



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





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HUNDRED YEARS
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foreword

by the Chairperson of the Board



This is the fifth Annual Report of the Courts Service which, in reviewing its strategies and activities for the year 2004, demonstrates the exceptional progress which has been made in modernising the administration and functioning of the Courts system over the relatively short time span since its establishment.

In addition to the Four Courts complex, which is the primary seat of the administration of justice in Ireland, the Courts Service also exercises administrative responsibility for some 180 courthouses and court venues throughout the country. More important there are some 1,030 staff of the Courts Service daily engaged in providing a vast array of services and administrative support to the judiciary, the public and other court users.

The constant evolution in our social and economic environments has resulted in continuous growth in the range and nature of the services which the Courts Service is required to provide. For similar reasons not only has the volume of cases coming before the courts augmented greatly but their range, diversity and complexity continues to increase. These developments have required the

Courts Service to adopt effective and innovative strategies to meet the resulting demands on it. It is in this context that the Annual Report reviews the functioning of the Courts Service during the year 2004 and in particular identifies the strategies which were adopted to meet both the existing and new demands on its role and functions. As the Report discloses, a great deal of success has been achieved with these strategies and it would be remiss of me not to identify the reason for those successes as being the willingness of the staff of the Courts Service, at all levels, not only to accept and implement, on a day-to-day basis, new ideas and new practices but also to initiate much of those innovations from within the Courts Service itself.

The following are just some of the matters which are indicative of developments during that year:

- ▶ Innovations in the areas of Information Technology featured strongly in 2004. A Criminal Case Management System was installed and became operational across the country. This involved 41 separate offices. We now have an integrated electronic record in respect of 95% of all criminal cases nationwide – these cases being tracked during their full lifecycle. This new system involved the introduction of a major business change programme and the training of 300 staff. It was completed within 6 months.
- ▶ New court buildings around the country have been the most public manifestation of the dynamic nature of the



Foreword

Courts Service in the past five years. Last year two major refurbishments were completed in Castlebar and Ennis – both are now modern and accommodating friendly places in which to conduct legal business. They take their place amongst an increasingly impressive stock of top class court buildings.

- ▶ The area of Court Funds was afforded a high priority throughout the year. Having appointed fund managers in 2003 we transferred 70% of the total funds into investment vehicles established to meet the specific requirements of the beneficiaries of Court Funds. At the end of the year €515 million of these monies had been invested in the new investment vehicles.
- ▶ In relation to Customer Service, 2004 was a productive year. In July we hosted a Customer Service Forum and conducted a survey of those who use our court offices. In August we published our Customer Service Charter – a statement of the standards of service court users can expect when dealing with the Courts Service. In this spirit of

striving to meet court users needs we have also appointed Customer Service Liaison Officers.

- ▶ Administrative changes and improved physical facilities also impacted greatly on the work of the courts. The provision of a new County Registrar's court in Dublin enabled the equivalent of an extra sitting day per week to become a reality for the Circuit Court. This has also allowed for time for District Court Appeals.
- ▶ Our mandate to provide information to the public saw an expansion of the catalogue of leaflets and brochures available. Explanatory leaflets were produced in relation to the Small Claims procedure, the Probate office, and the office of the General Solicitor for minors and wards of court. The numbers of publications in Irish were increased and included our Annual Report, Freedom of Information manual, Customer Charter and guides to individual courthouses. Visits to our website www.courts.ie continued to increase with almost 600,000 hits during the year. The Service also

catered for 4,303 pupils and 291 teachers from 148 schools and colleges in tours of the Four Courts during 2004.

- ▶ During 2004 a major examination of the procedures which apply to the collection of statistics in all courts was undertaken. The exercises ensured that appropriate measurement criteria had been identified to (a) capture all business conducted by the relevant offices and (b) accurately reflect case volumes and case disposal. The implementation of the fruits of this examination, combined with an electronic reporting facility, in the next 12 months will facilitate better management of resources and time as well as improving the quality of information available generally on the functioning of the courts system.

I refer to the above examples as highlighting the range of the work and the services provided by the Service and as an introduction to the array of progress charted throughout this Report.

The role of administering justice in our courts is conferred on judges appointed under the Constitution.



Foreword

The judiciary have introduced and adopted in recent times continuous improvements and changes in practice and procedures, and in particular case management techniques, to meet the increasing demands being made on the courts as well as to permit the more efficient hearing and disposal of cases. These innovations have been achieved in tandem and cooperation with the Courts Service. I am aware my colleagues in the judiciary greatly appreciate the tremendous support which the work of the Courts Service has provided to the administration of justice.

The Courts Service can now respond to demands for improved services quickly, anticipate such demands for the future and creatively refurbish not only our buildings but also our approach to meeting new challenges which constantly change. Our task is also aided by the wider legal community. The legal professions, other justice agencies and the other state and voluntary agencies with whom we interact have created a sense of partnership in advising and aiding the Courts Service.

I wish to thank the Board of the Service, my judicial colleagues, our C.E.O. Mr P.J. Fitzpatrick and his staff, and as well as members of the legal community for their work and support in the past year.

I would also like to acknowledge the continued support of the Government in particular the Minister for Justice, Equality and Law Reform and the staff of his Department. Knowing that the support and resources exist which are necessary for our work to succeed makes it possible to plan confidently for the future. In this regard we acknowledge also the assistance also given by the Minister for Finance and his Department in furthering our plans for a 22 courtroom Criminal Court Complex for Dublin.

This Report does more than just chart our ongoing efforts and chronicling our progress. It contains much detail by way of statistics relating to the courts. These statistics show that our courts are busier than ever and face an ever increasing diversity of work. The same statistics will be of great assistance to those who study our legal system and those who report on it to the public.

The extent of the work and the skills which have to be deployed in order to produce an Annual Report as all embracing as this one cannot be overstated. On behalf of the Board I would like to thank all those involved in the compilation and presentation of this Report.

John L. Murray

*Chief Justice of Ireland
and Chairperson of the
Courts Service Board*





introduction

by the Chief Executive Officer

This is the fifth occasion on which I have had the pleasure to introduce the Annual Report of the Courts Service.

The Service operates within a legislative framework which contains the statutory mandates: to manage the courts, support the judiciary, provide information to the public, provide, manage and maintain court buildings and provide facilities for court users. Within that framework our work is multi layered, diverse, challenging and rewarding.

In 2004 the courts and court offices dealt with 770,000 matters in areas as diverse as changing a name by deed poll, processing the probate of a will and hearing criminal, civil and family law cases.

The Supreme Court received 531 new appeals last year - a 50% increase since 2001. The Court of Criminal Appeal has seen a reduction in new cases of just over 10% during the same period but disposed of 23% more cases.

In the High Court there continues to be an increase in activity. Pre-hearing work increased to almost 91,000, up from 71,000 in 2000 – an increase of 28%. The High Court delivered 400 written judgments last year, an increase of 24% on the previous year and up from 215 in 2001, an increase of 86%. During the same period

there has been an increase of 37% in the number of judicial review cases (excluding asylum cases) initiated which now totals 1,205. Asylum judicial review cases totalled 1,381 last year.

In the Central Criminal Court, where the High Court exercises its criminal jurisdiction, there has been a significant reduction in the number of new rape and murder cases received from 123 in 2001 to 68 in 2004. There was a marked increase in the number of cases disposed of in the same period - with an 84% increase in the number of murder cases dealt with.

While there have been some reductions in the number of matters coming before the Circuit and District Courts, the complexity of cases and the length of trial times has increased. For example, the number of cases which went to trial by jury in the Circuit Criminal Courts increased to 355 from 319 in 2003. The Circuit Court dealt with a total of 52,258 matters, a reduction of some 10.5%.

There was a 7% reduction in the number of criminal matters coming before the District Courts in 2004.

However the court remains extremely busy and dealt with a total of 550,000 matters during the year handing down almost 18,000 prison sentences, 90,000 fines and 2,000 community service orders.

The Service continued to work with and support the judiciary to reduce waiting lists and waiting times, provide additional court sittings and improve research and library facilities. We continued to provide administrative support to the Judicial Appointments Advisory Board, the Judicial Studies Institute and the Court Rules Making Committees.

Our reform and modernisation programme continued throughout the year. In addition to some of the more visible projects such as court buildings, our award nominated website and other information technology programmes, we made considerable progress in modernising and improving the practices, procedures and processes within court offices to make them more accessible and user friendly. Our staff are the vital link between court users and the organisation. During 2004 they participated in a wide and diverse

Introduction

range of training programmes including technical skills training for court going registrars, training for staff working in court administration offices, performance management training, information technology training, creation of training manuals and on the job training and coaching.

We continued to develop a culture of participation and staff involvement through the performance management system, individual office business plans, project groups and many other fora. Our partnership structures have contributed very significantly to our modernisation/change programme and have contributed to the development of a much valued employee involvement/participation culture.

The successful rollout of the Criminal Case Management System allowed for summons applications to be accepted electronically from An Garda Síochána on a pilot basis for the Dublin Metropolitan Region, Cork City and the Louth/Meath Division. A new central processing unit was set up to receive and issue summons applications electronically. The extension of the pilot sites nationwide will remove much of the manual work associated with summons administration for local court offices and free up staff to concentrate on the core business

of supporting the courts. Penalty point convictions are now notified electronically to the Department of the Environment, Heritage and local Government.

Our building programme continued at pace during 2004. The vast majority of county town courthouses and many others have now been refurbished. I would like to acknowledge and thank the Chairman of the Office of Public Works and his staff for their ongoing assistance with our building programme.

Most people rely on the media for reports of trials and other events involving the courts. Our specialised media information/liaison service dealt with thousands of media queries during the year. In this way we continue to assist the media to accurately report the work of the courts. I am particularly grateful to the journalists who regularly cover our courts for their impartial and accurate reporting.

We continue to work very closely with many other agencies within the wider justice community including the Bar Council of Ireland, the Incorporated Law Society of Ireland, An Garda Síochána, the Probation and Welfare Service, the Prison Service, the Chief Prosecution Solicitor's Office and support groups for victims.

I am very grateful to the Chief Justice and Chairperson of the Board, The Hon. Mr. Justice John L. Murray, to each member of the Board, the Presidents of each of our Courts and the judiciary generally for their continued support and guidance during another very busy year.

The staff of the Service again demonstrated that their openness to and willingness to embrace change is second to none. To each and every one I extend my sincere appreciation and gratitude. I am also very grateful to the trade unions that represent our staff for their continued support.

I would particularly like to thank the Secretary General and staff of the Department of Justice, Equality and Law Reform, and the Secretary General and staff of the Department of Finance for their wholehearted continuous support for our work.

The support of everybody ensured that 2004 was another year of marked improvements and developments.



P.J. Fitzpatrick

Chief Executive Officer

Chapter 1

Governance



Governance

The Courts Service Board

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

The Chief Executive Officer is the Accounting Officer for the Service and has responsibility for the management and control of the staff as well as the day-to-day administration of the business of the Service.

The functions of the Service do not include the administration of justice nor has the Service any function in relation to judicial decisions. Judges are, under the Constitution, independent in the exercise of their judicial functions. However, this does not preclude members of the judiciary from acting in an administrative capacity in respect of matters relating to the work of the Service. Many participate as members of the Board, Committees of the Board, steering groups, project teams and other fora.

An overview of the Courts Service in 2004

- Staff of 1030
- Budget of €97million
- Manages funds of €880m in a trustee capacity
- Takes in fines and fees of €49m
- Staff located in 42 District Court offices and 25 Circuit Court offices outside Dublin and at 8 locations in Dublin
- Staff ratio of 60:40 Dublin to country
- 5 Regional Offices

Functions of the Courts Service

- To manage the courts
- To provide support services for judges
- To provide information on the courts system to the public
- To provide, manage and maintain court buildings
- To provide facilities for users of the courts



Governance

The Board of the Courts Service

as of 31st December 2004



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



The Hon. Mr. Justice **Joseph Finnegan**
President of the High Court



The Hon. Mrs. Justice **Susan Denham**, Judge of the Supreme Court
Elected by the Ordinary Judges of the Supreme Court



The Hon. Mrs. Justice **Catherine McGuinness**, Judge of the Supreme Court
Nominated by the Chief Justice in respect of her experience or expertise in a specific area of court business



The Hon. Mr. Justice **John Quirke**, Judge of the High Court
Elected by the ordinary judges of the High Court



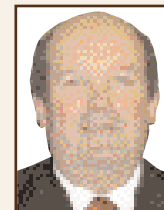
The Hon. Mr. Justice **Esmond Smyth**
President of the Circuit Court



His Honour Judge **Patrick Moran**, Judge of the Circuit Court
Elected by the ordinary judges of the Circuit Court



His Honour Judge **Peter Smithwick**
President of the District Court



Judge **Flann Brennan**, Judge of the District Court**
Elected by the ordinary judges of the District Court



Mr. **P.J. Fitzpatrick**, Chief Executive Officer



Mr. **Hugh Mohan**, Chairman of the Bar Council***
Nominated by the Chairman of the Council of the Bar of Ireland



Mr. **Gerard F. Griffin**, Solicitor
Nominated by the President of the Law Society of Ireland



Ms. **Brenda Amond**, Carlow Circuit Court Office
Elected by the staff of the Service



Mr. **Caoimhin O hUiginn**, Assistant Secretary, Department of Justice, Equality & Law Reform****
An officer of the Minister nominated by the Minister



Ms. **Olive Braiden**
Nominated by the Minister to represent consumers of the services provided by the courts



Ms. **Paula Carey**
Nominated by the Irish Congress of Trade Unions



Mr. **Gerry McCaughey**, Chief Executive, Century Homes
Nominated by the Minister for relevant knowledge and experience in commerce, finance or administration

* replaced The Hon. Mrs. Justice Susan Denham, Judge of the Supreme Court, August 2004
 ** replaced Judge David Anderson, Judge of the District Court, June 2004
 *** replaced Mr. Conor Maguire, August 2004
 **** replaced Mr. Michael Mellett, January 2004

Governance

Committees of the Board

The Board may establish and authorise committees or the Chief Executive Officer to perform some of its functions. During 2004, the following committees dealt with a range of issues:

FINANCE COMMITTEE

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

The Hon. Mr. Justice Joseph Finnegan

The Hon. Mr. Justice Esmond Smyth

Judge Cormac Dunne, *Judge of the District Court*

Mr. Caoimhín Ó hUiginn

Mr. Gerry McCaughey

Mr. P.J. Fitzpatrick

REMUNERATION COMMITTEE

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

The Hon. Mr. Justice Joseph Finnegan

The Hon. Mr. Justice Esmond Smyth

Judge Cormac Dunne

Mr. Caoimhín Ó hUiginn

Mr. Gerry McCaughey

Mr. P.J. Fitzpatrick

**AUDIT COMMITTEE**

The Hon. Mr. Justice Joseph Finnegan, Chairperson

His Honour Judge Seán O'Leary, *Judge of the Circuit Court*

Mr. Gerry McCaughey

Mr. Tom O'Higgins, Chartered Accountant, *external member*

Mr. Jim Farrell, former Director of the National Treasury Management Agency, *external member*

JUDICIAL SUPPORT COMMITTEE

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

The Hon. Mr. Justice Nicholas Kearns, *Judge of the Supreme Court*

His Honour Judge Desmond Hogan, *Judge of the Circuit Court*

Judge Seán McBride, *Judge of the District Court*

Mr. Brendan Ryan, *Director of Corporate Services, Courts Service*

Governance

BUILDING COMMITTEE

The Hon. Mr. Justice John Quirke,
Chairperson

The Hon. Mr. Justice Iarfhlaith
O'Neill, *Judge of the High Court*

His Honour Judge Patrick Moran

His Honour Judge Michael White,
Judge of the Circuit Court

Judge Catherine Murphy, *Judge of
the District Court*

Mr. Tony Hunt B.L. (nominee of
Mr. Hugh Mohan S.C.)

Mr. Gerard F. Griffin

Mr. Gerry McCaughey

Ms. Olive Braiden

Mr. Shay Kirk, *Principal Officer,
Courts Service*

Mr. P.J. Fitzpatrick

**FAMILY LAW COURT
DEVELOPMENT COMMITTEE**

The Hon. Mrs. Justice Catherine
McGuinness, Chairperson

Her Honour Judge Jacqueline
Linnane, *Judge of the Circuit Court*

Judge Gerard Haughton, *Judge of
the District Court*

Ms. Olive Braiden

Mr. David Bergin, *solicitor*

Ms. Brenda Amond

Ms. Catherine Forde, *barrister*

Ms. Nuala McLoughlin, *Chief
Registrar and Director of
Operations, Supreme & High Court*

Mr. Diarmaid MacDiarmada,
*Director of Operations, Circuit &
District Court*

DISTRICT COURT COMMITTEE

His Honour Judge Peter
Smithwick, Chairperson

Judge Mary Devins, *Judge of the
District Court*

Mr. Gerard F. Griffin

Ms. Paula Carey

Mr. Diarmaid MacDiarmada

**STEERING COMMITTEE TO
PLAN FOR AND TO PROVIDE
INFORMATION ON SENTENCING**

The Hon. Mrs. Justice Susan
Denham, Chairperson, *Judge of
the Supreme Court*

The Hon. Mr. Justice Kevin
O'Higgins, *Judge of the High
Court*

The Hon. Mr. Justice Esmond
Smyth, *President of the Circuit
Court*

Judge Miriam Malone, *Judge of
the District Court*

Professor Thomas O'Malley, *Senior
Lecturer in Law, National University
of Ireland*

