
<b>NET CURRENT ASSETS</b>	<u>47,353,438</u>	<u>33,640,878</u>
<b>TOTAL NET ASSETS</b>	<u><u>1,675,760,284</u></u>	<u><u>1,533,691,348</u></u>
<b>Represented by:</b>		
Funds held for beneficiaries	<u><u>1,675,760,284</u></u>	<u><u>1,533,691,348</u></u>

The financial statements were approved by the Accountant on 20 February 2017.

**THE OFFICE OF THE ACCOUNTANT OF THE COURTS OF JUSTICE**

**EXTRACT FROM THE AUDITED FINANCIAL STATEMENTS AS AT 30TH SEPTEMBER 2016**

<b>Statement of comprehensive income for the year ended 30th September 2016</b>		
	<b>30/9/2016</b>	<b>30/9/2015</b>
	<b>€</b>	<b>€</b>
<b>NET REALISED AND UNREALISED GAINS</b>		
Net realised gains on financial assets at fair value through profit or loss	10,029,664	8,784,977
Net change in unrealised gains on financial assets at fair value through profit or loss	29,059,344	11,875,810
Net losses realised on transfers of assets	-	(6,507)
<b>NET REALISED AND CHANGE IN UNREALISED GAINS</b>		<u>39,089,008</u>
Investment income	156,267	218,687
	<u>39,245,275</u>	<u>20,872,967</u>
Expenses	(2,216,571)	(2,022,561)
<b>INCREASE IN NET ASSETS FROM OPERATIONS</b>	<u><u>37,028,704</u></u>	<u><u>18,850,406</u></u>

The financial statements were approved by the Accountant on 20 February 2017.

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

### EXTRACT FROM THE AUDITED FINANCIAL STATEMENTS AS AT 30TH SEPTEMBER 2016

Statement of changes in net assets for the year ended 30th September 2016		
	30/9/2016	30/9/2015
	€	€
<b>INCREASE IN NET ASSETS RESULTING FROM OPERATIONS</b>		
Investment income less expenses	(2,060,304)	(1,803,874)
Net realised gains on financial assets at fair value through profit or loss	10,029,664	8,784,977
Net change in unrealised gains on financial assets at fair value through profit or loss	29,059,344	11,875,810
Net losses realised on transfers out during year	-	(6,507)
<b>INCREASE IN NET ASSETS FROM OPERATIONS</b>	<b>37,028,704</b>	<b>18,850,406</b>
<b>CAPITAL TRANSACTIONS</b>		
Receipts	494,247,084	461,730,858
Disbursements	(389,206,852)	(419,797,659)
<b>INCREASE IN NET ASSETS FROM CAPITAL TRANSACTIONS</b>	<b>105,040,232</b>	<b>41,933,199</b>
Total Increase in net assets for the year	142,068,936	60,783,605
Net assets at beginning of year	1,533,691,348	1,472,907,743
<b>NET ASSETS AT END OF YEAR</b>	<b>1,675,760,284</b>	<b>1,533,691,348</b>

The financial statements were approved by the Accountant on 20 February 2017.

### COURTS FUNDS OFFICE – COURTS ACCOUNTS SECTION

The Court Accounts Section of the Courts Funds Office operates as a shared services centre for the processing for the offices dealing with financial transactions generated by the work of the Circuit Court and District Court. The total volume of transactions – both receipts and payments – for 2016 was 550,246 (560,973 in 2015) with a monetary value of €165.8m (€171.8m in 2015).

### FINES

The Service manages and receipts fines imposed by the courts. Court fines received are transferred to the Exchequer and a number of other government departments and agencies.

Court fines collected and transferred	2016 (€000's)	2015 (€000's)
Exchequer (motor fines)	5,606	6,734
Exchequer (general) *	3,307	4,217
Revenue Commissioners	1,421	1,633
Department of Communications, Energy and Natural Resources	19	25
Department of Agriculture, Fisheries and Food	187	774
<b>Total</b>	<b>10,540</b>	<b>13,383</b>
* Includes monies transferred to the Exchequer in relation to unclaimed bail monies over 3 years old of €38,000 for 2016 and €295,000 for 2015.		

### FINES (PAYMENTS AND RECOVERY) ACT 2014

Prior to the introduction of the Act the compliance rate for the payment of fines had reached an annual level of 85%. Given the significantly different collection arrangements under the new Act it will be approximately two years before the Service can make a proper assessment of the compliance rate.

Fines imposed			
2016		2015	
Value	Volume	Value	Volume
€26,332	83,930	€1,360	89,182

## FAMILY LAW

The Service processes family law payment for both maintenance debtors and creditors.