Governance

Organisational Structure



P.J. Fitzpatrick,
Chief Executive
Officer



Nuala McLoughlin,
Chief Registrar,
Director of
Operations,
Supreme & High
Court



**Diarmaid
MacDiarmada,**
Director of
Operations, Circuit &
District Court



Sean Quigley,
Director of Finance



Brendan Ryan,
Director of
Corporate Services



Noel Rubotham,
Director of Reform &
Development



John Glennon,
Director of Human
Resources

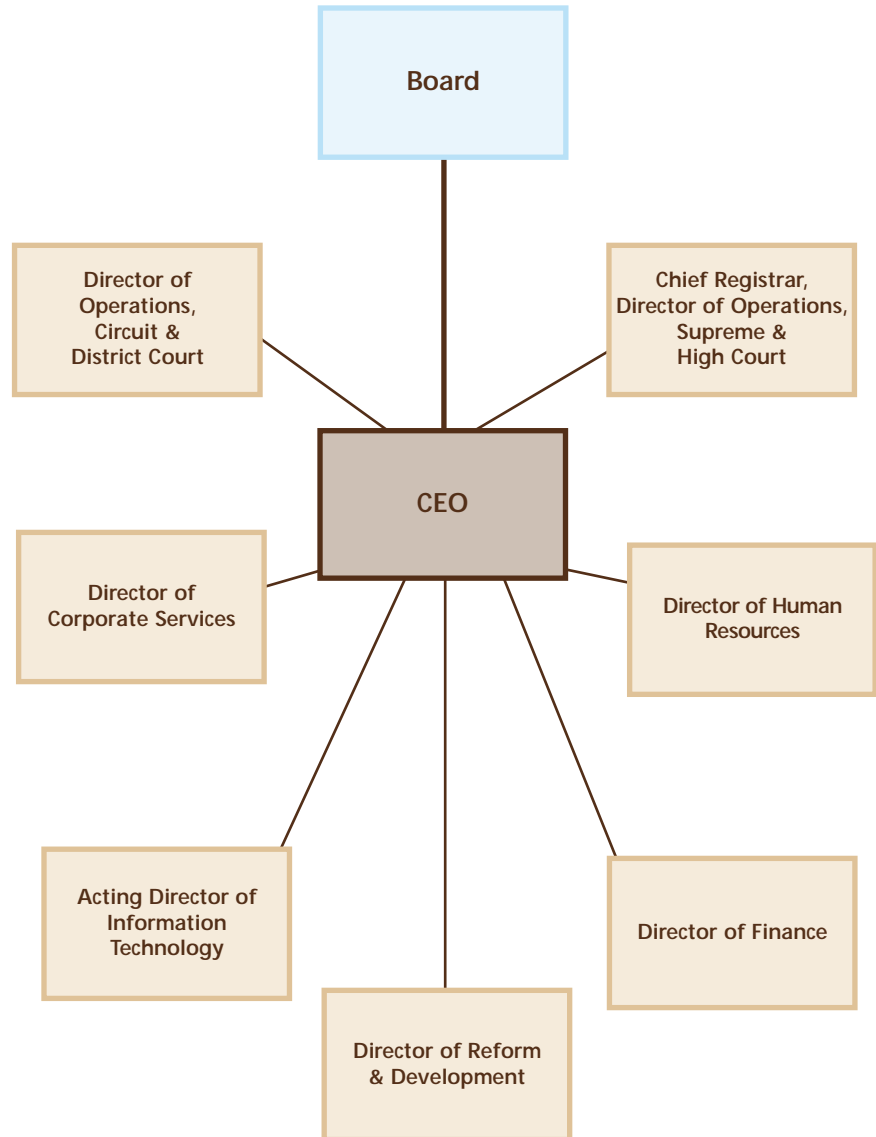


John Coyle,
Acting Director of
Information
Technology

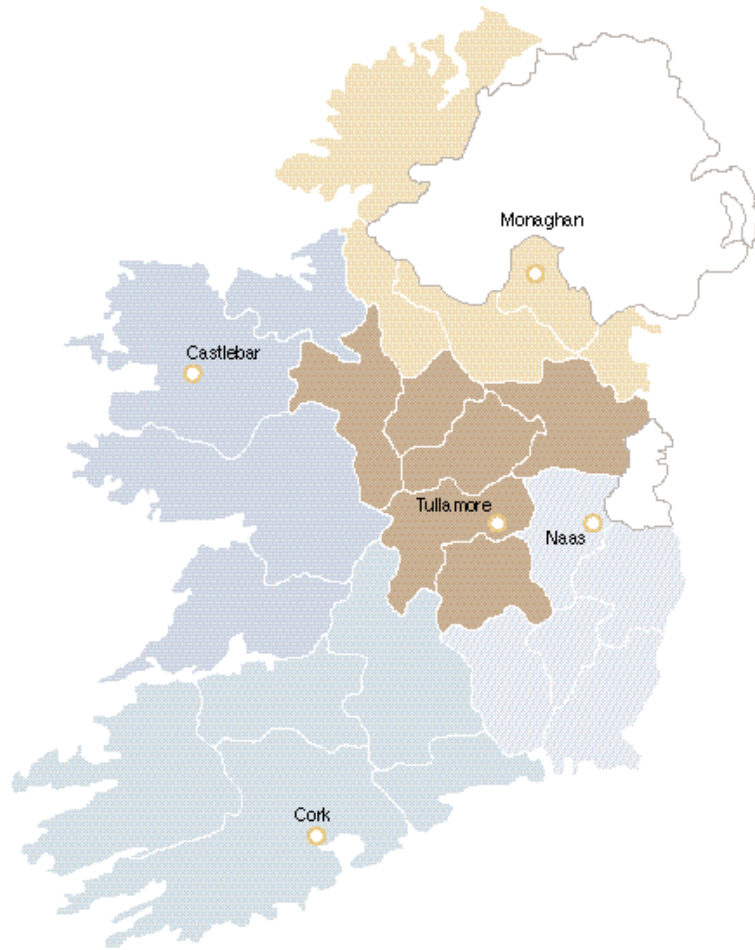
ORGANISATIONAL / MANAGEMENT STRUCTURE

The Senior Management Team

The Senior Management Team comprises the Chief Executive Officer and seven Directors: Chief Registrar and Director of Operations for the Supreme & High Court, Director of Operations for the Circuit & District Courts, Director of Finance, Director of Corporate Services, Director of Reform & Development, Director of Human Resources and Acting Director of Information Technology.



Governance



REGIONAL OFFICES

The number of regional offices was reduced from seven to five during 2004. They are located in Monaghan, Naas, Tullamore, Cork and Castlebar. A substantial amount of work traditionally carried out in the headquarters of the Service has been devolved to the regional offices. This includes many day-to-day operational functions from the Circuit and District Court Operations Directorate together with maintenance, caretaking and other arrangements for court buildings and many day-to-day human resource and finance functions. This will allow the head office Directorates concentrate on the major strategic objectives for the Service during the years immediately ahead.

NORTHERN REGION



Olive Caulfield
Regional Manager

Office location
Monaghan, Co. Monaghan

Counties in region
Monaghan, Cavan, Leitrim, Donegal, Louth

EASTERN REGION



Gerry Nugent
Regional Manager

Office location
Naas, Co. Kildare

Counties in region
Kildare, Wicklow, Carlow, Kilkenny, Wexford

MIDLAND REGION



Christopher Lehane
Regional Manager

Office location
Tullamore, Co. Offaly

Counties in region
Laois, Longford, Offaly, Roscommon, Westmeath, Meath

SOUTHERN REGION



Eamonn Kiely
Regional Manager

Office location
Cork City

Counties in region
Cork, Kerry, Limerick, Waterford, Tipperary

WESTERN REGION

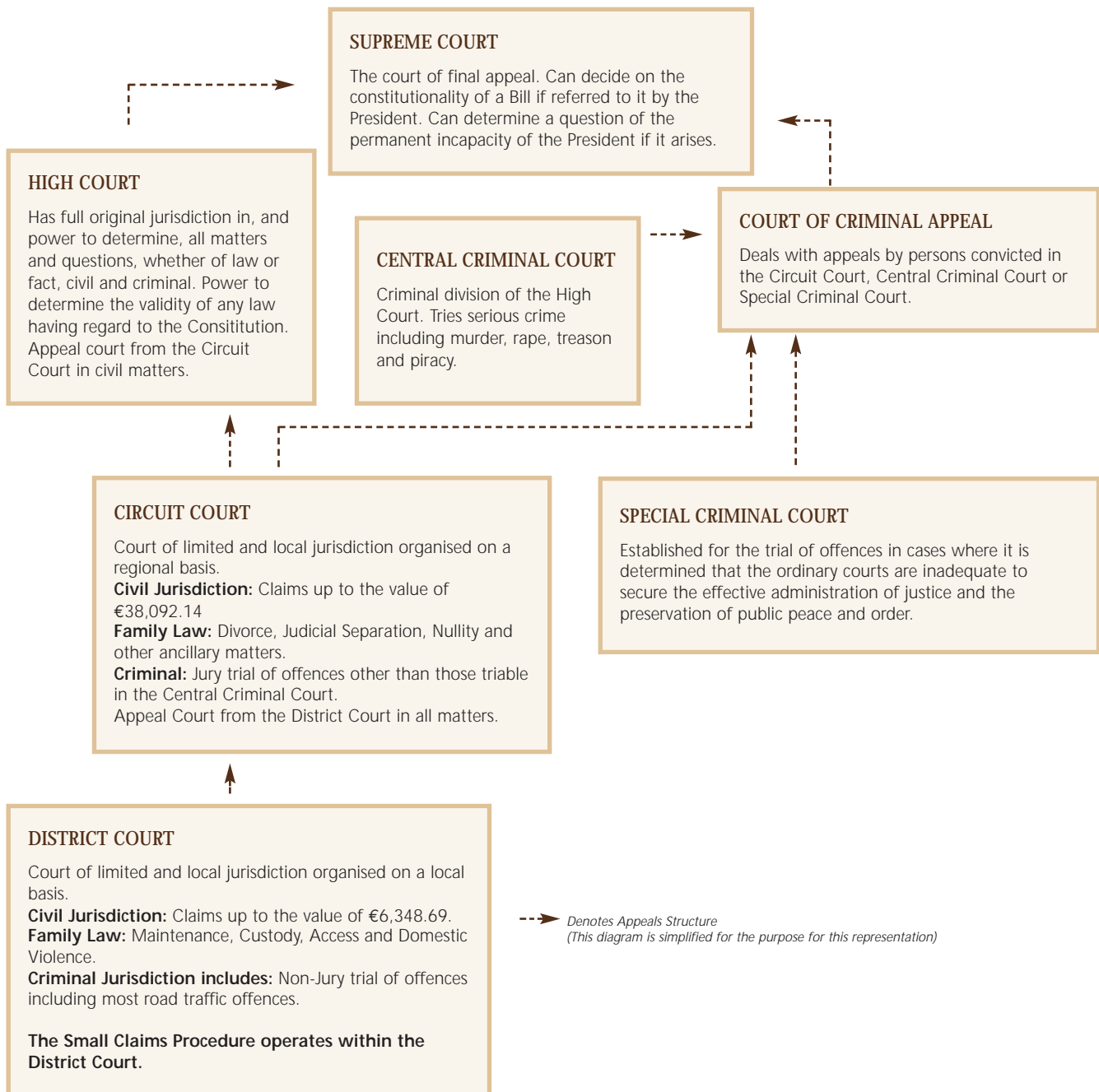


Brendan J. McDonald
Regional Manager

Office location
Castlebar, Co. Mayo

Counties in region
Galway, Mayo, Sligo, Clare

Structure of the Courts



Governance

APPROACH TO GOVERNANCE

The functions of the Service are contained in the Courts Service Act, 1998. While the Act contains accountability and governance mechanisms, the Service itself has also been proactive in putting additional governance arrangements in place. These underpin best practice in the management of the organisation and the delivery of its services so as to meet the expectations of court users while at the same time ensuring accountability for the expenditure of public funds. The Service places a major emphasis on the development of a range of governance measures based on a number of well established principles. These include focusing on the purpose of the Service; clarifying roles and responsibilities; promoting improved customer service; managing risk; engaging users and making accountability real.

A number of committees (see page 14) have been established by the Board to facilitate good corporate governance and accountability. There is now a well established strategic and annual business planning process. Managers are required to account to the Senior Management Team for the implementation of their annual business plans. The

Performance Management and Development System (PMDS) has also been successfully implemented and is a very effective tool in managing performance.

In furthering improved governance the following specific measures have been put in place in recent years:

➤ *Audit Committee*

An audit committee has been established by the Board. The committee is chaired by the President of the High Court and includes two suitably qualified external accountants. (See page 14)

➤ *Internal Audit Function*

Following the recommendations contained in the independent external review of internal audit completed in 2003, the Service upgraded the function in 2004 by appointing a professionally qualified accountant and allocated additional resources to the Internal Audit Unit.

The key internal controls procedures include:

- Organisational structure with formally defined lines of responsibility and delegated authority
- The annual budgetary process and annual financial statements are approved by the Board. Actual results comparing budgets and forecasts are monitored by the Senior Management Team and the Finance Committee on a regular basis
- A risk management programme is being put in place for each section whereby managers review and monitor, on an ongoing basis, the controls in place, both financial and non financial, to manage the risks facing the Service
- The Audit Committee reviews the internal audit, compliance and risk management programme.

➤ *Risk Management*

In accordance with best practice in the area of corporate governance, plans for establishing a risk management framework were well advanced at the end of 2004. A risk management committee was established during the year and work commenced on the development of a risk management framework and policy. Risk management will become an integral part of the business planning process during the course of 2005.

➤ *Statement of Internal Financial Controls*

The Chief Executive Officer, as Accounting Officer, prepares a statement of internal financial controls to accompany the annual financial statements. This statement addresses the internal control environment in the Service with particular regard to the financial control environment, the framework of administration procedures, management reporting and internal audit.

These initiatives are consistent with best practice in the area of corporate governance and also comply with the recommendations contained in the Report on the Accountability of Secretaries General and Accounting Officers (*the Mullarkey Report*).

Extract from statement of internal financial controls:

Financial Control Environment

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

- Financial responsibility has been assigned at management level with corresponding accountability
- Reporting arrangements have been established at all levels where responsibility for financial management has been assigned
- Formal procedures have been established for reporting significant control failures and ensuring appropriate corrective action
- There is an audit committee to advise me in discharging my responsibility for the internal financial control system
- I confirm that, in accordance with the Report's recommendations, an evaluation of internal financial controls has been completed and that the need for ongoing review of internal financial controls is recognised within the Service.

Administrative Controls and Management Reporting

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

- There is an appropriate budgeting system with an annual budget which is kept under review by senior management
- There are regular reviews by senior management of periodic and annual financial reports which indicate financial performance against forecast
- A risk management system has been initiated within the Service
- There are systems aimed at ensuring the security of the ICT systems
- There are appropriate capital investment control guidelines and formal project management disciplines

Internal Audit

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

Chapter 2

Environment



Environment

The Service continues to operate in a dynamic and constantly changing legislative, social, political and economic environment. In the past 15 years, Ireland has moved from being a country that suffered high unemployment, slow growth, high inflation, high emigration, heavy taxation and high public debt to become the Celtic Tiger – a developed country with low unemployment, strong growth, low inflation, net immigration, low tax and a small public debt. This changing society places ever increasing demands on public service delivery.

There are many factors both internal and external that affect and often determine the scope of the administrative and support structures provided by the Service for the courts and the judiciary. An analysis of some of these factors provides a backdrop to any report of the activities of the Service. It also emphasises the importance of anticipating and responding effectively to the level of constant change in the environment:

LEGISLATIVE FACTORS

Governments invariably have programmes for new legislation which impact directly on the work of the courts and court offices. Examples include tax law,

company law, corporate enforcement and civil and criminal law. The *Programme for Government* 2002 contained a number of such proposals for legislative change.

LEGISLATION AT NATIONAL LEVEL

A number of statutes enacted in 2004 had an impact on the jurisdiction exercised by the courts, on court procedure, or on the operational areas of the Service:

Civil Liability and Courts Act, 2004

This Act introduced substantive changes in the law relating to personal injuries (e.g. reduction in

limitation periods and approach to assessment of damages) and jurisdictional changes (e.g. alteration of jurisdictional limits in the Circuit Court) and regulates in detail the procedure for the conduct of certain types of personal injuries actions for the High, Circuit and District Courts, creating a new personal injuries summons and requiring assertions in pre-trial documentation to be verified on oath. The Act also made provision for registers of personal injuries actions and of reserved judgments to be maintained by the Service and for the reporting of and disclosure of information concerning family law proceedings.

Environment

Residential Tenancies Act, 2004

This Act established a new regime for the resolution of disputes between landlord and tenant, and included provision for a mechanism for application to the Circuit Court to enforce certain agreements and determinations made within that regime, and for the granting of injunctions.

Road Traffic Act, 2004

This Act introduced a system of fixed charges and penalty points in respect of road traffic offences, and places an obligation on the Service to notify the Minister for Transport of the imposition of convictions and making of orders in relation to such offences.

EUROPEAN LEGISLATION

The concept of a "European judicial area" has developed within the European Union as a result of Treaty amendments and legislation at European Union level. Article 65 of the EC Treaty, introduced by the Amsterdam Treaty of 1997, provided for measures in the field of judicial co-operation in civil matters having cross-border implications. In 1999, the European Council endorsed the principle of mutual recognition of judicial decisions as the

cornerstone for the creation of a genuine judicial area, and in November 2000 adopted a programme of measures to implement the principle of mutual recognition of decisions in civil and commercial matters.

As part of the programme, the Council and the European Parliament adopted Regulation No. 805 of 2004 creating a European Enforcement Order for uncontested claims, allowing enforcement in Ireland of judgments given in other member states except Denmark without the need to apply for a declaration of enforceability.

SOCIAL FACTORS

Changing trends in social relationships and family models, an increasing number of support and interest groups, an increasing awareness of rights and greater recourse to litigation are some of the factors which affect the services delivered by the Service.

The population of Ireland continues to grow and the Service must plan for increased demands on services from a population that is likely to increase by half a million over the next 20 years. On current demographic trends, over three quarters of the population growth could take place in, or in



areas adjoining, the greater Dublin area. The most recent census figures (*see Appendix 1*) indicate that the population is at its highest since 1871 at almost 4 million.

This growth in population has been helped over the past decade or so by the end of emigration and the commencement of immigration. The resultant diverse nature of Irish society today means, for example, that there are many people interacting with the court system for whom English is not their first language. This presents many challenges for the Service including an increased demand for translation services and the need to provide information in a range of languages.

POLITICAL FACTORS

INFRASTRUCTURE

The *National Development Plan 2000-2006* included a commitment on the part of government to prepare a spatial strategy. The *National Spatial Strategy* launched in 2002 provides a 20 year planning framework for all parts of the country and seeks to enhance the performance of strategically placed cities and towns or "gateways" by creating the conditions necessary

Environment



National Development
Finance Agency



to drive economic growth and contribute to more balanced patterns of development across the country. The Service reviewed its Capital Building Programme (see page 63) following the publication of the *National Spatial Strategy* taking such factors as the government's plan to decentralise staff and future population growth into consideration. The review identified areas including Blanchardstown and Swords in Dublin and North Kildare as locations where substantial court facilities will be required in the future.

A key element of the *National Development Plan* strategy is the significant upgrading of Ireland's physical infrastructure including the transport infrastructure – road, rail and bus. Improvements in these facilities will impact on the growth of population centres which will lead to increased demands for new and improved court facilities.

The establishment of the *National Development Finance Agency* and the possibility of financing capital projects by way of Public Private Partnerships provide opportunities for the Service to provide court facilities with private companies more rapidly, providing better value for money. This requires a business approach for contracting

the design, construction, financing and day-to-day operation of many facilities. This will have a significant impact on the way in which the Service organises its work in the future.

The implementation of the *National Development Plan* has contributed to an increase in the work of the courts in recent years. Issues and disputes relating to such matters as land acquisition and major infrastructural development have increased the number of planning law applications coming before the courts with the resulting need to assign additional judges to deal with applications before the High Court particularly where the relief sought is a judicial review.

SUPPORTING THE MODERNISATION OF THE PUBLIC SERVICE

The Service is an active participant in the government's Public Service Modernisation Programme which seeks to achieve good quality services for the public as customers at all levels, building on the good service that has been a feature of the public service over the years and at the same time deliver value for money for the State. This modernisation programme with its roots in the

Strategic Management Initiative launched in 1996 has among its many aims the fostering of a culture where public servants view the provision of excellent services to the public by making effective use of resources as one of their most important functions.

Delivering Better Government expanded on the framework set out in the *Strategic Management Initiative* and outlined an extensive modernisation process for the Irish public service, built around six key organisational themes. These included greater openness and accountability; quality customer service and the efficient and fair operation of simplified regulations. It was envisaged that individual departments, organisations and agencies would underpin these themes by organisational improvements in human resource management, financial management and enhanced information systems management.

Environment

The transformational change process which the Service has seen over the past 5 years has included a number of important modernisation initiatives which underline its commitment to engage in the wider public service modernisation programme charted by the *Strategic Management Initiative* and *Delivering Better Government*. These initiatives include:

- Many customer service initiatives
- Development of human resource strategies
- Establishment of regional structures and devolution of responsibilities
- Major investment in physical infrastructure
- Considerable investment in information technology
- Major emphasis on information and communication
- Major investment in training and development
- New emphasis on financial systems and funds accounting processes

In addition, the Service continues to meet and surpass the targets contained in *Sustaining Progress*, the current social partnership agreement agreed in 2003. This provides for the continuation of the modernisation programme across the public service. In particular, the Service continues to demonstrate a genuine intention to carry out a range of improvements in areas highlighted in *Sustaining Progress*. These include efforts to achieve maximum value from all expenditure; publication of a Customer Charter and improved human resource practices in relation to a number of issues including recruitment, promotion, training and performance management.