Family law: Receipts and Payments				
	2016		2015	
	€000	Volume	€000	Volume
Receipts	€17,630	218,320	€17,925	222,227
Payments	€17,630	213,684	€17,944	216,489

The Service continues to encourage users to avail of electronic funds transfer (EFT) as the preferred method of payment with 94% of family law maintenance creditors paid by EFT in 2016, and 78% of family law maintenance debtors making payment by standing order.

Family Law: Electronic Funds Transfer	2016	2015
% family law paid <i>via</i> electronic funds transfer (% volume)	94%	93%

## POOR BOX

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

	Balance at 01/01/2016 €	Receipts 2016 €	Payments 2016 €	Balance at 31/12/2016 €
District Court	€99,179.39	€1,720,268.80	€1,549,674.53	€783,488.66

## 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 2016

The Chief Justice, the Hon. Mrs Justice Susan Denham (Chairperson)  
 The President of the Court of Appeal, the Hon. Mr Justice Sean Ryan (Vice Chairperson)  
 The President of the High Court, the Hon. Mr Justice Peter Kelly (Vice Chairman)  
 The Hon. Mr. Justice William McKechnie, judge of the Supreme Court  
 The Hon. Ms. Justice Mary Laffoy, judge of the Supreme Court  
 The Hon. Ms Justice Mary Finlay Geoghegan, judge of the Court of Appeal  
 The Hon. Mr Justice Michael Peart, judge of the Court of Appeal  
 The Hon. Mr Justice Anthony Barr, judge of the High Court  
 The Hon. Ms Justice Deirdre Murphy, judge of the High Court  
 The Master of the High Court, Mr. Edmund W. Honohan S.C.  
 Mr. Conor Dignam S.C., nominated by the Council of the Bar of Ireland  
 Ms. Grainne Larkin B.L., nominated by the Council of the Bar of Ireland  
 Mr. Stuart Gilhooly, solicitor, nominated by the Council of the Law Society of Ireland  
 Mr. Michael Kavanagh, 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 Committee met on 5 occasions during 2016. The following rules of the Superior Courts were signed by the Minister for Justice and Equality between the 1st January 2016 and the 31st December 2016:-

S.I. No.	Title	Signed by Committee	Operative date
9 of 2016	Rules of the Superior Courts (Jurisdiction, Recognition and Enforcement of Judgments) 2016	12/02/2015	12/01/2016
10 of 2016	Rules of the Superior Courts (Jurisdiction, Recognition and Enforcement of Judgments)(No. 2) 2016	28/04/2015	13/01/2016
16 of 2016	Rules of the Superior Courts (Children and Family Relationships Act 2015) 2016	29/10/2015	18/01/2016
83 of 2016	Rules of the Superior Courts (Order 15) 2016	12/02/2015	25/02/2016
124 of 2016	Rules of the Superior Courts (Appeals from the Circuit Court) 2016	28/04/2015	31/03/2016
148 of 2016	Rules of the Superior Courts (Service of Documents) 2016	29/10/2015	03/05/2016
161 of 2016	Rules of the Superior Courts (Choice of Court (Hague Convention) Act 2015) 2016	28/01/2016	08/05/2016
232 of 2016	Rules of the Superior Courts (Bankruptcy) 2016	07/04/2016	01/06/2016
254 of 2016	Rules of the Superior Courts (Conduct of Trials) 2016	29/10/2015	01/10/2016
255 of 2016	Rules of the Superior Courts (Chancery and Non-Jury Actions and other designated proceedings: Pre-trial procedures) 2016	29/10/2015	01/10/2016
450 of 2016	Rules of the Superior Courts (Construction Contracts Act) 2016	21/07/2016	22/08/2016
471 of 2016	Rules of the Superior Courts (Order 122) 2016	21/07/2016	10/10/2016

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

- o Rules of the Superior Courts (Taxation of Costs) 2016

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

- o Draft Rules of the Superior Courts (Child Care)
- o Draft Rules of the Superior Courts (Recovery of Benefits and Assistance Scheme)
- o Draft Rules of the Superior Courts (Jurisdiction, Recognition and Enforcement of Judgments) (No. 3) 2016
- o Draft Rules of the Superior Courts (European Account Preservation Order) 2016

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 judgement and granting of summary judgement in appropriate cases) of the Circuit Court and the use of the national language therein amongst other things.

### MEMBERSHIP OF THE COMMITTEE AT YEAR ENDING 31ST DECEMBER 2016

The Hon. Mr. Justice Raymond Groarke President of the Circuit Court (Chairman)  
Her Honour Judge Jacqueline Linnane, judge of the Circuit Court  
Her Honour Judge Sarah Berkeley, judge of the Circuit Court  
Ms. Roisin Lacey S.C., nominated by the Council of the Bar of Ireland  
Mr. David Dodd B.L., nominated by the Council of the Bar of Ireland  
Ms. Fiona Duffy, solicitor, nominated by the Law Society of Ireland  
Mr. Keith Walsh, Solicitor, nominated by the Law Society of Ireland  
Mr. Ronan Boylan, Office of the Chief State Solicitor – appointed to act in place of the Attorney General under Section 36(4) of the Courts and Court Officers Act 2002  
Mr. Noel Rubotham, Director of Reform and Development, Courts Service, to whom membership has been delegated by the Chief Executive Officer of the Courts Service under Section 30(2) of the Courts Service Act 1998  
Ms Rita Considine, County Registrar, Dublin  
Ms. Mairead Ahern, County Registrar, Louth, nominated by the Chief Executive Officer of the Courts Service under Section 69(4)(d) of the Courts of Justice Act 1936 as amended.

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

*Drafting Services:* Mr. Sean Barton of McCann Fitzgerald Solicitors

The Committee met on 2 occasions in 2016. The following rules of the Circuit Court were signed by the Minister for Justice and Equality between the 1st January 2016 and the 31st December 2016:

S.I. No.	Title	Signed by Committee	Operative date
18 of 2016	Circuit Court Rules (Children and Family Relationships Act 2015) 2016	20/10/2015	18/01/2016
84 of 2016	Circuit Court Rules (Gender Recognition Act) 2016	20/10/2015	25/02/2016
85 of 2016	Circuit Court Rules (Local Elections (Petitions and Disqualifications) Act 1974) 2016	20/10/2015	25/02/2016
171 of 2016	Circuit Court Rules (Actions for Possession, Sale and Well-Charging Relief) 2016	08/03/2016	19/05/2016
172 of 2016	Circuit Court Rules (Choice of Court (Hague Convention) Act 2015) 2016	08/03/2016	19/05/2016
432 of 2016	Circuit Court Rules (Jurisdiction and the Recognition and Enforcement of Judgments in Civil or Commercial Matters) 2016	07/06/2016	01/09/2016
433 of 2016	Circuit Court Rules (Judges' Robes) 2016	07/06/2016	03/10/2016

The Circuit Court Rules Committee set up a Consultative Group, comprising nominees of the Law Society, the Bar Council, the Courts Service, the Dublin Solicitors Bar Association, the Family Lawyers Association and the County Registrar for Dublin, to review practice and procedure in Family Law proceedings in the Circuit Court. Her Honour Judge Sarah Berkeley was appointed to act as convener of the Group which met



on 4 occasions at which certain amendments to Order 59 were suggested for submission to the Rules Committee for consideration.

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.

### MEMBERSHIP OF THE COMMITTEE AT YEAR ENDING 31ST DECEMBER 2016

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 Law Society of Ireland  
 Mr. Shane McCarthy, solicitor, nominated by the Law Society of Ireland  
 Mr. Niall Nolan, 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 of McCann Fitzgerald Solicitors

The Committee met on 3 occasions during 2016. The following rules of the District Court were signed by the Minister for Justice and Equality between the 1st January 2016 and the 31st December 2016:

S.I. No.	Title	Signed by Committee	Operative date
17 of 2016	District Court (Children and Family Law Relationships Act 2015) Rules 2016	28/09/2015	18/01/2016
19 of 2016	District Court (Fines) Rules 2016	30/11/2015	18/01/2016
82 of 2016	District Court (Form 34.47) Rules 2016	11/05/2015	25/02/2016
123 of 2016	District Court (Solicitors' costs) Rules 2016	11/05/2015	31/03/2016
149 of 2016	District Court (Amendment) Rules 2016	25/01/2016	03/05/2016
252 of 2016	District Court (Criminal Justice (Miscellaneous Provisions) Act 1997) Rules 2016	09/05/2016	16/06/2016
506 of 2016	District Court (Housing) Rules 2016	25/07/2016	21/10/2016
513 of 2016	District Court (Issue of civil proceedings) Rules 2016	25/07/2016	08/11/2016
567 of 2016	District Court (Criminal Justice (Forensic Evidence and DNA Database System) Act 2014) Rules 2016	25/07/2016	22/12/2016

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

- o District Court (Children) Rules 2015
- o District Court (Enforcement of Court Orders) Rules 2016
- o District Court (Children) Rules 2016

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

- o District Court (Civil Debt (Procedures)) Rules 2016
- o District Court (International Protection Act 2015) Rules 2016

Liz Hughes  
Secretary



## CHAPTER 7 – LEGISLATIVE PROVISIONS

The review of the content and provision of input to proposed legislation (Schemes of Bills, Bills, draft Statutory Instruments, and draft EU legal instruments) to ascertain whether provisions affect court operations or impact or require new court procedures remains a priority for the Service.