During 2004 the Service continued to meet the requirements of the verification process for achievement in relation to these initiatives by regularly reviewing the action plan prepared to identify specific performance commitments and to ensure compliance with them. In April and September the Service submitted progress reports on the implementation of the commitments made in the action plan to the Justice Sector Verification Group established under *Sustaining Progress*. The *Sustaining Progress* Action Plan

was extended and revised in November 2004 to reflect further initiatives which had commenced in the interim.

ECONOMIC FACTORS

Continued high levels of economic growth have created a favourable climate for the increased capital investment required by the Service to continue to address a range of matters including the implementation of the Information Technology Strategy (*see page 40*) and the Capital Building Programme (*see page 63*).

Strong economic growth has also led to an increased demand for labour, which has caused difficulties for the Service in recruiting and retaining staff particularly staff with experience in information technology, accountancy and fund management. It has been necessary to outsource many of these functions. The challenge for the Service in the future is the more efficient use of labour resources rather than additional resources. For example, the computerised Criminal Case Management System (*see page 40*) with its capacity to process summons and charge sheets from An Garda Síochána electronically, will free up as many as 20 fulltime

Environment

“This launch represents another milestone in the programme of modernisation that has been underway in the courts. This new Commercial Court greatly enhances the commercial and legal infrastructure available to the business community. In today’s international environment a fast and effective system for resolving commercial litigation is a competitive advantage for any country.”

An Taoiseach Mr. Bertie Ahern, T.D.

staff equivalents to concentrate on the core business of the Service.

Other factors include the changing attitudes to work and home life and changes in the arrangements and autonomy for agencies and departments in recruiting, disciplining and removing staff introduced by the Public Service (Recruitment & Appointments) Act, 2004 and the Civil Service Regulations (Amendment) Bill, 2004.

Increased economic activity results in increased litigation. An example of the response of the Service is the provision of a dedicated state of the art technology Commercial Court (*see page 49*). Dedicated judges have been assigned to the Court with cases processed in less than 20 weeks compared with 2 to 3 years. This speedy resolution of disputes is a major factor for foreign inward investment.

CULTURE

The years since the establishment of the Service have seen much change, considerable movement of staff and the need to adapt to new systems and structures. Later in this Report (*see Chapters 3 and 4*) the major contribution made by the staff of the Service to the continued success of the organisation is highlighted. In the

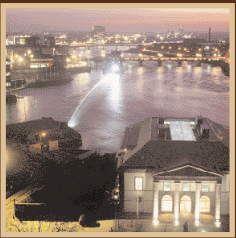


context of the environment in which the Service operates it is vital that a culture is fostered where staff creativity, innovation and initiative is supported, encouraged and rewarded. The creation of a world class service is a goal of the Service. This envisages an internationally acknowledged organisation where access to justice is provided speedily by making the best use of available resources. The Service continues to emphasise the vital role that staff must play if the aim to create a world class service is to be achieved. Efforts continued

during 2004 to build competencies in the right areas and to support staff as they strive to meet their business goals.

Chapter 3

Implementing our Mandates



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Managing the Courts

The core function of the Service continues to be to support the work of the courts in Ireland.

The commitment of the Service to provide such support can be gauged by the improvements in the environment in which the staff, the judiciary and a wide variety of court users operate.

These improvements are evidenced by new information technology systems, improvements in financial management systems, completion of refurbished building projects and enhanced staff training opportunities. They provide a framework upon which the Service can improve efficiency whilst providing support for court staff as they continue to deliver a first class service to the community every day in court offices in Dublin and around the country.

During 2004 there was much evidence of the effort the Service continues to make to improve the management of the courts:

TRAINING

The Service continues to pursue a progressive approach to staff training based on a number of key headings and development principles which are aligned to the key business objectives of the Service going forward. These principles acknowledge that learning underpins the strategy of the Service, the business plans of individual units and the performance and development plans of individual members of staff. They recognise that the Service must continue to build on the learning culture that has been created.

The process of creating an environment in which staff can perform to the best of their abilities continued during 2004 with particular emphasis on the development of training courses tailored to meet the diverse needs of staff:

GENERAL TRAINING PROGRAMME

Programmes specifically targeted at the many grades of the Service were conducted during 2004. They included workshops as part of ongoing modular training programmes for Principal Officers and Assistant Principal Officers, and the commencement of modular training programmes for Higher Executive Officers/Court Clerks, Executive Officers/Junior Court Clerks/Staff Officers; Clerical Officers and Service Officers. The grade training programmes are being used as a benchmark by a number of other government departments and agencies.

A range of specialised programmes and workshops were organised on matters including human resources, legal issues, health and safety, equality and disability, partnership, internal audit and finance. Staff were also facilitated to attend at a number of external seminars. A series of

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“When the history of this period is written the Courts Service will be seen as the jewel in the crown of public administration”

Mr Michael McDowell T.D.
Minister for Justice, Equality & Law Reform

The Courts Service Staff Training Programme – helping staff to make a difference

An example of the commitment of the Service to developing the skills of staff can be seen in the comprehensive nature of the modular programme devised for Higher Executive Officers/Court Clerks. The programme commenced in January 2004 with 5 full programmes completed – 1 in Dublin and 4 in Athlone. The programme consisted of 5 modules:

Module 1

Two sessions of role clarification and customer service

Module 2

Communication skills including influencing

Module 3

Motivation, feedback and teamwork

Module 4

Effectiveness and career development

Module 5

Learning transfer

breakfast talks were a popular new venture during the year.

TECHNICAL TRAINING

The technical nature of the work of court offices and in particular the vital role performed by court registrars was acknowledged in a series of courses targeted at staff of the various court jurisdictions during the year. Much of the training continues, of necessity, to be on-the-job with coaching and mentoring forming a highly valued aspect of the training effort and consultation with experienced colleagues an important component promoted and encouraged by the Service.

Dublin Metropolitan District Court

The Dublin Metropolitan District Court secured the assistance of a retired colleague to provide critical in-house training for court registrars. Training sessions covered court practices and procedures. A manual was provided and the course comprised of discussion and practical exercises. At year end the office was organising a training course on the preparation and checking of copy orders which will be delivered in early 2005.

Dublin Circuit Court

The first formal workshop for registrars of the Dublin Circuit Civil court, held early in the year, was attended by the President of the Circuit Court and the Chief Executive Officer. Particular emphasis was placed on the important function performed by registrars managing court lists. Useful initiatives developed, following suggestions made at the workshop, included the establishment of a Registrars' Helpdesk to provide a dedicated contact person in the Dublin Circuit Civil office available for registrars to contact while in court and the development of an electronic diary to provide a more efficient process for the allocation of court dates.

The Chief Executive Officer, a judge of the Circuit Court and the County Registrar, attended a workshop for staff of the Dublin Circuit Criminal Court which placed an emphasis on streamlining and standardising practices and procedures in respect of the work of the court. The expertise of an experienced member of staff was availed of to better inform less experienced colleagues. The office continued a programme, commenced in 2003, of providing training for registrars of the Criminal Court in the work

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of the Family Law Court and visa versa. This has provided additional experience for the registrars and allows management re-organise courts at short notice when required.

The first workshop for non court going Dublin Circuit Court staff was held in 2004. The Chief Executive Officer joined court registrars who outlined the importance of meaningful interaction between staff attending in court and staff working entirely in the office. Staff from a range of other offices, including the District Court Appeals Office and the Freedom of Information Office, highlighted matters of common interest to the respective offices.

Regional Circuit/District Court staff

Efforts continued during the year to improve the interaction between court offices with a view to obtaining greater staff mobility between jurisdictions. In the Eastern Region, court registrars in the Circuit Court and the District Court in Naas Courthouse were afforded an opportunity to learn about the work of their respective courts. Lateral mobility, organised in Carlow, Kilkenny and Wexford courthouses, resulted in greater organisational efficiencies and cross skilling of staff. In the

Northern Region, lateral mobility between Circuit and District offices improved with cross jurisdictional assistance provided in Cavan, Donegal, Monaghan and Leitrim. Staff mobility arrangements were also put in place in Trim, Longford, Mullingar, Portlaoise, Athlone, Roscommon, Tullamore, Galway and Mayo.

Best practices were shared across offices in the Midlands via individual and group visits to various offices and at meetings of Chief Clerks and court user groups.

High Court Registrars

A seminar for High Court registrars held in early 2004 allowed experienced registrars to share their knowledge and expertise with less experienced colleagues. The seminar programme included descriptions of the work involved in managing the various lists dealt with by the High Court and an outline of how registrars assist the judiciary in court. New registrars without High Court experience were afforded an opportunity to spend time in the Central Office to broaden their knowledge of the detail of High Court procedures as part of regular training sessions organised throughout the year.

Probate Office

The Probate Office reviewed its staff training policy during the year drawing on the expertise of experienced staff and incorporating suggestions from new staff. This new policy sets out the responsibilities of staff, maps out their training programme and indicates clearly the expectations of management regarding their work within the office. It also provides for a documented historical record of all progress made during the training period.

At year end, the Probate Office was preparing for a seminar to be held in January 2005 for probate officers in offices outside Dublin. This will be the first time that all such officers have assembled to discuss probate and areas of mutual concern. County registrars who are probate officers in the fourteen District Probate Registries around the country will be invited to participate in the seminar.

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TRAINING MATERIAL

Training courses for registrars were complemented by a range of training manuals, leaflets and handouts produced in a range of offices across the organisation. Examples include:

Dublin Metropolitan District Court

Leaflets were produced to explain possible outcomes arising from the civil summons and civil enforcement procedure in the District Court and setting out the information required for various tasks associated with the issue of summonses electronically.

Dublin Circuit Court

A manual for court registrars detailing the types of application that can be brought before the Circuit Court and setting out the procedures relevant to each stage of the applications was produced. Additional material included guidelines for staff dealing with applications for judgment in the office. A comprehensive manual for staff dealing with general office matters will be available in 2005.

High Court

A CD-Rom containing training material and precedent information for court registrars was produced. It is intended to update the CD-Rom as additional material becomes available. A manual outlining procedures in the Central Office was made available in electronic format for staff.

INFORMATION TECHNOLOGY TRAINING*European Computer Driving Licence*

The European Computer Driving Licence (ECDL) continues to be very popular with staff. Participants in this comprehensive programme engage in a series of computer courses in matters such as word processing, database creation and spreadsheet techniques. ECDL certification was offered in Dublin with 5 complete programmes held during the year at early morning and evening sessions. A total of 48 staff successfully completed the programme. An ECDL programme in Cork saw 11 staff completing the course. Staff of Castlebar Circuit Court successfully completed an advanced ECDL programme.

Criminal Case Management System - Staff trainers lead the way

The goal of the training programme was to use staff of the Service to provide other staff with the competence and confidence to use the new system correctly and efficiently from the first day of implementation. The programme aimed to provide staff with an understanding of the system by developing and administering a comprehensive training programme in an efficient and cost-effective manner. It had the added benefit of providing the user community with a training programme and procedure documentation that they can use to train both new staff and staff who change jobs after the implementation of the new system. Staff providing the training improved their presentation, coaching, interpersonal and problem solving skills. They also developed a basic understanding of the system from end to end and an appreciation of the businesses supported by the system and their goals.

Criminal Case Management System training

Training for the rollout of the Criminal Case Management System (see page 40) was a major challenge for the Service during the year. The majority of the training was carried out by staff of the Service. A *Train the Trainers* programme was used to inform the training team in advance of training for regional trainers which commenced in January 2004. Training for staff took place in Dublin and Tullamore and followed the implementation plan for court offices. Staff were

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“The Service must constantly strive to develop a world class service and continue to focus on how processes, procedures, rules and customer services can be made more efficient, less costly and more user friendly. We must aim to be the best and build an organisation that is energetic, adaptable and responsive”.

Mr. P.J. Fitzpatrick, Chief Executive Officer

provided with 5 days training with 265 staff from the District Court completing the programme.

General information technology training

Training was provided across a wide variety of areas including introductory courses on the use of e-mail and word processing, a systems analysis course, a desktop publishing course, project planning courses and ongoing training support for staff.

EVALUATING TRAINING PROGRAMMES

The Service participated in a project called *“Creating a Learning Culture”* organised by the National Centre for Partnership and Performance and the University of Limerick. The project allowed the Service to compare the role of training and development in the Service against best practice in 22 other organisations.

MANAGING PERFORMANCE

Allied to the provision of training is the need to effectively manage performance. The Service continued to facilitate the effective management of performance at all levels of the organisation during

the year. The *Strategic Plan 2002-2005* continued to form the basis of the business planning process during 2004. Individual unit business plans for the year translated the high level organisational objectives of the Strategic Plan into operational terms while the Performance Management and Development system (PMDS) identified the individual responsibilities in implementing these objectives. The review of performance undertaken as part of PMDS together with the agreement of role profile forms with all staff underlines the resolve of the Service to ensure that the strategic planning process is not an academic exercise but one that drives the change programme in a meaningful way for all staff.

FACILITATING GOVERNMENT INITIATIVES

The Service supported many government initiatives by participating in cross organisational working groups which aim to improve the quality of service provided by the State in a variety of areas:

COMPANY LAW REVIEW GROUP

The Service continued to be represented on the *Company Law Review Group* during 2004. The representative of the Service participated in the work carried out on companies legislation on liquidation as part of the Group's consolidation and reform project.

WORKING GROUP ON THE JURISDICTION OF THE COURTS

The Service also assisted the Department of Justice, Equality & Law Reform with the implementation of the recommendations of the *Working Group on the Jurisdiction of the Courts*.

CONSOLIDATION OF COURTS LEGISLATION

The Service is participating in a project initiated by the Law Reform Commission in 2004 to consolidate legislation relating to the courts.

REDUCING LEGAL COSTS

The Service is represented on a group established by the Minister for Justice, Equality and Law Reform to identify ways of

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“As I look back on my 25 years as a judge I have no hesitation in singling out the establishment and development of the vibrant organisation which is the Courts Service as the most remarkable and successful development in the Irish legal system in that time. Many extraordinary efforts have made this young modern agency the success it is in just five years”

former Chief Justice, Mr. Justice Ronan Keane

reducing legal costs. The remit of the Group includes an examination of the present level of legal fees and costs in civil litigation and a study of systems and methods employed in other jurisdictions.

CRIME STATISTICS

The Service was represented on an expert group established by the Minister for Justice, Equality & Law Reform to examine the methods of collation and presentation of crime statistics by An Garda Síochána and other organisations involved in criminal proceedings. A Report produced by the group in 2004 recommended the establishment of a Central Crime Statistics Unit to assume responsibility for the compilation and publication of crime statistics and the development of enhanced statistics across the criminal justice system.

ASSISTING OTHER GOVERNMENT DEPARTMENTS AND OFFICES

TRAINING AND DEVELOPMENT

The Service continued to play a role in a number of outside bodies and fora during the year in the training and development area. They included the Central Training and Development Committee, the

Customer Service Network, the Performance Management and Development System (PMDS) Network and the Chartered Institute for Personnel and Development.

During the year a number of organisations in the health sector, local authority sector and state sponsored bodies were referred to the Service by the Public Service Modernisation Unit of the Department of An Taoiseach for consultation on how to successfully implement a performance management and development system and partnership arrangements.

WARDS OF COURT

In April 2004, staff of the Service hosted a conference of the court offices and public agencies responsible for guardianship, protection and wardship in the United Kingdom and the Republic of Ireland.

NEW STRATEGIC PLAN

Work commenced during the year on the preparation of the third Strategic Plan for the Service. The Plan, which will cover the period 2005-2008, will involve a meaningful and wide ranging consultation programme. This will

ensure that the views of judges, staff, court users, the public and other government departments are available to the Service in formulating the new strategy. The Service will seek submissions in early 2005 from the public by way of advertisements in newspapers. The consultations will involve a wide range of court users including staff, members of the public and other interest groups. The exercise will take the form of a series of workshops in Dublin and around the country.

SUPPORTING THE PARTNERSHIP PROCESS

The partnership process continues to be a very successful facilitator of change and modernisation in the Service. It provides a legitimate, credible channel for staff from all grades and union representatives to voice their ideas and concerns. The focus of the Service continues to be on action with widespread communication the key to the successful conclusion of a range of issues.

The Central Partnership Committee, comprised of representatives from each of the unions, (including the County Registrars' Association), staff representatives, the Chief Executive (who chairs the

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Committee), management representatives and representatives from the Regional Partnership Committees, continue to drive the partnership process. A range of sub-committees have dealt with specific matters such as internal communications and customer service. Regional partnership committees ensure that the process has a nationwide focus allowing the Service to continue to develop a partnership and team culture extending down to local level. During 2004 the Service continued to foster an inclusive approach to the issues to be dealt with via the partnership process.

TOPICS ADDRESSED BY PARTNERSHIP

- Work-sharing and term-time sharing
- Exceptional Performance Awards
- Internal communication
- Training and development
- Identity cards and security issues
- Staff transfers
- Work experience
- Performance Management and Development System (PMDS)
- Customer Service

- Strategic Plan
- Business Planning
- Relocation issues
- Health and Safety
- “Sustaining Progress”

The benefits of the partnership approach being adopted by the Service can be seen from the positive staff relations that exist, the improved industrial relations environment that has been created, the improvements in the work environment and the increased staff input at every level.

IMPROVING THE QUALITY OF CUSTOMER SERVICE

During 2004, the Service established a Central Customer Service Forum to engage with customers on both major and minor changes and the day-to-day business of the Service. The first meeting of the Forum held in July 2004 was chaired by the Chief Executive and attended by representatives from a broad spectrum of organisations, ranging from those whose members do business with the courts every day to organisations with a specialised interest in the courts.

The Central Customer Service Forum has a three tier structure:

- a Central Forum comprising high volume wide ranging customers
- up to eight focused user groups for customers of the various court offices in Dublin (in addition to those already established by the Dublin Metropolitan District Court)
- a general meeting for all stakeholders.

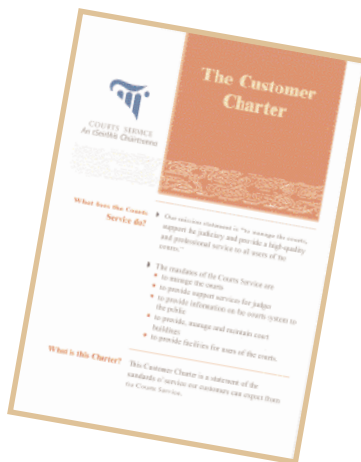
The groups met on three occasions in 2004. Meetings were attended by relevant staff members and representatives of the various legal professions and agencies operating in the justice area.

A general meeting of all stakeholders afforded an opportunity for people and organisations whose level of interaction with the Service is infrequent to communicate with the Service in a structured manner.

The Service consulted with customers on a nationwide basis with focus groups established throughout the country by the Regional Offices. Issues raised were either dealt with locally or referred on to other Directorates or other Regional offices for resolution nationally.

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The Service plans to establish a separate set of user panels in 2005 to provide a forum to help identify the needs of non-professional users of the courts. A survey will also be conducted of persons who have completed jury service to ascertain how best to meet their needs, given the vital role such persons play in the administration of the criminal justice system.