Notable examples of legislation, or proposed legislation, in which the Service was involved or into which it provided input in 2016 are:

### **FINES (PAYMENT AND RECOVERY) ACT 2014**

This Act, signed into law on 16th April 2014, provides for the payment and recovery of fines imposed on persons convicted of offences. The Act allows the payment of a fine by instalment where the fine exceeds €100. It provides for a range of possible sanctions where a fine is unpaid, including attachment of earnings, the appointment of a receiver (where the amount of a fine imposed on an individual exceeds €500), the making of a community service order, or, where none of the other sanctions are considered appropriate, the commitment to prison of the fined person.

The Act commenced on 11th January 2016.

### **ASSISTED DECISION-MAKING (CAPACITY) ACT 2015**

This Act will make significant changes to the law relating to capacity and decision-making arrangements. The Act provides for repeal of the legislation regulating wardship and replacement of wardship with a new regime of decision-making assistance, support and representation. Jurisdiction under the Act will be exercised primarily by the Circuit Court, with certain jurisdiction being reserved to the High Court.

Some sections of this Act commenced on 17th October 2016.

### **LEGAL SERVICES REGULATION ACT 2015**

This Act will replace the system of taxation of costs and the function of the Taxing Master with a regime for legal costs adjudication operated by legal costs adjudicators.

Some sections of this Act commenced on 19th July 2016; others commenced on 5th December 2016.

### **BANKRUPTCY (AMENDMENT) ACT 2015**

This Act, signed into law on 25th December 2015, includes provision for reduction of the duration of bankruptcy ordinarily applicable and for the automatic re-vesting in the bankrupt of his or her family home, shared home or principal private residence in certain circumstances.

Some sections of this Act commenced on 29th January 2016, the remaining sections commenced on 1st June 2016.

### **CHILDREN AND FAMILY RELATIONSHIPS ACT 2015**

This Act, signed into law on 6th April 2015:

- provides for certain matters relating to donor-assisted human reproduction and the parentage of children born as a result of donor-assisted human reproduction procedures
- provides for the establishment and maintenance of a register to be known as the National Donor-Conceived Person Register
- amends and extends the law relating to the guardianship and custody of, and access to, children and for those purposes to amend the Guardianship of Infants Act 1964
- extends the category of persons who may be liable for the maintenance of children and for that purpose to amend the Family Law (Maintenance of Spouses and Children) Act 1976, and for that and other purposes to amend the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010
- provides for the use in certain circumstances of DNA testing to determine parentage and for that and other purposes amends the Status of Children Act 1987
- amends the Family Law Act 1995
- amends the category of persons who may adopt children and for that and other purposes amends the Adoption Act 2010

- o makes consequential amendments to the Succession Act 1965, the Civil Registration Act 2004 and other enactments; and
- o provides for related matters.

Some sections of this Act commenced on 18th January 2016.

#### **COURTS ACT 2016**

This Act, signed into law on 28th December 2016, amends certain enactments concerning the jurisdiction of the Circuit Court and the District Court, amends sections 60 and 67 of the Valuation Act 2001, amends section 170A(3) of the Planning and Development Act 2000, amends the Eighth Schedule to the Courts (Supplemental Provisions) Act 1961 and section 139 (2) of the Legal Services Regulation Act 2015, repeals certain enactments in relation to the jurisdiction of the District Court and Circuit Court in certain licensing matters and provides for related matters.

The Act, with the exception of section 2, commenced on 28th December 2016.

#### **THE CRIMINAL JUSTICE (VICTIMS OF CRIME) BILL 2016**

The main purpose of the Bill is to transpose into Irish law Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replace Council Framework Decision 2001/220/JHA. For that purpose the Bill proposes amendments to the Criminal Evidence Act 1992, the Criminal Justice Act 1993 and the Courts Service Act 1998; and provides for related matters

The Bill was published on 29th December 2016.

## **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).

### **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 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).

### **SOLICITORS**

Byrne Wallace, solicitors  
88 Harcourt Street  
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).*





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