CUSTOMER CHARTER

The Service published a *Customer Charter* in August 2004 as a statement of the standards of service customers can expect in their dealings with staff of the Service. A quality customer survey conducted prior to the completion of the Charter provided an understanding of how the quality of service provided is perceived and highlighted areas where improvements could be made. Questions posed as part of the survey covered a broad range of issues including opening hours, consistency of service, accessibility of information, court office facilities and general satisfaction with service. Forms were made available at all public counters in court offices throughout the country in order to attract responses from a wide range of customers and were sent to solicitors' offices and to a variety of support groups. The results of the survey were considered by the Customer Service Partnership Subcommittee in the final formation of the Customer Charter.

Probate Office – listening to customers

A one page Customer Service Survey was devised by the Probate Office during the year for people applying for probate without a solicitor. The survey, posted to the customer with Grants of Probate, included questions as to the quality of the service provided with suggestions invited as to how the office could improve. Circulation of the survey commenced in November 2004 and by year end in excess of 100 surveys had been sent out with a response rate of approximately 60% achieved.

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CUSTOMER SERVICE PARTNERSHIP SUBCOMMITTEE

In addition to producing the *Customer Charter*, this subcommittee continued to oversee the implementation of the *Customer Service Action Plan*. This involved monitoring developments in a range of areas including health and safety, signage in court buildings and building maintenance. Examples of the success of the work of the subcommittee included the synchronising of the opening times of court offices, the establishment of a formal customer complaints procedure and the development of a staff dress code.

CUSTOMER SERVICE OFFICER

A total of nine formal customer complaints were received and dealt with by the Customer Service Officer during the year. A dedicated e-mail address, qcso@courts.ie was established to enable customers contact the Customer Service Officer. The address was used extensively by members of the public to make general enquiries.

CUSTOMER SERVICE IN ACTION

It would not be possible in this report to detail all of the initiatives undertaken in 2004 to improve the quality of service for customers. Many of the most successful customer service improvements are as a result of changes that are small in operational terms but are targeted for maximum impact. The following examples have been selected to provide a flavour of the efforts that were made in 2004 and as an indication of the determination of the Service to continue to make improvements in 2005:

Office of the Court of Criminal Appeal

The introduction of a dedicated Stenography Unit enabled the Office to allocate a senior member of staff to deal with callers to the public counter. This resulted in an improved service with queries being dealt with promptly and without the need, for the most part, to consult with the registrar in charge of the Office.

Offices of the Supreme Court and High Court

The opening hours for the offices of the Supreme Court and High Court were extended to 10.30

a.m. to 4.30 p.m. all year round. This removed the shorter opening hours which had operated during court recesses.

Central Office of the High Court

Access to a range of information about High Court cases, including the date a case is next before the court, the date of the making of a court order, the name of the judge and whether the order is ready for collection, was improved by the provision of an additional public search terminal in the Central Office. E-mail addresses and direct telephone numbers together with a list of the areas of responsibility of each registrar were circulated to solicitors' firms to encourage communication via e-mail.

Circuit Court

Court hearing time in the Dublin Circuit Court increased by five hours per week – the equivalent of an extra day's sitting – as a result of the provision of a new County Registrar's court. The new arrangement also impacted on District Court appeals where an extra hour per day was added to the hearing time.

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Dublin Metropolitan District Court

New Customer Service Liaison Officers played an important role in raising awareness among staff of the importance of the delivery of the highest quality service to the customer - both internal and external - whilst ensuring maximum value for money for the taxpayer.

Other District Courts

Earlier start times were introduced in a further two District Court areas.

Reform and Development

During 2004, a number of reviews of processes and procedures in various court offices were commenced. They included:

- a preliminary analysis of the changes required to statute, rules of court and court practice relating to wardship of incapacitated adults and minors;
- a detailed analysis of the function of the Examiner of the High Court in the area of compulsory liquidations
- a paper in relation to bond requirements in the Probate Office.

CUSTOMER SERVICE TRAINING

The programme of customer service training to support the implementation of the Customer Service Action Plan, with particular focus on front line staff, continued in 2004. The one day programme covers face-to-face communications, telephone techniques and dealing with difficult customers. During the year, 12 programmes were completed with 127 staff attending.

**IMPLEMENTING THE OFFICIAL LANGUAGES ACT, 2003**

The Official Languages Act, 2003 aims to put structures in place to ensure that the volume and standard of service provided by public bodies through the medium of Irish can be increased over a period of time. The Service is one

of the public bodies which the Minister for Community, Rural and Gaeltacht Affairs has designated, under Section 11 of the Act, to prepare a draft scheme for approval. The scheme will specify the services it is proposed to provide exclusively through Irish, exclusively through English, and through both, and the measures to be adopted to ensure that any service not provided through Irish will be so provided. In 2004, the Service published notice of intention to prepare a draft scheme and sought submissions from the public by early January 2005.

New ticketing system.....customer service in action

The High Court Central Office introduced a numbered queuing system at the end of 2004. The system allows for two queues – an express queue for customers with up to five items and a standard queue for customers with in excess of five items. Staff can see from their keypads how many customers are waiting at any given time and can switch to provide additional service if either queue is backing up. The customer can use the waiting time productively by conducting other business such as using the four public search terminals now available in the office. Prior to the introduction of the ticketing system, the customer was obliged to remain seated to keep his/her place in the queue. The system also provides useful management information regarding waiting and service times and the number of customers dealt with on a daily basis.



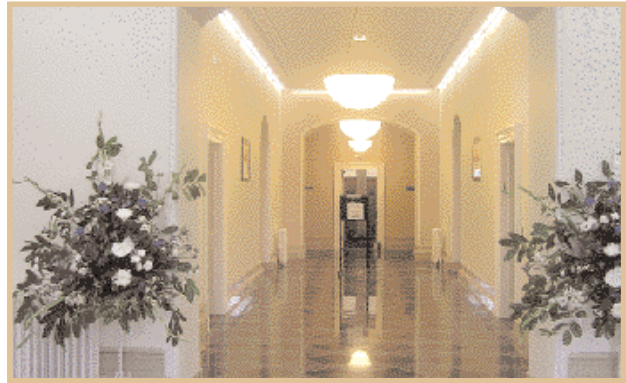
Mandate 1

DEVELOPING FAMILY LAW COURT SERVICES

District Court venues with sittings dedicated to family law

District Court number	Venue	Frequency
3	Ballina	Monthly
16	Bray	Monthly
15	Carlow	Monthly
3	Castlebar	Monthly*
21	Clonmel	Monthly*
20	Cobh	Monthly
19	Cork	Twice weekly
1	Donegal	Monthly
6	Drogheda	Monthly
	Dublin	Daily
6	Dundalk	Monthly
12	Ennis	Monthly
20	Fermoy	Monthly
7	Galway	Monthly
22	Kilkenny	Monthly
13	Kilmallock	Monthly
1	Letterkenny	Monthly
14	Limerick	Weekly
13	Listowel	Monthly
20	Mallow	Monthly
20	Midleton	Monthly
9	Mullingar	Monthly
16	Naas	Monthly*
10	Navan	Monthly
13	Newcastlewest	Monthly
15	Portlaoise	Monthly
2	Sligo	Monthly
10	Trim	Monthly
9	Tullamore	Monthly
22	Waterford	Monthly
3	Westport	Monthly*
23	Wexford	Monthly*
21	Youghal	Monthly

* In certain venues, while the day is not entirely dedicated to family matters because of volumes, it is arranged so that family lists are heard separately.



Personal Injuries Assessment Board

The Personal Injuries Assessment Board (P.I.A.B.) was given responsibility for all non-contested employer liability cases in June 2004. This was extended to motor accident and public liability cases in July.

There was a major increase in the number of proceedings issued in advance of the introduction of the new procedure in the High Court and Circuit Court Offices. The High Court issued 7,074 plenary summonses in the five day period preceding the introduction of the new procedure compared with 8,074 in the previous six months and a total of 11,245 in 2003. The total number issued to the end of July 2004 was 15,241. In the Circuit Court offices, 30,482 civil bills were issued by the end of July 2004 compared to 41,181 for the entire of 2003. The civil bills for the first seven months of 2004 amounted to almost 75% of the previous years' total.

The Reform and Development Directorate co-ordinated the finalising and approval by the three Rules Committees (see pages 135 to 142 for Annual Reports of the Rules Committees) of the amendments to court rules necessary to facilitate the operation of the Personal Injuries Assessment Board Act, 2003.

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Information Technology – helping to improve service

The Service, like all large organisations, can gain many benefits from information technology systems. Some of these systems are no different from those used in other organisations, such as accounting packages, payroll and asset management. Some are common in other organisations but used in a particular way by the courts, such as websites, video conferencing and digital audio recording. And some are specific to the courts, such as electronic case management and jury selection.

The Service remains committed to co-operating fully with the implementation of eGovernment policy as outlined in *New Connections*, the government's action plan to realise the potential of the Information Society published in 2002.



IMPLEMENTING THE INFORMATION TECHNOLOGY STRATEGIC PLAN

The 5 year Information Technology Strategy “*eCourts*” published in 2001 was based on a new and evolving organisation which required a modern technological infrastructure to meet the challenges faced. Since then, there has been a review of the changes in work activities and work practices which must be made if the Service is to achieve its aims and objectives. In addition, technology has continued to develop and the business priorities of the Service have undergone substantial change. During 2004, a fundamental information technology strategy review commenced. This is designed to ensure that the strategy continues to be compatible with the aims and objectives of the Service and to ensure that as an organisation maximum business benefit

continues to be achieved from the investment in technology. The review, which will be completed in mid 2005, will concentrate on the information technology strategies of the Service across all areas of court activity.

PROVIDING NEW INFORMATION SYSTEMS

The programme to provide modern information systems in all areas of court activity continued during 2004:

Criminal Case Management System

This system, which had been operational in only the Dublin and Limerick District Court Offices, was rolled out to District Court offices nationwide involving some 41 separate offices. This exercise represented the single largest implementation of a strategic

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business application in the history of the Irish courts system. The system can track the full life cycle of a criminal or road traffic case and means that an integrated electronic record is now available in respect of 95% of all criminal cases nationwide.

The system will also enable the Service to introduce an automated penalty points system and meet its commitment to government in relation to the implementation of penalty points. It was necessary to ensure compatibility between the Criminal Case Management System and the Department of the Environment and Local Government Driver Licensing System so that details of penalty point convictions could be electronically transferred to the Department for further processing. In addition, as part of a pilot project commenced during the year, details of summons applications from An Garda Síochána are electronically received and details of hearing dates are electronically allocated.

The installation of the Criminal Case Management System represented a major challenge for the Service and included the introduction of a significant business change programme and the training of almost 300 staff. The exercise was completed on time and within a demanding 6 months period.

“The increasing demands made upon our legal system, whether manifested in the volume and level of complexity of proceedings initiated, or in the expectations of the legal profession and litigating public, require that the Service equip itself to discharge its functions by drawing upon the best management practices, availing of the latest technologies”

Mr. Justice John L. Murray, Chief Justice

Civil Case Management System

During the year the Service continued a programme of providing specific systems to a range of offices to facilitate the transaction of civil business. These systems are being provided pending the development of a strategic civil case management system. By year end, most offices in the High Court and Circuit Court had been provided with systems. A new system was developed during the year for the Taxing Masters' Office and further improvements were made to systems already in place in a range of other offices, including the Dublin Circuit Court Family Law Office and systems in Circuit Court offices generally.

Small Claims online

The Small Claims procedure in the District Court is a practical and efficient way for consumers to resolve disputes relating to businesses or services. The *eSmall Claims* project will allow consumers lodge claims with the Small Claims office electronically over the Internet. During the year, Phase 1 of the project was successfully developed and implemented on a pilot basis in Dublin and Cavan District Court offices. Development also commenced on the part of the system which will be visible to the

public. This phase will be implemented in mid 2005.

Integration of Criminal Justice systems

The Service is participating in a project to facilitate the integration of computer systems across the criminal justice sector. In Phase 1 of the overall programme the Service, in association with An Garda Síochána, established a pilot project to facilitate:

- The electronic transfer of summons application data from An Garda Síochána PULSE system to the Criminal Case Management System
- The electronic transfer of court hearing dates from the Criminal Case Management System to PULSE
- The electronic transfer of court outcomes from the Criminal Case Management System to PULSE

At year end, both the Service and An Garda Síochána were advancing details of the information which requires automated transfer between the two systems.

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Benefits to users provided by the Criminal Case Management System:

- Tracks a case from beginning to end
- A case entered on the system by one office does not have to be re-entered again by another office if the case is transferred
- Allows fines to be receipted directly onto the system
- Allows for centralised generation of penalty point conviction notifications
- Allows for electronic transfer of such notifications to the Department of Transport
- Enables the electronic receipt of summons applications from An Garda Síochána and other prosecutors
- Facilitates the centralised generation of more detailed statistics and management information

INCREASING USE OF INFORMATION TECHNOLOGY

One of the more obvious benefits of the introduction of information technology has been the introduction of computers in the courtroom. In addition to enabling staff process court work more efficiently, they have provided a means of silent communication between courts and between offices and the courts.

USING VIDEO TO IMPROVE SERVICE*Video link*

Considerable use was made of video link facilities during the year. For example, in the Dublin Circuit Criminal Court, the facilities were used in some eighteen trials.

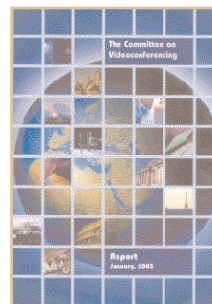
Video viewing

The Service assumed responsibility for the provision of facilities for the viewing of videos during criminal trials in the Dublin Circuit Criminal Court in 2004. The videos contained material on a range of matters including closed circuit television footage and interviews

in Garda stations. The equipment used was of a portable variety and is intended as a temporary measure until permanent equipment is installed in a number of courts.

Videoconferencing

The Minister for Justice, Equality & Law Reform established a committee to consider the potential for videoconferencing in the courtroom. At year end, the committee, chaired by a judge of the Supreme Court, had prepared a report for submission to the Minister. The committee recommended the use of videoconferencing technology in the courts in Ireland and considered that this technology has the potential to improve significantly the efficiency and effectiveness of criminal and civil trials. It further recommended that a pilot project be established whereby videoconferencing technology should be deployed in five courtrooms: two in the High Court in Dublin, one in Cloverhill Courthouse, one in the Circuit Court in Dublin and one in the District Court in Cork. Similar



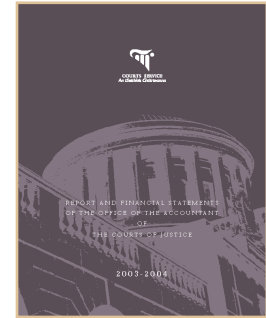
facilities are recommended for four prisons: Limerick, Cork, Cloverhill and Castlereagh.

During 2004, the Service in association with the Prison Service evaluated the requirements associated with the introduction of videoconferencing in the context of the pilot project. In 2005, the Service will consider introducing videoconferencing in civil cases and at a corporate level as part of the pilot project.

DIGITAL AUDIO RECORDING

During 2004 the Service continued to examine the options associated with the introduction of a digital audio recording system in the Central Criminal Court, Special Criminal Court and Circuit Criminal Court. The Service also considered the possible future extension of recording facilities to all courtrooms regardless of jurisdiction. A model for the introduction of a system was selected. It would include outsourcing the implementation of the system and arranging for the delivery of a range of associated services including, where required, the provision of transcripts of trials both overnight and for the purpose of appeals to the Court of Criminal Appeal. At year end, the Service had arranged technical

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assistance to evaluate the impact of the model selected from both a technical and cost perspective and to assist in the preparation of the technical sections of an invitation to tender for the system. Tenders will be invited in mid 2005.

Pending the introduction of a strategic digital audio recording system, a system was installed in the Supreme Court at the end of 2004 initially confined to recording certain judgments and certain court lists.

eCONVEYANCING

This project, sponsored by the Law Reform Commission, is comprised of three elements concerned with administrative, procedural and substantive legal aspects of conveyancing. The Service is concerned specifically with the administrative strand and is represented on the committee by the Head of Information Technology. During the year funding was sought for the continued development of the project from the Information Society Action Fund.

eREGISTERS

This project is related to the *eConveyancing* project. *eConveyancing* will require that certain court registers, for example the Lis Pendens Register and the Probate Register, be available online. During the year, the Service completed an analysis of the various court registers searchable by the public and legal practitioners to facilitate the conversion of those registers from manual to electronic format.

FINANCIAL MANAGEMENT MANAGEMENT INFORMATION FRAMEWORK

The development of a management information framework is one of the main management reforms envisaged by *Delivering Better Government* and is an integral part of the *Strategic Management Initiative (SMI)*. The view is that existing financial systems do not provide management with relevant, accurate and timely information on performance and trends. New systems are therefore required that will support the wider financial management process for planning resource allocation, management control and budgeting, day-to-day financial reporting and assessing performance.

Significant progress has been made by the Service in recent years in introducing improved financial management systems and methods. The Financial Management System which is the core element of the Management Information Framework has been in operation within the Service since June 2003. This represents the first phase of the Management Information Framework programme. In addition, substantial elements of the budget of the Service have been successfully devolved to Directors, Regional Managers and other managers.

The second phase of the Management Information Framework programme, which will address the establishment of key performance indicators across financial and operational activities, as well as the development of a costing model and improved management reports, will get underway in 2005. In addition to implementing all aspects of the financial management system, significant progress has been made in 2004 on the roll out of the online travel and subsistence service to almost all staff. The infrastructure to roll out other aspects of the financial management system has also been put in place.

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PURCHASING AND PROCUREMENT

A comprehensive review of our procurement activities was completed during the year. A Procurement Officer was appointed to ensure optimal coordination of procurement activity and to ensure compliance with European Union and national procurement regulations throughout the Service. Pilot procurements commenced for services in a number of areas including security, contract cleaning and caretaking, interpretation and translation and postal delivery.

COURT FUNDS**MANAGEMENT AND INVESTMENT**

Since the establishment of the Service, the issues surrounding the management and investment of court funds have been afforded high priority. These are primarily funds held in trust by the courts and managed on behalf of persons who are Wards of Court and Minors. Significant progress continued to be made during 2004 to implement a major modernisation programme in the Office of the Accountant of the Courts of Justice.

The first investment of court funds in the new investment vehicles established to meet the specific requirements of the beneficiaries of court funds was made in December 2003. These funds, which have been approved by the Irish Financial Services Regulatory Authority, were established by Bank of Ireland Asset Management, who, along with State Street Global Advisors, were appointed joint fund managers by the Service in 2003. The transfer of High Court funds into these new unitised funds commenced in mid-December 2003 and at the end of 2004 the value of funds in the new investment strategies was €515m. This represents just under 70% of the total funds managed by the Office of the Accountant of the Courts of Justice. The exercise is scheduled for completion by September 2005.

In total there was €880 million in court funds in 2004, comprising funds in the High Court, Circuit Court and District Court. Funds in the Circuit Court and District Court will be transferred to the new investment strategies when the necessary amendments to the Rules of Court are effected.

INVESTMENT PERFORMANCE

Performance of the new funds since inception in December 2003 has been very good ranging from just under 5% for the Cash Plus Fund to just over 13% for the Growth Fund. The chart *on page 45* represents cumulative performance for the first year of the funds. With inflation running at 2.2% for the same period, all four funds have made gains well in excess of the consumer price index.

ESTABLISHMENT OF COURT FUNDS OFFICE

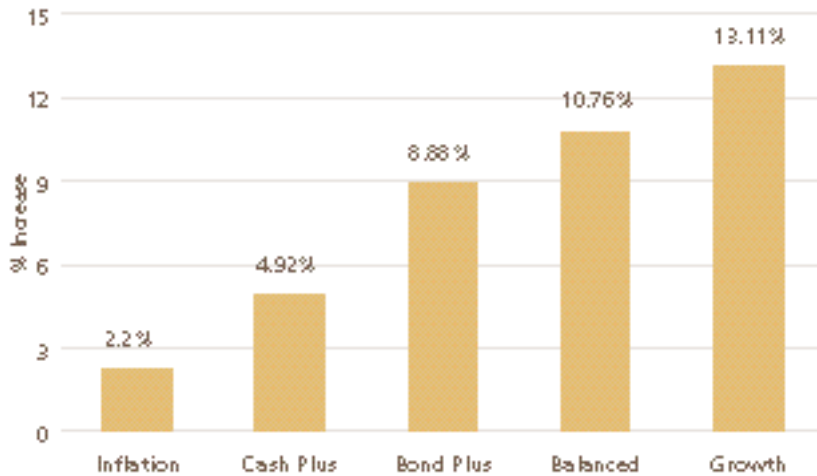
The Service continues to work towards the establishment of a Court Funds Office to be responsible for the centralised management of funds controlled by the various court jurisdictions. A proposal for legislation to facilitate the establishment of the Office, with responsibility for the custody and management of court-controlled funds across all court jurisdictions was produced by the Service during the year. At year end, the Circuit Court Rules Committee was considering draft rules to facilitate the centralised management in the Accountant's Office of particular categories of Circuit Court funds.

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New Investment Strategies

Investment Performance (Net of Fund Management Fees)

December 2003 to December 2004



IMPROVING COURTS ACCOUNTING PROCESSES AND SERVICES

COURTS ACCOUNTING SYSTEM

The rollout of Phase 1 of the new courts accounting system involving family law maintenance was successfully completed during the year. By year end the new system was in operation in six District Court offices.

Phase 2 of the project will commence in early 2005. It will develop an accounting system for all accounting processes including fines, fees, bail and the poor box. The system used in Phase 1 will be developed to handle all the financial matters dealt with in District Court offices in relation to these processes. For Phase 2 a central processing centre will be established to undertake many of the tasks currently performed in the local court offices around the country, in many instances using manual systems. This will have a number of advantages including improved customer service that will see a wider range of payment

options, optimal use of technology, better utilisation of resources and significant economies of scale. In addition, the Courts Accounting System will interface with the new Criminal Case Management System. This will eliminate significant duplication of input.

The new Courts Accounting System will also enable a number of eGovernment initiatives to be implemented including the following:

- Payment of fines via the Internet
- Payment of court fees via the Internet
- Payment of family law maintenance electronically into and out of bank accounts including use of standing orders.

COURT STAMP DUTY

The Service reviewed the stamp duty charged on court documents during 2004. This resulted in new stamp duty orders being approved by the Minister for Justice, Equality and Law Reform and the Minister for Finance in August 2004 for the Supreme Court, High Court, Circuit Court and District Court. The new orders are the first phase in an ongoing process to review stamp duty to ensure equity and consistency across court jurisdictions having regard to the constitutional right of access to the courts.

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AMENDMENTS TO DISTRICT COURT DISTRICTS AND AREAS

Amendments to District Court districts and areas and variations of sitting days are effected by statutory instrument. In 2004, the Minister for Justice, Equality & Law Reform signed the following statutory instruments amalgamating a number of venues and amending sitting days:

Title	S.I. Number	Purpose of Order	Date Order became effective	District Number
District Court Districts & Areas (Amendment) & Variation of Days & Hours (Kanturk & Mitchelstown) Order, 2004	S.I. 51 of 2004	(a) additional sittings at Kanturk on the 3rd Friday in February, April, June, October, & December at 10.30 a.m. (b) sittings of the District Court at Mitchelstown on the 1st Friday in January, March, May, July, September, & November at 10.30 a.m.	19/2/04	20
District Court Districts & Areas (Amendment) and Variation of Hours (District No. 5) Order, 2004	S.I. 153 of 2004	Sittings in the District Court Areas of Arva, Ballinamore, Ballyconnell/Swanlinbar, Ballyjamesduff, Belturbet, Cavan, Clones, Cootehill, Kingscourt, Mohill, Monaghan, Oldcastle and Virginia to commence at 10.30 a.m.	27/4/04	5
District Court Districts and Areas (Amendment) and Variation of Days and Hours (Rathdowney and Portlaoise) Order, 2004	S.I. 487 of 2004	(a) Amalgamation of the District Electoral Divisions of the District Court Area of Rathdowney into the District Court Area of Portlaoise, and (b) Variation of the days on which the District Court at Portlaoise exercising its summary jurisdiction is held to the first, second third and fourth Friday, second Thursday and the third Tuesday in each month at 10.30 a.m.	16/08/04	15

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Providing support services for the judges

The total number of serving judges in all four court jurisdictions – Supreme Court, High Court, Circuit Court and District Court – as of 31st December 2004 was 127.

The Service continued to provide administrative support to the judiciary during 2004 through the offices of the Judicial Support Unit. It also provided administrative support to the Judicial Appointments Advisory Board, the Judicial Studies Institute and the Judicial Support Committee.

ASSISTING THE JUDICIAL APPOINTMENTS ADVISORY BOARD

Advertisements for judicial vacancies were published in national newspapers and legal publications during the year. Events aimed at introducing newly appointed judges to the administrative functions of the Service were organised, with an emphasis on the support available for members of the judiciary.

ASSISTING THE JUDICIAL STUDIES INSTITUTE

The Service continued to work with the judiciary during the year to identify, in a structured manner, the appropriate resources in terms of support, accommodation and funding for training required by the judiciary. Assistance with the organisation of a number of judicial conferences was provided by staff of the Service at various times throughout the year.

SUPPORTING THE RULES COMMITTEES

Rules Committees make rules regulating the practice and procedure of the court in relation to particular court jurisdictions. There is a Superior Court Rules Committee, a Circuit Court Rules Committee and a District Court Rules Committee. The Reports of these Committees are on *pages 135 to 142*.

The Reform and Development Directorate provides liaison between the Rules Committees on individual rules proposals having

<i>JURISDICTION</i>	<i>LEGISLATIVE POSITION</i>	<i>NUMBER SERVING</i>
<i>Supreme Court</i>	<i>8 including the Chief Justice</i>	<i>8</i>
<i>High Court</i>	<i>33 including the President*</i>	<i>32</i>
<i>Circuit Court</i>	<i>34 including the President</i>	<i>34</i>
<i>District Court</i>	<i>55 including the President</i>	<i>53</i>
<i>Total</i>	<i>130</i>	<i>127</i>

* 33 when the President of the Law Reform Commission is a High Court judge as was the case on the 31st December 2004

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significance across the different court jurisdictions pending the establishment of a Rules Committee Support Unit within the Directorate. This new Unit will provide support, including research and drafting resources for the Rules Making Committees and will assist the introduction of consistent terminology, procedures and rules across all courts.

In 2004, the Directorate assessed the implications of the Civil Liability and Courts Act, 2004 for the Rules of the Superior Courts, Circuit Court and District Courts. Draft rules governing applications for the restoration of companies to the Register of Companies in the Companies Office were being prepared at year end. Other assistance provided was the preparation of draft Rules to enable the High Court deal with cases under domestic and European competition legislation.

JUDICIAL SUPPORT UNIT

The Unit continued to provide comprehensive support to the judiciary during the year. In addition to providing support for judges in Ireland, the Unit facilitated visits of foreign delegations from numerous countries including Norway, Thailand, Vietnam, France, China,

the Netherlands, Germany, New Zealand, Northern Ireland and Bosnia Herzegovina.

At year end, work was well advanced on the preparation of a booklet for judges containing information a range of matters including terms of service. The booklet is being prepared in co-operation with the Department of Justice, Equality & Law Reform, the Department of Finance and the Presidents of each court jurisdiction.

ASSISTING THE JUDICIARY TO REDUCE WAITING TIMES

HIGH COURT

During the months of August and September the High Court had sittings every day in what was a particularly busy year. During this period, staff of the Service assumed some of the duties of the Master of the High Court when they acted as Deputy Master and dealt with a range of matters including adjournments, ex-parte applications and summonses. In addition, staff undertook the task of Duty Registrar on call to service emergency sittings of the High Court.

CIRCUIT COURT

Four days of additional sittings were held in Dublin during August and September to deal with family law and other emergency applications. Sittings were also held at a wide range of venues including Tralee, Wicklow, Galway, Roscommon and Mullingar.

DUBLIN METROPOLITAN DISTRICT COURT

Extra court sittings in August resulted in the hearing of some 15,000 road traffic cases while the criminal courts continued to sit together with some family and children's courts. During September, additional hearings were held over twenty two days in the Four Courts to deal with cases under Section 49 of the Road Traffic Act, 1961 (*drink driving*). In excess of 170 cases were listed with 90 finalised.

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Central Criminal Court

Waiting times were reduced and the number of cases disposed of substantially increased as the court which deals with the country's most serious crimes made a "net gain" on cases.

In 2004, the Central Criminal Court disposed of 61 more cases than it received. The court received 72 cases and dealt with 133. This is the fourth year in a row that the Court has completed more cases than it received. The Court routinely had four judges hearing murder and rape cases. At such times as the President of the High Court was in a position to assign additional judges, the court had up to six judges sitting.

The number of rape cases coming before the Court reduced during 2004. It had risen from 48 cases in 1996 to 130 in both 1998 and 1999. This has fallen back to 40 new cases in 2004 a reduction of 70% from the peak period. The number of murder cases also fell from 39 in 2003 to 28 in 2004. The reduction in waiting time was achieved by a contribution of factors including the continued assignment of four judges on a full time basis by the President of the High Court. During the year the Court continued the practice, commenced in 2003, of sitting outside Dublin. The Court sat in Limerick for 49 days between February and August, in Sligo for 11 days in October and November and in Ennis for 12 days in December.



SUPPORTING INITIATIVES IN RELATION TO CASE MANAGEMENT

SUPREME COURT

The Supreme Court witnessed an increase in the number of cases with 531 appeals lodged and a total of 290 appeals disposed of. In addition a further 432 appeals were disposed of as a result of a case management initiative whereby the Court listed all uncertified appeals lodged since 1984 in which there had been no recent activity to explain the delay in proceeding with the appeal. Any appeal in which there was no appearance before the Court was struck out. Case management directions were issued by the Court in many of the cases. Less than 30 pre-2002 live appeals remained in the list in December 2004. The Supreme Court intends to review 2003 appeals in mid 2005.

COURT OF CRIMINAL APPEAL

The Court operates a case management list. This helps the Court identify and plan for cases where the hearing is estimated to exceed a day. In recent years there were just one or two such cases. The number increased to six in 2004 with further increases anticipated in 2005.

COMMERCIAL COURT

The Commercial Court, more particularly the Commercial List of the High Court, deals with commercial cases involving intellectual property, certain appeals from or judicial review applications in respect of any statutory body and other cases where the amount at issue is usually in excess of €1 million. It offers litigants the opportunity to have their cases dealt with speedily in a forum familiar with

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commercial law practices. The Court commenced business in January 2004 at a specially fitted out courtroom in Bow Street in Dublin. (See page 71 for details of the technology provided in this courtroom). A major feature of the administration of proceedings in this Court is the application of strict case management. Deadlines and directions of many types are given with a view to narrowing and identifying the issues and allowing the parties to address them resulting in shorter hearings.

The Service assisted with the preparation of draft Rules of Court and sample case and trial booklets for use in the Commercial Court. Work on the provision of a specific evidence presentation system which will provide facilities such as annotation and highlighting was ongoing at the end of the year with a specific product being evaluated for this purpose.



CIRCUIT COURT

The Service assisted the President of the Circuit Court during the year to introduce new procedures in Dublin regarding the management of civil cases likely to occupy considerable court time (long cases).

A more structured approach to the management of criminal cases in Dublin Circuit Court was introduced.

A limit was imposed on the number of cases for mention, arraignment and sentence daily. New cases returned from the

District Court were limited and heard on a dedicated day. The number of people in custody requiring to be accompanied by members of the Prison Service was kept to a minimum by limiting the number of custody cases listed.

Mandate 2

SUPPORTING THE JUDICIARY IN ITS WORK**IMPROVING LIBRARY AND RESEARCH FACILITIES**

The Judges' Library of the Service continued to provide a comprehensive range of library and research facilities for judges and staff in 2004. Library holdings include reference works, textbooks, periodicals, law reports and unreported judgments, legislation, indexes and digests, Oireachtas debates and official publications, as well as a small non-law section. Information and research queries were dealt with by the library, by e-mail, fax or post, as well as on the premises. The library also managed the provision of publications for judges' offices and court offices. The number and range of subscriptions to electronic databases continued to increase, and almost all are available on the desktops of judges and staff.

Requests during the year for materials not held in the library collection were often satisfied by inter-library loan or by document supply, through formal subscriptions to services such as Trinity College Information Service and the Institute of Advanced Legal Studies, and through informal arrangements and networking with other libraries.

Much emphasis continued to be placed on the provision of suitable training to staff of the library, both in-house and through outside events. Library staff were available to provide assistance with the use of electronic services, and with legal information resources as a whole.

TECHNOLOGY IN THE SUPREME COURT

Work commenced on the development of a scheduling and diarying system for judges of the Supreme Court during the year. This system will assist the Supreme Court office to schedule cases for hearing within the Supreme Court and subsequently enable the Chief Justice to schedule judges to hear them. A sample system will be completed by early 2005.

The development of an integrated approach to the electronic filing of documents and the presentation of documents and evidence within the courtroom across all jurisdictions continued to receive attention in 2004. Work is focused in the first instance on the development of an electronic filing system for the Supreme Court. A number of products were being evaluated at the end of the year.

INFORMATION TECHNOLOGY TRAINING

The Service organised a European Computer Driving Licence (ECDL) programme which was successfully completed by a number of judges during the year.

PRELIMINARY HEARING PILOT PROJECT

By way of implementation of a recommendation of the Working Group on the Jurisdiction of the Courts whose Report was presented to the Minister for Justice, Equality and Reform in 2003, a committee chaired by a judge of the High Court was established during the year. The Committee is considering the merits of a Preliminary Hearing Pilot Project and the issues which might appropriately be dealt with by a Preliminary Hearing. The committee considered an issues paper prepared by the Reform and Development Directorate and at year end was in the course of finalising its recommendations.

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IMPROVED METHODS OF COMMUNICATION

In 2004 the practice was introduced in the Supreme Court of notifying High Court judges by e-mail of the outcome of an appeal from their orders on the day of the decision. A copy of the Supreme Court judgment was attached where available.

IMPROVED STENOGRAPHY FACILITIES

The dedicated Stenography Unit previously referred to (*see page 36*) assumed responsibility for the supply to the Court of Criminal Appeal Office of all complete transcripts required for appeal purposes with effect from August 2004. This ensures that the time consuming task of collation of transcripts no longer has to be undertaken by a member of staff of the Court of Criminal Appeal Office.

**MANAGEMENT OF CENTRAL CRIMINAL COURT LIST**

Until 2004, the Circuit Criminal Court office was responsible for the administrative work associated with the Central Criminal Court list. This had particular consequences for the management of the list. In 2004, responsibility for the Central Criminal Court list was transferred from the Circuit Court Criminal Court Office to the High Court Central Office. By the end of the year, this association of High Court registrars with High Court judges when dealing with the work of the Central Criminal Court was yielding benefits in terms of more efficient use of judicial time.

REGISTER OF JUDGMENTS

Work continued during the year on the preparation of a Register of Judgments required under the provisions of the Civil Liability and Courts Act, 2004.

Pilot Drug Treatment Court

– a workable alternative to custodial sentences

The pilot Drug Treatment Court, designed to provide a workable alternative to custodial sentences for certain categories of drug offences, continued its operations in 2004. The main goals of the Court are to reduce the criminal offending pattern of the participants and to reduce their addiction or drug dependency. Interest from abroad in the work of the Court, the first of its kind in Europe, continues to be considerable. Members of the Drug Treatment Team made presentations during the year on the operation of the treatment programme to visitors from several countries including Norway, France and the United Kingdom.

From the outset the Court recognised that a vital component of the drive to

reduce the criminal offending pattern of participants and their addiction or drug dependency was the need to provide educational opportunities. Since the commencement of the pilot Court in 2001, an educational programme organised in co-operation with the Dublin Vocational Education Committee has been located in the Parnell Adult Learning Centre. Persons deemed eligible to participate in the Drug Treatment Programme are assessed in the Centre. Many of those assessed have been found to have low literacy skills requiring extra tutorial support (35%) or special needs (8%).

Classes are provided to Further Education and Training Awards Council (FETAC) level in a range of subjects including English, mathematics, food

and nutrition, work preparation, health and fitness, personal effectiveness, art and information technology. Some participants have attended Colleges of Education while others have been monitored for placement with FÁS.

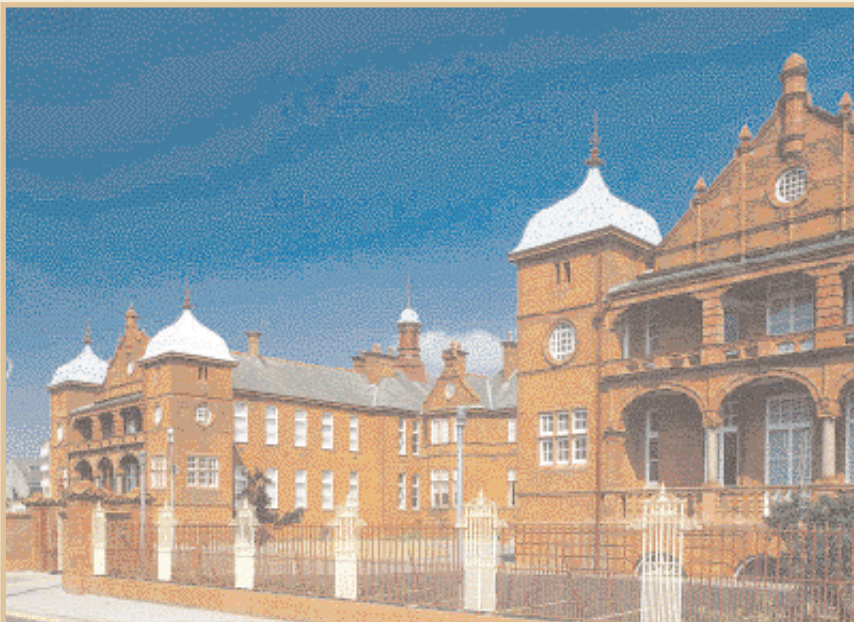
DRUG TREATMENT COURT – STATISTICS 2004

Participants

Phase 1	16
Phase 2	10
Phase 3	4
Graduated	11
Terminated	49
Total	90

Non-participants

Being assessed	11
Ineligible	62
Total	73



Mandate 3

Provide information on the courts system to the public

The provision of information is an important part of the drive to encourage confidence in the operation of the courts system and to retain the support and respect of the public for the administration of justice.

Explaining how the court system operates takes many forms and the Service continues to avail of every opportunity to make information available on a range of matters. Insofar as is possible, information is published in language that is easy to understand and free of the jargon often associated with legal documents. The development of the Internet has afforded organisations like the Service a way to reach the world in minutes. And yet for all its possibilities and all its potential there remains a large section of the community for whom the Internet does not feature as a communication tool. The Service must therefore continue to pursue a diverse course when considering how best to disseminate information to the wide range and variety of people who are interested in the work of the courts.

ASSISTING THE PUBLIC TO UNDERSTAND THE OPERATION OF THE COURTS SYSTEM

One of the most effective ways to make information on the operation of the courts system available to the public continues to be the publication of leaflets and booklets. During 2004, the Service produced a number of publications which were widely distributed:

GUIDE TO SMALL CLAIMS

The leaflet outlining the procedure to be followed when engaging the Small Claims procedure has been available in English for some time and has proved to be one of the most popular of the publications of the Service. During the year, the leaflet was made available in Irish, Spanish and Chinese (Mandarin and Cantonese). It is intended to make the leaflet available in French in early 2005.

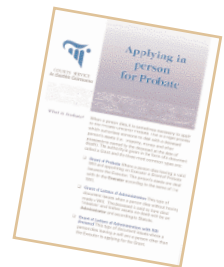
PROBATE

Information for practitioners

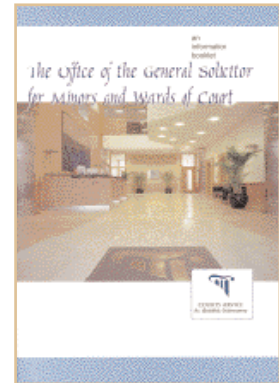
The Probate Office prepared a series of information sheets for practitioners during the year. All material was provided in hard copy and posted to the website, www.courts.ie.

Information for the public

A leaflet titled *Applying in person for Probate* was produced to explain the process that authorises a person to deal with the estate of a deceased person without the need to engage a solicitor. In addition to referring to the Probate Office in Dublin, the leaflet contains contact details for the fourteen District Probate Registries around the country.



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OFFICE OF THE GENERAL SOLICITOR FOR MINORS AND WARDS OF COURT

The General Solicitor can be appointed to act as Committee of a Minor or Ward of Court. This includes managing their affairs e.g. property and other assets. A useful guide, titled, *Office of the General Solicitor for Minors and Wards of Court*, was published detailing the work dealt with in this office and the occasions when the President of the High Court will appoint the General Solicitor to act as Committee.

AS GAELGE

The range of information available in Irish increased during the year. Publications made available included the Annual Report 2003, the Freedom of Information manual, leaflets on Cloverhill, Swords & Balbriggan District Court offices and the Customer Charter. All publications in Irish are available on the website. The popular poster, *Who's Who in the Courtroom*, was updated and re-printed and also made available in Irish.

Organised visits to the Four Courts

Year	2004	2003
Number of schools/colleges	148	132
Number of tours	179	150
Number of students	4303 (plus 291 teachers)	3321 (plus 250 teachers)

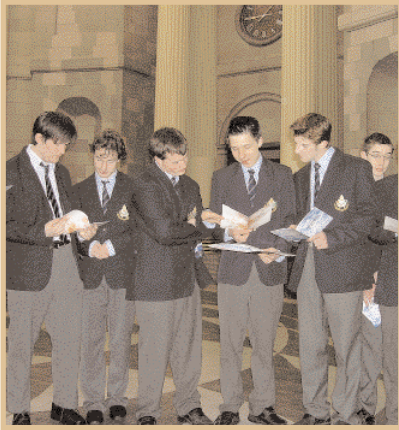
EDUCATING FOR THE FUTURE

SCHOOL TOURS

The Service continued to develop a range of initiatives aimed at educating young citizens on the operation of the court system. The popular school tour programme continued to gather momentum during the year with an increase in the number of venues offering tours around the country. Members of the public can avail of tours in venues including Letterkenny, Monaghan, Sligo, Galway, Naas and Donegal. It is intended to increase this number further in 2005 with the introduction of a tour programme in the newly refurbished courthouse in Cork and at other venues around the country.

The tour programme is supported by a range of published material in the form of leaflets, posters and a section dedicated to schools on the website. (see page 60 below)

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Visitor programme continues to gain popularity

Facilitating access to a real court environment and providing information in a structured format continues to be real winner for the Service especially with second level students. The continuing year-on-year rise in the number of visitors availing of organised tours of the Four Courts as part of the Court Tour Programme illustrates that interest in the operation of our justice system is very high across society. The Programme is an informed, organised and worthwhile initiative which balances with the core business of ensuring that court hearings continue every day. Groups visiting during 2004 were not confined to schools from Ireland but included school and other groups from outside Ireland and various professional groups including nurses and teachers. Every tour includes a descriptive talk on the court system and an opportunity to attend at a court case. The Programme caters for all visitors with information provided during 2004 in a range of languages including sign language, Irish and French.



LAW IN THE CLASSROOM

Work continued during the year on a project to develop material to be utilised as part of the Civil, Social and Political Education curriculum for second level schools up to junior certificate level. The Service is being assisted by the Civil, Social and Political Education Support Team of the Second Level Support Service of the Department of Education and Science. The aim of the project is to provide material for a course of some ten weeks duration culminating in an action project to take the form of a mock trial in the classroom. The material will include a hard copy resource pack together with material in electronic format. The project will be completed during 2005.

STUDENT WORK PLACEMENT PROGRAMME

Education of the young citizen included the opportunity to work in an office of the Service in 2004. A number of students were facilitated via a student placement programme agreed with University College Cork. Assignments completed by the students included a project on the Organisation of Working Time Act, 1997; a project to identify best industry practice in the area of records management and a project to assemble information for citizens called for jury service.

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PRESENTATIONS ON THE WORK OF THE COURTS

Staff of the Service continued to engage with the wider community to educate the public on the operation of the courts system during the year:

EXPLAINING THE WEBSITE

The Service supported an information technology seminar organised by the Law Society of Ireland to highlight various electronic facilities available to solicitors including standard desktop facilities, the *Legal Diary on-line* and facilities available in the Land Registry.

OFFICE OF WARDS OF COURT

The Office of Wards of Court continued to be available to assist and provide guidance to persons and organisations dealing with the affairs of incapacitated persons. During 2004, an officer gave a presentation to social workers and nursing staff attached to the Adelaide and Meath Hospital, Tallaght in relation to wardship and its implications. The Registrar of Wards of Court gave a lecture to the Law Society of Ireland as part of its Continuing Legal Education Programme and a lecture to the Society of Trust and Estate Practitioners (S.T.E.P.).

**PROBATE OFFICE**

The Probate Office also participated in the Law Society's Continuing Legal Education Programme by delivering papers and making presentations to solicitors in Cork and Dublin as part of the probate programme.

Staff of the Probate Office gave presentations to registrars in the High Court. Presentations to the Office of Wards of Court, the Office of the General Solicitor for Minors and Wards of Court and the Examiner's Office are planned for 2005.

JUDGES' LIBRARY

Staff of the library provided training in specialist areas to outside bodies such as the Law Society of Ireland and other libraries during the year.

VISITORS FROM ABROAD

Judges, staff and others involved in various legal systems around the world were facilitated by the Service on visits during the year. (see page 48).

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SUPPORTING INITIATIVES BY OUTSIDE AGENCIES

Where appropriate, and as a means of avoiding unnecessary duplication, the Service continues to promote a range of information produced by different community groups, support organisations and other government agencies. During 2004 the Service promoted a number of publications produced by some of these outside agencies. They included a publication for families coping with marriage breakdown published by the Law Society of Ireland and an information pack for families produced by the Family Mediation Service which operates under the auspices of the Family Support Agency. The Service also promoted a guide for grandparents of children whose parents are not married to each other published by the National Federation of Services for Unmarried Parents and their children.

The Service continues to promote the work of OASIS (Online Access to Services, Information and Support) (www.oasis.gov.ie) an eGovernment website developed by Comhairle to provide information on the social and civil rights of everyone in Ireland at various life stages. The site contains a wide range of

information about the operation of the court system including information about civil and criminal proceedings, information for people called for jury service and information for victims of crime.

IMPROVING STATISTICS

The Service acknowledges that public policy formation cannot be effective without detailed and relevant statistics. Considerable progress was made during the year in the drive to improve the range, type and quality of statistical information available with the emphasis being on the provision of information in understandable formats.

Statistics committees were established in the Supreme & High Courts and the Circuit & District Courts to carry out a major examination of the procedures operating for the collection of statistics. The committees reviewed the adequacy of the statistical categories and information currently collected by court offices and, where necessary, produced revised statistical reporting templates for offices. This exercise has ensured that appropriate measurement criteria have been identified to (a) capture all business conducted by the

office and (b) accurately reflect case volumes, productivity and timeliness in case disposal.

Work commenced on the procurement of an electronic reporting facility to provide statistical and management information from the various information technology systems following the completion of the statistics review. The ability to produce material from across all court jurisdictions in a common format is seen as a major element of the drive to improve the quality of the information available. It is intended that the first reports using the new facility will be available in mid-2005.

The Service co-operated with the Law Society of Ireland to encourage solicitors in Dublin to provide information to accompany the issue of family law proceedings in the High Court and Circuit Court. The information covers a range of matters including the relief sought, the ages of both parties and any minor children and whether the parties have legal representation. It will be used to improve the quality of information available in family law cases in both courts.

Statistics continue to be maintained in 2004 on a manual basis for the Personal Injuries Assessment Board. The project to

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improve the quality of data available electronically will include the ability to extract this material from the information technology systems in the various court offices.

The Service continued to assist outside agencies by undertaking projects to make statistics available where possible. During the year, the Dublin Circuit Criminal Court office provided information for the National Crime Council on some 180 cases disposed of in the Central Criminal Court.

PUBLISHING STATISTICAL INFORMATION ON THE INTERNET

A statistics section was developed as part of the redevelopment of the website of the Service. The section has been populated with information on a range of matters including civil, criminal, family and licensing cases. The information is backdated to the year 2001 and includes trends for particular categories including domestic violence, murder and rape over a number of years. In 2005, the Service will use the improved information made available by the new reporting facility to enhance the statistics section.

DEVELOPING A HIGH QUALITY MEDIA SERVICE

The Service remains committed to assisting the media report on cases coming before the courts. During 2004, the Media Relations Advisor of the Service dealt with a large number of daily enquiries about cases and decisions. The service provided extended beyond the mere release of information about current cases to include such matters as explaining the court system and assisting with research into less recent cases for television documentaries, radio features and newspaper articles.

The Media Relations Advisor held a number of press briefings during the year to highlight matters such as the launch of the Annual Report 2003. He also circulated press releases on a broad range of topics such as the opening of refurbished courthouses, updates on building projects and details of the completion of major initiatives in the information technology and financial areas.

The Advisor assisted the Information Office to support Public Access to Law, organisers of the much lauded National Mock Trial Competition. The support provided included making courtroom and other facilities available in the Four Courts, judging the newspaper and

television reporter section of the competition and arranging for the event to be recorded on film. This support for educational initiatives was continued through the relationship maintained with the colleges where journalism features as a course subject. The Advisor provided seminars and tutorials about reporting on the courts and organised numerous tours of the Four Courts for the students during the year.

A series of meetings with the representatives of local media around the country were held during the year by the Advisor accompanied by representatives of local court offices, usually the Country Registrar, the Chief Clerks for the District Court offices and the local Regional Manager. These meetings are in keeping with the commitments contained in the Customer Service Action Plan of the Service to consult with, communicate with and brief groups who use the courts and court offices on a regular basis.

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DEVELOPING THE WEBSITE

The Service recognises that the Internet and the worldwide web are two of the most important tools available for facilitating improvements in efficiency and effectiveness in organisations – both public and private. One of the key issues facing any organisation is how to use this technology imaginatively. The website of the Service, *www.courts.ie* was launched in November 1999 and provided information on a wide range of matters. Various additions were made to the site to improve the range and type of information available culminating in a decision to engage in an exercise to completely redesign the site. The new look site, launched in October 2004, preserves the essential features of the old site while presenting a range of new features utilising a host of design features including improved navigation, enhanced look and feel and industry best practice accessibility aids including adherence to the Web Accessibility Initiative (WAI) guidelines.

One of the most significant new features of the site is the availability free of charge of judgments of the Supreme Court and the Court of Criminal Appeal. Apart from the obvious benefit to



the community of easy access to judgments of the courts, this new initiative relieves the relevant court offices of the necessity to circulate judgments in hard copy. It is intended to explore the feasibility of publishing judgments of the High Court on the website in 2005.

The use of a Content Management System allows court offices access the website remotely to update content, most particularly, details of court sittings. At year end, this facility was available to staff of the Legal Diary Team in Dublin and to staff of Dundalk Circuit Court. A comprehensive training exercise will be undertaken from early 2005 to provide staff of the remaining Circuit Court offices

with the expertise necessary to enable them publish information to the website.

Much of the information available in English on the site is also available in Irish in a dedicated section "As Gaeilge". Work on the provision of the site in Irish will form part of the development of the site during 2005.

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The redeveloped website was one of four websites shortlisted in the Best State Body category of the Irish eGovernment awards 2005 announced in December 2004. The awards run by Public Sector Times and Elucidate and sponsored by the Institute of Public Administration and REACH attracted some 240 entries in seven categories. The winners will be announced in February 2005.

Highlights of the new website:

- Information of particular interest to the legal profession including court rules and fees, court terms and sittings, practice directions and court forms is divided into separate sections and easily located along the main menu
- Legal Diary section providing information on court lists has been updated with option of downloading the entire day's diary as one document
- Judgments of Supreme Court and Court of Criminal Appeal available, many on day of delivery
- Students of all levels provided for in dedicated section containing diverse information including information on careers in the legal system
- Heritage of court buildings highlighted in dedicated section which includes history of the law and tour of the Four Courts
- Selection of court statistics available to facilitate easy access to information about work of the courts
- As Gaeilge section provides selection of information on the site in Irish
- Offices & Maps section provides contact details and digital maps for every court office in Ireland



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Monthly visits to website of the Service

Month	Visits
January	57,732
February	55,701
March	59,642
April	50,849
May	49,092
June	45,303
July	49,818
August	36,814
September	41,280
October	53,468
November	51,251
December	39,142
Total	590,092



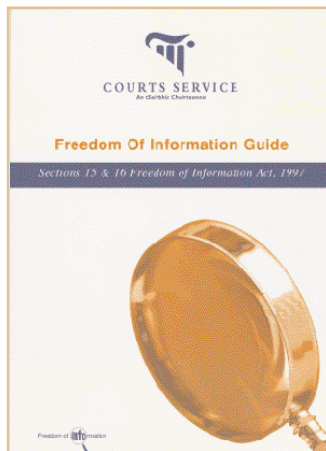
FACILITATING THE OPERATION OF THE FREEDOM OF INFORMATION ACT, 1997

The Service remains committed to ensuring the effective operation of systems and arrangements for dealing with all matters coming within the ambit of the Freedom of Information Act.

During the year, the Freedom of Information Guide outlining the structures and functions of the Service which was already published in Irish. The Guide provides information on the classes of records held and explains the procedure for making a request under the Act. Some of the records held by the Service are routinely available to the public and will continue to be available without the need to make a formal request under the Act.

Requests received under the Freedom of Information Act, 1997

	2004	2003
Access granted/part granted	1	10
Refused/records restricted under section 46(1) (b)	6	5
Handled outside the Act/withdrawn	24	39
Transferred	-	1
Total number of requests	31	55



Mandate 4

Provide, manage and maintain court buildings

The Service remains committed to improving the standard of court buildings and facilities all around the country.

In many cases, the challenge continues to be to provide facilities of a standard expected in the world of today while preserving the history and heritage of the past; to combine the best modern architectural design and information technology facilities with the careful preservation and restoration of buildings of national importance.

Judicial involvement in administrative matters has played a critical role in the advancement of many projects initiated by the Service since its establishment. One of the most obvious manifestations of this involvement has been in the advancement of the Capital Development Programme where the work of the Building Committee (*see page 15*) has greatly assisted the progression of many major projects and has provided much valued guidance in respect of a range of issues including policy, standard design briefs, priorities and security.

PROGRESSING THE CAPITAL BUILDING PROGRAMME

The Capital Building Programme titled "*Building for the Future*" covers the period from 2002 to 2008 and is the blueprint for the very ambitious programme to refurbish and maintain the court buildings of Ireland. The programme placed a priority on developing county town venues where most court sittings take place and where the majority of court offices are located. The programme also enables the Service to avail of opportunities to provide modern court facilities in conjunction with local authorities and other agencies. The benefits of such co-operative projects include better value for money and more expeditious provision of facilities. Examples of such facilities include Tubbercurry, Ballyshannon and Lismore.

By the end of 2004, almost all county town courthouses had been refurbished. In 2004 work was completed in Castlebar,

Navan, Ennis, Cork and work had commenced in Longford and Nenagh courthouses leaving only six county towns outstanding namely Tullamore, Kilkenny, Wicklow, Wexford, Mullingar and Roscommon. Preliminary planning had commenced in respect of Kilkenny and Wicklow courthouses. Work is expected to commence in respect of Tullamore in April 2005.

Other developments in 2004 included the construction of new courthouses in Ballyshannon and Bray. Work was well advanced in Ballyshannon at the end of the year and scheduled for completion in June 2005 and in Bray in early 2006. Refurbishment works at Lismore courthouse were scheduled for completion in mid 2005. Work will commence in early 2005 on the construction of a new court facility in Belmullet as part of a *one-stop-shop* development there. Work is expected to commence in September 2005 on Fermoy courthouse.

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PROJECTS COMPLETED IN 2004:

CASTLEBAR

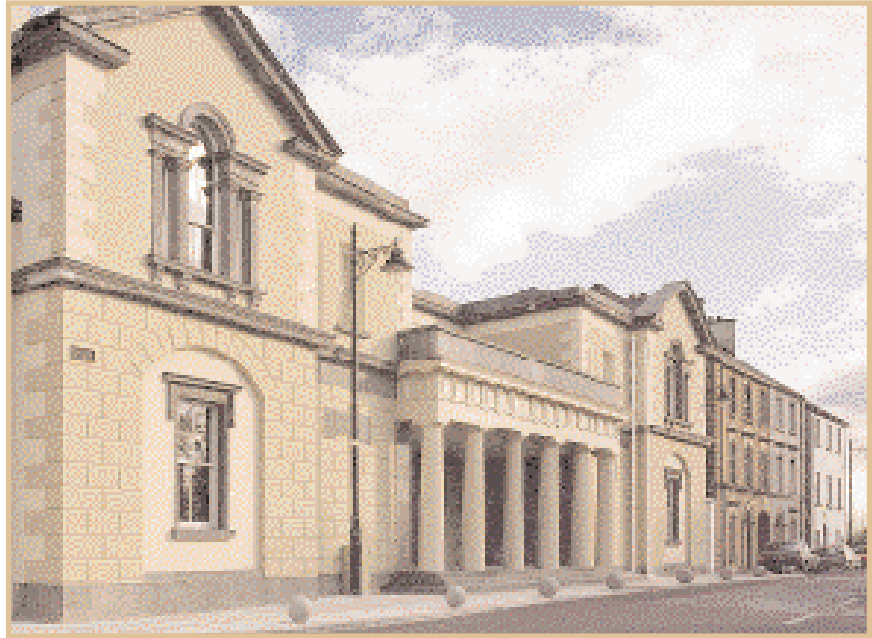
Cost: €11.6 million

Facilities: The courthouse now accommodates four courtrooms with adjoining judges' offices, consultation and meeting rooms with modern facilities for all court users. It also accommodates the staff of the Circuit and District Courts, 2 jury rooms, victim support facilities, media facilities and legal practitioners' facilities. Holding cells have also been provided. The building has been cabled to facilitate video conferencing and digital audio recording of proceedings.

NAVAN

Cost: €600,000

Facilities: The new facilities include the provision of a modern courtroom with judges' office, an office for the District Court Clerk, consultation rooms, legal practitioner's room and a holding room for those in custody. The accommodation is also accessible for people with disabilities.

**ENNIS**

Cost: €9 million

Facilities: The two original courtrooms were upgraded and modified to improve accessibility and acoustics but the historic fabric was maintained. An additional courtroom for civil and family law was added to the lower ground floor along with judges' offices, practitioners' rooms, consultation rooms, jury rooms, victim support facilities, media facilities and public waiting areas. New offices for staff of the Circuit and District Courts, a new lift for easier access and cabling throughout the entire building for all modern information technology applications including video conferencing were also provided. The courthouse can now accommodate the High, Circuit and District Courts.

CORK

Cost: €26 million

Facilities: The old bar room was removed and the courtyard glazed over at roof level to allow natural light into the heart of the building at all levels. A new fire-rated glass floor was inserted at first floor level creating an assembly area which links the two main courtrooms while still providing daylight to new staff offices underneath. This new enclosed atrium is lined with the existing glazed bricks and has a new fully glazed roof supported by coffered glass beams. By reducing the ground floor level of the whole building by over two feet, the ceiling height was greatly increased throughout this level, effectively adding an extra floor of accommodation to the building. This facilitated the addition of three new courtrooms, eight consultation rooms, a family law office and barristers'/solicitors'

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offices at the existing upper levels, without compromising any of the existing four courtrooms in the building. The ground floor now includes two new stone-lined entrances on either side of the portico steps, leading to a central foyer, flanked by new reception/security facilities. It also provides spacious, well lit and well ventilated offices and facilities for the court staff, as well as a victim support suite with video link room.

See *page 70* for details of the technology provided in Cork courthouse.

PROJECTS UNDERWAY IN 2004:**Drogheda** (temporary)

- will be completed in January 2005

Lismore

- will be completed in June 2005 (joint project with Waterford County Council)

Nenagh

- will be completed in December 2005

Ballyshannon

- will be completed in June 2005

Longford

- will be completed in April 2006

Bray

- will be completed in March 2006

PROJECTS DUE TO COMMENCE OVER THE NEXT FEW YEARS INCLUDE:

- Wexford
- Kilkenny
- Wicklow
- Mullingar
- Criminal Courts Complex
- Letterkenny
- Tralee
- Waterford
- Swords
- Drogheda (permanent building)
- Blanchardstown
- Limerick
- North Kildare
- Cork District
- Roscommon
- Thurles
- Monaghan
- Killarney

REFURBISHMENT/ CONSTRUCTION TO COMMENCE IN 2005:**Belmullet**

- April 2005 (joint project with Mayo County Council)

Tullamore

- April 2005

Fermoy

- September 2005

DUBLIN REGION**SECURITY IN THE FOUR COURTS**

A range of measures will be put in place during 2005 to improve security in and around the Four Courts complex. The measures will include the provision of security kiosks with scanning equipment at the entrances to the complex and the restriction of vehicle access. Certain people including judges, staff, solicitors and barristers will be exempt from having to pass through the scanners and will be issued with proximity/swipe cards to enable them gain access to the complex.

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ADDITIONAL COURT ACCOMMODATION

A major emphasis in the Dublin region during 2004 was on the procurement and fit out of additional courtrooms and offices for judges and staff. A number of proposals were considered including refurbishment works and the acquisition of additional accommodation in the Commercial Court premises in Bow Street; the creation of additional offices in Áras Uí Dhálaigh; increased use of certain accommodation in Phoenix House and the procurement of additional courtroom space in the King's Inns and the Law Society Building in Bow Street.

COMMERCIAL COURT

Work was completed on the Commercial Court in Bow Street in Dublin. A courtroom was furnished and fitted to the highest standard together with offices and kitchen facilities for judges and staff. The court commenced hearing cases in January 2004. A major feature of the fit out of the courtroom was the provision of the most up to date technology facilities. *(See page 71 for details).*

**PUBLIC PRIVATE PARTNERSHIPS
CRIMINAL COURT COMPLEX**

The Service received approval in 2004 for the procurement by way of public private partnership of a purpose designed Criminal Courts Complex for Dublin. This will be a state of the art criminal justice facility suited to the administration of criminal justice in twenty first century Ireland. The building will be designed to concentrate all central Dublin criminal business in one location. This will involve the transfer of courts and administrative offices from the District, Circuit, Special and Central Criminal Courts to the new facility. The delivery of this facility by means of a public private partnership will present an opportunity to avail of private sector innovation, ensure efficient delivery and so deliver best value for taxpayers.

The Service will seek expressions of interest from the private sector in mid-2005 for the delivery of this key infrastructure project which will be the greatest single capital investment in court buildings and services since the foundation of the State.

The building of this facility will result in a much improved service to all court users – members of the public, witnesses, jurors, judiciary, professionals and staff. The complex will contain 22 courtrooms which will be enabled for video conferencing, digital audio recording and electronic display of evidence. A site at Infirmary Road close to the Legal Quarter, current court buildings and the new Luas light rail system has been identified for the complex.

In particular, first class facilities for jurors, consultation rooms and waiting areas will also be provided. Public facilities will be included together with accommodation for other court users including witnesses and victims of crime and their relatives. The new facility will also allow for the efficient and dignified management of prisoner movement throughout the complex by way of dedicated circulation routes to and from court. A further feature will be dedicated facilities for legal practitioners and the media.

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**COURTHOUSES
VESTED IN 2004**

Midleton, Longford, Carlow, Listowel, Green St., Ennis, Kilrush, Kanturk, Ballina, Westport, Monaghan, Tralee, Thomastown, Macroom, Mallow, Ballinrobe, Swinford, Youghal, Smithfield (Children Court), Castlecomer, Ballyhaunis

OTHER PROJECTS

On page 65 the projects due to commence over the next few years throughout the country are referred to. The Service will seek to provide additional court accommodation at a number of these locations by way of public private partnership projects. These include Cork District Court, Waterford, Swords, North Kildare, Limerick and Letterkenny.

VESTING OF COURT BUILDINGS

Court accommodation currently in the ownership of local authorities or of the Office of Public Works may be transferred to the Service by order of the Minister for Justice, Equality & Law Reform. The Service has identified some eighty buildings to be vested. A total of twenty one courthouses were vested in the Service by the end of 2004.

**Understanding
Europa Nostra**

Europa Nostra is a pan-European federation of more than 200 non-governmental heritage organisations, which represents millions of citizens throughout Europe. It aims to encourage the protection and enhancement of heritage in the fields of architecture, urban and rural planning.

**AWARDS FOR REFURBISHED
PROJECTS****SLIGO COURTHOUSE**

Continuing the winning theme established in 2002 and 2003, Sligo Courthouse received an award at the prestigious Europa Nostra Cultural Heritage Awards held in Munich, Germany during the year. The major refurbishment effort was selected from entries all across Europe and rewarded with a Diploma in the Architectural Heritage section for the successful restoration of a Victorian neo-Gothic building while implementing new elements of the fabric of the building.

LIMERICK COURTHOUSE

Limerick County Circuit Courthouse won the "Best Civic Building" award at the *Limerick Looking Good Environment Competition 2004* in the Special Category Awards in October 2004.

**MAINTAINING COURT
BUILDINGS**

Maintenance includes minor refurbishment, electrical works, security alarms and fire extinguishers and preventative works such as painting, cleaning gutters and checking roofs. The Service operates an extensive maintenance programme for the large number and variety of court buildings in Dublin and around the country. The Regional Offices are responsible for the maintenance of court buildings outside of Dublin.

The Service was assisted in 2004 by the allocation of the sum of €150,000 for the maintenance of courthouses in certain rural areas under the *Clár programme*. The funding was provided on the basis of €1 from the programme for every €2 provided by the Service and was used to assist with the refurbishment at a number of venues including Lismore in Waterford and Clifden in Galway.

A series of preventative maintenance contracts were put in place in respect of venues around the country to cater for mechanical and electrical installations such as lifts, alarms, boilers, ventilation systems and fire extinguishers.

Mandate 4

Court buildings...preserving a place in history

Michael Davitt founder of the Land League was one of the defendants in the "Sligo State Trials" one of the most remarkable trials ever held in Sligo courthouse. He was arrested and brought to Sligo to face charges of sedition following a speech given at a Land League meeting in Gurteen. The trial in November 1879, attended by Charles Stuart Parnell, collapsed after a week. The dock used in the trial was restored in 2004 and will be located in the foyer of the refurbished courthouse.



circulation routes for judges, staff, juries, prisoners and the public. In addition, a series of other features including swipe card access to private areas, panic buttons and intruder alarms were included. Provision was also made for the installation of security equipment in the main foyer of courthouses.

A considerable maintenance effort in the Dublin Region resulted in an improvement in the quality of accommodation provided in the Four Courts complex. The wide range of projects undertaken included the refurbishment of judges' offices; the relocation of some judges, staff and other officials to new accommodation; several other painting and decorating projects; improvements to air conditioning and heating facilities; improvements in the quality of the lifts; and the installation of new and the preservation of, existing railings.

SECURITY IN COURT BUILDINGS

The security of court users is a major consideration in the planning and implementation of all court building projects. During 2004, all new or refurbishment projects provided for separate

HEALTH, SAFETY AND WELFARE AT WORK

The Service adopted a revised policy on Health, Safety and Welfare at Work in March 2004 prepared by a sub-committee of the Central Partnership Committee. A Safety Monitoring Committee was established with overall responsibility for monitoring and reviewing health and safety policy in the Service. Additional training will be provided for staff safety officers in 2005, following which, revised safety statements will be prepared for each court building.

Mandate 5

Provide facilities for users of the courts

The Service continued to make every effort during 2004 to ensure that users of the Courts can avail of first class facilities.

COURT BUILDINGS AND TECHNOLOGY

Technology provides the courts with many opportunities to improve the administration of justice. Earlier in this Report the developments in the provision of information technology systems aimed at making the justice system more efficient outside of the courtroom were outlined. However, the use of information technology extends beyond court and other administrative offices of the Service into the courtroom itself.

The Service continues to keep pace with developments in the world of courtroom technology to ensure that the courts in Ireland are equipped with the most up to date facilities available. The advantages include improved accuracy, improved efficiency and lower costs, enhanced access to witnesses and evidence and enhanced transparency of the justice process to the public. The

commencement of initiatives previously referred to in this Report such as computers in the courtroom, video conferencing and digital audio recording illustrate the determination of the Service to make courtrooms in Ireland comparable with the best in the world.

During 2004, the programme of deploying computers in courtrooms nationwide was completed. Computers have been installed in courtrooms connected to the corporate network of the Service in many county towns.



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**CORK COURTHOUSE:
CELEBRATING A NEW AGE IN
COURT TECHNOLOGY**

The refurbishment of the courthouse at Washington Street, Cork was completed during the year. Three technology enabled courtrooms were provided as part of the project. Courtrooms 1 and 2 were provided with video conferencing, video link and digital audio recording facilities.

These facilities enable the taking of evidence from anywhere in the world provided that suitable video facilities are available at the location. The video link system (which is used for the taking of evidence from vulnerable witnesses, normally children) enables evidence to be taken from a designated witness room within the courthouse. The evidence taken by video conference or video link can be recorded within these courtrooms on either standard video recorders or on DVD. The Digital Audio Recording system enables all proceedings within the courtroom including video conferencing and video link evidence to be recorded and subsequently used for the preparation of transcripts.

In addition to the facilities provided in courtrooms 1 and 2, courtroom 4 has been equipped as a full technology courtroom and



includes:

- A system to display ad-hoc and non digital evidence
- An electronic evidence distribution system to facilitate the display of electronic data, scanned documents and images
- Technologies to display/present evidence from various sources such as laptops, video and audio players, CD and DVD
- Touch panel functionality which controls the operation of all elements of the technology within the courtroom.

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Major features of the technology facilities in the Commercial Court:

- Digital Audio Recording
- Electronic filing and exchange of documents facilities
- Electronic presentation of evidence facilities
- Laptop access points for both the judge and parties to a case
- Videoconferencing

COMMERCIAL COURT

Another example of how information technology can assist the courts is the Commercial Court previously referred to in this Report. In addition to innovations in the area of case management, the new court sits in a specially designed courtroom in Bow Street in Dublin. There are VDUs, laptop points, provision for the electronic filing and exchange of documents, electronic presentation of evidence, video conferencing and real time stenography. Consultation rooms are available for practitioners and there is a large screen to allow members of the public follow what is happening in the proceedings.

FACILITIES FOR FAMILY LAW

The Capital Development Programme contains a commitment on the part of the Service to provide facilities to enable litigants in family law cases conduct their business in an environment appropriate to this most sensitive of the areas of the law. All major refurbishment works completed to date have included the provision of dedicated family law facilities. Similar facilities were included as part of major refurbishments works completed during the year in Castlebar, Ennis and Cork. Other large projects underway at Nenagh, Longford, Tullamore and Bray will also provide for them.

VICTIM SUPPORT FACILITIES

The Capital Development Programme also includes a commitment to improve facilities to support victims and their families. All major refurbishment works completed to date have included provision of victim support facilities which include a dedicated room with appropriate facilities located away from the main business of the court. Major refurbishment works completed during the year in Castlebar, Ennis and Cork included victim support facilities and they will also be

Facilities provided for court users include:

- Reception desks in all new projects
- Information display units
- Information display plasma screens in Ennis, Castlebar and Cork courthouses
- Facilities for the media in all major towns
- Family law facilities in all county towns
- Victim Support facilities at all major venues
- Ennis, Castlebar and Cork courthouses cabled for video conferencing technology

provided as part of large projects underway at Nenagh, Longford, Tullamore and Bray.

PLANNING FOR THE FUTURE

Work continued during the year on the development of a standard courthouse brief to accommodate the needs of all court users. A draft brief was prepared by the Building Committee following consultation with members of the judiciary, Directors and Regional Managers, County Registrars and District Court Clerks. The brief will be tested in a mock courtroom environment in 2005 to ensure a standard design and layout for courtrooms.

Mandate 5

Summary of new and refurbished court buildings since the establishment of the Service:

- Portlaoise
- Buncrana
- Baltinglass
- Templemore
- Mallow
- Athy
- Cloverhill
- Trim
- Carlow
- Carrickmacross
- Westport
- Limerick Circuit Court
- Arva
- Dundalk
- Borrisokane
- Sligo
- Navan
- Kilrush
- Tubbercurry
- Castlerea Remand Court
- Smithfield Family Law
- Roscrea
- Derrynea
- Loughrea
- Listowel
- Portarlington
- Rathdowney
- Commercial Court
- Chancery Place, Four Courts
- East Wing, Four Courts
- Ennis
- Castlebar
- Cork Circuit Court



PROVIDING FACILITIES FOR DISABLED COURT USERS

All new or refurbished courthouse projects provide access for people with disabilities. Induction loops are provided in courtrooms for people with hearing difficulties. Disabled access facilities were provided at a number of venues during the year including Castlebar, Navan, Ennis, Cork, Boyle, Granard and Castlepollard. Work was in progress at year end to provide such facilities in Strokestown.

PROVIDING FACILITIES FOR JURORS

A review of facilities for people called for jury service continued during the year. The review examined the arrangements for the formation and composition of jury panels, facilities for jurors in court premises, information currently provided to jurors and other relevant issues. Proposals will be made to the Board for revision of legislation and improvements to facilities, reception arrangements and information disseminated to jury summons recipients in 2005.

The Dublin Circuit Court revised the procedure for calling juries during the year. The change from a fortnightly call to a weekly one reduced the imposition on those members of the public called for jury service. Another successful initiative was the deployment of a member of staff to meet jury panel members when they arrived for jury duty.

PROVIDING FACILITIES FOR MEDIA REPRESENTATIVES IN COURTS

Efforts continued during the year to facilitate the media to report accurately on the work of the courts. The Service is committed to providing facilities tailored to meet local needs and included provision for desks and telephone facilities at many of the venues where projects were completed during the year.

Chapter 4

Our Staff



Our Staff

Our Staff



Change for most people involves moving from the known to the unknown. The future is uncertain and this can adversely affect the competencies, self-worth and coping abilities of the staff of any organisation.

CULTURE

The challenge for the Service is to create an environment where staff accept the need for and commit physical and psychological energy to the change process. Clarity of vision, carefully thought out strategies and well developed business processes will not, of themselves, deliver success. They need to be complemented by a culture where innovation is both encouraged and rewarded and where staff are afforded a genuine involvement in the change process. This poses particular challenges for an organisation like the Service which operates in a highly regulated environment. There is a need to exercise control while at the same time encourage flexibility, innovation and creativity. It is tempting to concentrate on values such as stability, predictability and getting it right. Changing culture requires transformation of purpose and a focus on customers and results. If managers and staff are directly involved in the change programme it is easier to create a participative

and learning culture where continuous change becomes the norm.

The Service places a major emphasis on the power of teamwork and in particular on the value of good leadership as a means of fostering a climate of meaningful staff involvement. Communication remains a key factor in this process. It fosters involvement and ownership. The Service remains committed through its various employee involvement programmes to developing an organisation where communication is recognised as being as much about listening, understanding and demonstrating interest and appreciation, as it is about imparting views and information. The Service appreciates that success in this area depends to a very large extent on the willing co-operation of our staff. Restructuring and change will only succeed if those affected are involved in a meaningful way in its planning and implementation.

The Service continues to develop a learning culture within the organisation. Learning organisations encourage their staff to learn regularly from their work and encourage and reward them for taking their own initiatives. The importance of the partnership model was referred to earlier in this report. Partnership structures have provided a solid basis at all levels of the Service in the move from a hierarchical to an employee involvement culture. In addition, experimentation needs to be the norm as new ideas are tried out and become part of the learning process. The approach of the Service has been very much by way of supporting new projects, some of which have been previously referred to – e.g. the new Commercial Court (see page 49 and the Pilot Drug Court (see page 53).

Our Staff



SUPPORTING OUR STAFF

The Service's training and development programme located within the Human Resources Directorate has been a key enabler of the change and modernisation programme. It has been designed to support the new strategic approach, business planning, performance management, partnership, information technology, customer service and the many other changes. Training and human resource management generally will play a vital enabling role in sustaining the momentum in the future and in preparing the Service to meet new and emerging challenges. The following are some examples of initiatives aimed at supporting our staff :

INDUCTION POLICY

A revised induction policy was put in place during 2004. Each new entrant to the Service is provided with a specially developed induction pack and an opportunity to undertake induction training.

MERIT-BASED PROMOTION

Competency based interviews are now the norm in the Service. Participants are required to demonstrate their skills and aptitudes in a structured manner

under headings of relevance to the particular post. During 2004, a number of internal promotion competitions at all levels were organised and managed. All participants were informed in a timely manner of the outcome of the interview process and panels were established from which successful candidates were promoted as vacancies arose.

HUMAN RESOURCES HELPDESK

The Human Resources Directorate operates a helpdesk for staff and dealt with 184 queries during the year. The facility will be expanded in 2005 with the development of an information service on human resource issues for distribution to all staff. Priority will be given to issues that frequently arise at the helpdesk.

MANAGERS HANDBOOK

A handbook for managers was completed during the year and will be issued in 2005. The handbook has 7 sections including management of new staff, attendance, performance, staff/career development, inappropriate behaviour, occupational health and welfare and business planning.

TIME AND ATTENDANCE SYSTEM

The Service commenced an examination of the application of a time and attendance system during 2004. This system will enable the Service to meet the requirements of the Organisation of Working Time Act, 1997 and allow for a more effective management of the flexi-time system. It will also provide management information on attendance patterns together with a more streamlined method for managing annual leave.

SICK LEAVE

The inputting of sick leave into the Human Resource Management System was finalised in 2004. The provision of a central record of all sick leave enables the Service to undertake an analysis of sick leave patterns and days lost due to illness. Reports on individual staff members' absences and reasons for absences can be readily made available from the system.

Our Staff

DISABILITY LIAISON OFFICER

The Service continues to designate a member of staff to act as the *Disability Liaison Officer*. In 2004, the officer attended a two day conference organised by the National Council for the Blind of Ireland.

EMPLOYEE ASSISTANCE OFFICER

The Service has engaged the services of an *Employee Assistance Officer* on a shared basis for a number of years. A full time officer will be assigned to the Service in early 2005. This will enable the Service to provide a better quality, more proactive service to staff.

POSITIVE WORKING ENVIRONMENT

A *Positive Working Environment* policy document was circulated to all staff during the year. The document detailed the civil service policy on harassment, sexual harassment and bullying. It also outlined the provisions of the *Employment Equality Act, 1998* in relation to the statutory offences of harassment and sexual harassment. In addition, it briefly outlined the support and assistance available from the

Supporting work life balance

The Service actively supports the Civil Service Equality Unit of the Department of Finance in the promotion of a wide range of family friendly and work life balance schemes. These schemes help employees to combine their work with responsibilities and choices outside of the workplace. The Service has 13 such initiatives in place including worksharing; flexitime; term time; career breaks; paternity leave; special marriage leave; bereavement leave; carers leave; maternity leave; adoptive leave and parental leave. A teleworking/e-working initiative will be tested on a pilot basis in 2005.

Employee Assistance Service to parties who are either making, or the subject of, a complaint of harassment, sexual harassment or bullying and detailed the procedures that should be followed in investigating a complaint.

RETIRED STAFF AND JUDGES

The Service continues to acknowledge the contribution made by retired staff and judges to the operation and management of the courts in Ireland over the years. Functions held in May and November were attended by many serving and retired staff and judges.



STAFF TALENTS OUTSIDE THE WORKPLACE

The determination of management to support staff through a range of new structures and initiatives has been equalled by staff who continue to be actively involved to make them a success. Reference has been made earlier in this Report to the initiatives supported by staff within the workplace environment. Their participation in a variety of initiatives outside the workplace has also contributed to the enhancement of their existing skills and has enabled them develop a range of other skills which serve to improve the quality of the service delivered by the Service. The following examples illustrate the diverse nature of the talents of our staff in this regard:

Our Staff



EDUCATIONAL ACHIEVEMENTS

The popularity of the European Computer Driving Licence (ECDL) where participants engage in a series of computer courses in matters such as word processing, database creation and spreadsheet techniques continued during the year. Staff participated in courses in the Irish language with a view to being able to meet the obligations imposed by the Official Languages Act, 2003. Many members of staff undertook courses in legal studies, business studies and a variety of other courses including human resource management and accountancy. Examples include the member of staff awarded a Masters of Science degree from the Open University Faculty of Management, Manufacturing and Technology; solicitors in the Office of the General Solicitor for Minors and Wards of Court who were

awarded diplomas in estate and trust planning and property tax respectively and the several members of staff who qualified as barristers and were called to the Bar of Ireland.

SPORTING ACHIEVEMENTS

The Service is the grateful beneficiary of the team building and communication skills developed by so many of our staff involved in a variety of sporting activities. Examples of success on the sporting field during the year included two members of staff who were part of the team crowned All-Ireland junior champions in Gaelic football.



SOCIAL CLUB

Social events afforded staff many opportunities to meet outside office hours during the year. The Social Club of the Service organised many such events including a summer barbeque and outings to greyhound dog race meetings.

OTHER ACTIVITIES

Staff displayed a range of skills in various ways during the year. Their creative writing skills were evident from the many contributions made to *Courts Service News* in the form of reviews of holidays, films and books and varied accounts of events both inside and outside the organisation as they occurred.

The Courts Service choir continued to ensure a high profile for the Service at many social and other events, the highlight being their performance at the Mass for the beginning of the new Legal Year in October.

Communication skills continue to improve thanks to the voluntary efforts of the staff who co-ordinate the popular *Speechcraft* programme. Based on the educational programmes created by Toastmasters International, a worldwide organisation dedicated to developing people as excellent

Our Staff



communicators and leaders, the programme continues to help staff by emphasising the importance of improving their listening, thinking and speaking skills. The group, based in Dublin, conducted early morning sessions during the year and expanded its client base to include people from outside the organisation.

Many court offices organised events to raise money for charity during the year. Activities such as the *Women's Mini Marathon* and *People in Need* were well supported by staff all around the country. Coffee mornings were organised to raise funds for the Irish Hospice Foundation while shoeboxes were filled with toys to assist *Operation Christmas Child*. In a further gesture of generosity, much needed support for the *Blood Bank* was provided by staff who donated blood regularly.



Chapter 5

Court Statistics

Court Statistics

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Court Statistics

Introduction

The drive to improve the range and quality of statistical material available on the work of the courts and court offices continued in 2004. The Service remains committed to seeking out the best methods of extracting statistical reports from the many information technology systems now operating in court offices around the country. Work continued during the year on the development of an electronic reporting facility for this purpose. The first reports using this new facility will be available in mid 2005.

Statistics in this Chapter are for the period from January 1st 2004 to December 31st 2004. They are listed by reference to specific categories of law: criminal, civil, family and licensing.

Short descriptions of the jurisdiction of the courts and the nature of the work carried out in a number of administrative offices are also provided. In some instances, statistical material for the year 2003 is provided for comparison purposes. Details of the procedure for obtaining a date for hearing together with information about the average length of time taken for cases to be allocated a date for hearing are also provided. The glossary of terms on page 157 is intended to explain many of the terms used in the course of court proceedings.

LAW TERMS 2004

Hilary: January 12th to April 2nd

Easter: April 19th to May 27th

Trinity: June 9th to July 31st

Michaelmas: October 4th to December 21st



Court Statistics

Section 1

Supreme Court

Court Statistics

Section 1: Supreme Court

The Supreme Court is the court of final appeal with power to hear appeals from all decisions of the High Court and appeals from the Court of Criminal Appeal if that court or the Attorney General certifies that the decision involves a legal point of exceptional public interest. It has other powers under the Constitution including power to give a ruling on a question of law submitted to it by the Circuit Court.

	Appeals lodged	Appeals dealt with
2004	531	*722
2003	440	304

* 432 of these appeals were disposed of in the review of uncertified appeals list.

OUTCOME OF APPEALS DEALT WITH

	2004	2003
Appeal dismissed, High Court order affirmed	144	148
Appeal allowed, High Court order discharged	62	64
Allow appeal, High Court order varied	14	12
Appeal struck out by consent	46	31
Liberty to re-enter granted	0	0
Remit to High Court	0	0
Answer questions	2	4
Appeal withdrawn by consent	20	43
Refer to Europe under Article 243 EU Treaty	1	1
No jurisdiction	1	1
Other	0	0
TOTAL	290	304

JUDGMENTS

	2004	2003
Reserved judgments outstanding at 01/01	11	26
Judgments reserved	80	78
Judgments delivered	72	93
Reserved judgments outstanding at 31/12	19	11

FIXING DATES FOR HEARING

Dates are assigned by the Registrar when the case has been certified as ready. The Chief Justice case manages the list to ascertain if the requirements of the Court's practice directions have been complied with. This ensures that all appeals are ready for hearing and court time is not wasted.

WAITING TIMES

10 months from the assignment of a date to the hearing date.

Section 2

Criminal

Court Statistics

Section 2: Criminal

COURT OF CRIMINAL APPEAL

The Court of Criminal Appeal hears appeals by persons convicted on indictment in the Circuit Criminal Court and in the Central Criminal Court where the appellant obtains a certificate from the trial judge that the case is a fit one for an appeal, or, where such certificate is refused, where the Court of Criminal Appeal itself, on appeal from such refusal, grants leave to appeal. The Court also hears appeals by the Director of Public Prosecutions (DPP) under section 2 of the Criminal Justice Act, 1993 and applications under section 2 of the Criminal Procedure Act, 1993.

APPEALS BY REFERENCE TO TRIAL COURT

Court	On hands 01/01	New appeals lodged	Disposed of	On hands 31/12
Circuit Criminal Court	191	169	187	173
Central Criminal Court	70	55	47	78
Special Criminal Court	15	9	7	17
Courts-Martial Appeal Court	3	1	4	0
Appeals by DPP	31	21	20	32
Criminal Procedure Act Appeals	3	2	1	4
Total	313	257	266	304

APPEALS BY REFERENCE TO TYPE OF APPEAL

	On hands 01/01	New appeals lodged	Disposed of	On hands 31/12
Conviction and sentence	68	50	45	73
Conviction only	81	44	57	68
Sentence only	164	163	164	163
Total	313	257	266	304

HIGH COURT (BAIL)

Persons granted bail in the District Court may apply to the High Court to vary the conditions of bail. If the District Court refuses bail, application may be made to the High Court. A person charged with murder can only apply to the High Court for bail.

	2004	2003
Applications made	2,862	2,183
Applications granted on own surety	365	471
Applications granted on third party surety	430	525
Applications refused	310	284
Applications refused under Bail Act, 1997	29	26
Applications withdrawn	201	194
Applications struck out	369	388
Orders varied	109	104

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 nominated from time to time by the President of the High Court. The court sits at such times and in such places as the President may decide.

Although the Central Criminal Court has full jurisdiction in all types of offences, in practice it only deals with offences where it has exclusive jurisdiction. The court deals mainly with murder, rape and serious sexual assault cases, but also has the jurisdiction in respect of piracy and treason. It also has jurisdiction under the Competition Act, 2002.

Traditionally, the Central Criminal Court sat exclusively in Dublin. In 2004, the court sat in Limerick for 49 days between February and August, in Sligo for 11 days in October and November and in Ennis for 12 days in December.

Court Statistics

Section 2: Criminal

MURDER CASES

MURDER CASES: 1996 TO 2004

	Received	Disposed of	Other
1996	25	23	0
1997	28	19	0
1998	29	20	0
1999	33	29	0
2000	42	33	1
2001	31	32	1
2002	55	48	4
2003	39	58	1
2004	28	59	4
Total	310	321	11

ANALYSIS OF MURDER / MANSLAUGHTER CASES DISPOSED OF

	2004	2003
Persons convicted of murder	23	28
Persons convicted of offences other than murder	24	17
Persons convicted of attempted murder or other related offence	0	1
Persons found not guilty by reason of insanity	2	3
Persons acquitted	7	6
Accused deceased	0	0
Other (including nolle prosequi)	3	3
Total	59	58

SENTENCES IMPOSED IN MURDER/ MANSLAUGHTER CASES

	2004	2003
Life imprisonment	23	30
More than 10 years	9	6
More than 5 years, less than 10 years	12	5
More than 2 years, less than 5 years	2	5
Other	2	2
Not guilty by reason of insanity	2	3

PLEAS / JURY TRIALS

	2004	2003
Pleas	19	14
Jury trials	40	43

MURDER CASES OUTSTANDING AT 31/12

	41
--	----

RAPE AND SEXUAL ASSAULT CASES

RAPE CASES: 1996 TO 2004

	Received	Disposed of
1996	48	48
1997	72	51
1998	130	86
1999	130	98
2000	113	94
2001	92	98
2002	82	93
2003	52	100
2004	40	72
Total	759	740

Court Statistics

Section 2: Criminal

ANALYSIS OF RAPE CASES DISPOSED OF

	2004	2003
Persons convicted of rape	10	12
Persons convicted of rape and other offences	17	31
Persons convicted of other sexual offences	9	18
Persons acquitted	16	19
Other (including nolle prosequi)	20	20
Total	72	100

SENTENCES IMPOSED IN RAPE AND SEXUAL ASSAULT CASES

	2004	2003
Life	2	2
More than 10 years	8	7
More than 5 years, less than 10 years	14	28
Less than 5 years	7	16
Other	7	8

PLEAS / JURY TRIALS

	2004	2003
Pleas	23	40
Jury trials	37	44

RAPE CASES OUTSTANDING AT 31/12

	2004	2003
	89	103

SPECIAL CRIMINAL COURT

The Special Criminal Court hears criminal cases directed to be tried in the Special Criminal Court by certificate of the Director of Public Prosecutions. Since 1998, the Court has dealt with 116 cases involving some 194 people.

DEALT WITH 1998 - 2004

Year	Cases	Persons
1998	21	37
1999	14	18
2000	26	36
2001	18	32
2002	13	22
2003	9	19
2004	15	30
Total	116	194

In 2004, 15 trials involving 30 accused persons were held in the Special Criminal Court. 10 persons entered guilty pleas and 13 were convicted having pleaded not guilty.

	2004	2003
On hands 01/01	48	30
New cases	8	27
Disposed of	15	9
Outstanding 31/12	41	48

	Trials	People	Convicted on plea of not guilty	Convicted on plea of guilty	Struck out nolle prosequi / acquitted
2004	15	30	13	10	7
2003	9	19	7	6	6

Court Statistics

Section 2: Criminal

CIRCUIT COURT

The Circuit Criminal Court has jurisdiction to deal with all indictable offences with the exceptions of murder, rape, aggravated sexual assault, treason, piracy and related offences. Most serious crimes, with the above exceptions, are tried in the Circuit Criminal Court. Cases may be tried by the judge in the circuit where the offence was committed or where the accused resides. However, in Circuit Criminal Courts outside Dublin, the trial judge may, on application by the prosecution or the defence and if satisfied that it would be unjust not to do so, transfer a trial to the Dublin Circuit Criminal Court. Criminal cases dealt with by the Circuit Criminal Courts commence in the District Court and are sent forward to the Circuit Criminal Court for trial or sentencing.

OUTCOME OF JURY TRIALS

	Accused convicted	Accused acquitted
2004	151	204
2003	161	129

ANALYSIS OF CRIMINAL BUSINESS

	Jury trials	Guilty plea	Nolle prosequi	Change to guilty plea
2004	355	1,465	115	183
2003	319	1,634	123	249

TRIAL AND JURORS SELECTED

	Circuit Court	Central Criminal Court
Jury trials dealt with	355*	77
Estimated number of jurors	4,260	924

* Does not include cases where plea of not guilty changed to guilty plea.

DISTRICT COURT APPEALS

The Circuit Court deals with criminal appeals from the District Court by way of re-hearing.

	Received	Dealt with
2004	6,382	6,743
2003	11,624	10,931

Court Statistics

Section 2: Criminal

DISTRICT COURT

The District Court exercising its criminal jurisdiction deals with four particular types of offences:

- **Summary offences** (these are offences for which there is no right of trial by jury). This makes up the bulk of the criminal work of the District Court. These offences are exclusively statutory in origin
- **Indictable offences dealt with summarily** with the consent of the accused and the Director of Public Prosecutions (DPP) and the judge being of the opinion that the facts constitute a minor offence
- **Indictable offences (other than certain offences including rape, aggravated sexual assault, murder, treason and piracy)** where the accused pleads guilty and the DPP consents, and the judge accepts the guilty plea
- **Indictable offences not tried summarily**

The District Court also processes and deals with applications for bail.

CASES DEALT WITH

	2004	2003
Summary cases	312,152	327,677
Indictable cases dealt with summarily	45,645	47,267

SUMMARY CASES

	2004	2003
Road traffic offences	213,063	236,315
Other summary offences	99,089	91,362

OUTCOMES: SUMMARY OFFENCES

	2004	2003
Imprisonment/Detention*	10,240	10,432
Fines**	85,111	100,475
Community service	1,166	1,840
***Other	215,635	214,930
TOTAL	312,152	327,677

INDICTABLE CASES DEALT WITH SUMMARILY

	2004	2003
Imprisonment/Detention*	7,755	7,448
Fines**	5,167	5,812
Community Service	860	1,043
***Other	31,863	32,964
TOTAL	45,645	47,267

* Maximum sentence that can be imposed by the District Court in respect of any offence is 12 months. The cumulative duration in respect of consecutive sentences cannot exceed two years.

** The maximum fine the District Court can impose depends on the offence. In general, the maximum fine which the District Court can impose in respect of any one offence is €1,904.61

*** Other: probation, peace bond, strike out, adjourn generally, taken into consideration and dismiss

Court Statistics

Section 2: Criminal

The statistics on pages 91 to 97 have been extracted from the Criminal Case Management System. Statistics are provided for Dublin and Limerick District Court only.

The system was rolled out to all other District Court offices during 2004 (see page 40). Enhanced statistical information will be available from these offices from 2005.

*CASES OF A SEXUAL NATURE DEALT WITH IN DUBLIN

Court determination	Summary offences	Offenders	Indictable Offences dealt with summarily	Offenders
Community service order	1	1	0	0
Detention	0	0	0	0
Detention suspended	0	0	0	0
Dismiss	7	7	108	103
Fines	2	2	26	26
Imprisonment	0	0	4	4
Imprisonment - suspended	1	1	1	1
Peace bond	0	0	2	2
Poor box	1	1	59	59
Probation	2	2	15	9
Struck out	12	12	60	51
Taken into consideration	6	6	42	20
Withdrawn	0	0	0	0
Total	32	32	317	275
Sexual offences returned for trial				216
Persons returned for trial on sexual charges				32

* Figures include Dun Laoghaire, Swords, Richmond, Chancery St, Children Court and exclude Kilmainham and Tallaght

CASES OF A SEXUAL NATURE DEALT WITH IN LIMERICK

Court determination	Summary offences	Offenders	Indictable Offences dealt with summarily	Offenders
Community service order	0	0	0	0
Detention	0	0	0	0
Detention suspended	0	0	0	0
Dismiss	1	1	0	0
Fines	1	1	0	0
Imprisonment	0	0	0	0
Imprisonment - suspended	0	0	1	1
Peace bond	0	0	1	1
Poor box	0	0	0	0
Probation	0	0	0	0
Struck out	1	1	4	3
Taken into consideration	2	2	2	1
Withdrawn	0	0	1	1
Total	5	5	9	7
Sexual offences returned for trial				9
Persons returned for trial on sexual charges				4

Court Statistics

Section 2: Criminal

*ALL ROAD TRAFFIC OFFENCES DEALT WITH IN DUBLIN

Court determination	Summary offences	Offenders	Indictable offences dealt with summarily	Offenders
Adjourn generally	17	6	0	0
Community service order	79	62	16	13
Detention	165	122	116	100
Detention suspended	14	12	9	9
Dismiss	4,669	2,523	58	57
Fines	17,867	12,811	30	29
Imprisonment	654	483	78	75
Imprisonment suspended	227	196	25	23
Peace bond	72	40	14	14
Poor box	94	94	4	4
Probation	405	106	95	72
Struck out	37,911	14,600	246	236
Taken into consideration	12,723	3,505	119	92
Withdrawn	563	236	25	25
Reduced charge	51	51	0	0
Total	75,511	34,847	835	749
Road traffic offences returned for trial				168
Persons returned for trial on road traffic offences				130

ALL ROAD TRAFFIC OFFENCES DEALT WITH IN LIMERICK

	Summary offences	Offenders	Indictable offences dealt with summarily	Offenders
Community Service Order	21	7	1	1
Detention	3	3	4	3
Detention suspended	0	0	1	1
Dismiss	258	159	8	6
Fines	3,431	2,931	1	1
Imprisonment	139	93	12	12
Imprisonment suspended	47	40	3	3
Peace Bond	0	0	0	0
Poor Box	1	1	0	0
Probation	14	4	3	3
Struck Out	6,590	5,316	17	15
Taken into consideration	2,324	526	16	11
Withdrawn	204	99	1	1
Reduced charge	74	74	0	0
Total	13,106	9,253	67	57
Road traffic offences returned for trial				6
Persons returned for trial on road traffic offences				5

* Figures include Dun Laoghaire, Swords, Richmond, Chancery St, Children Court and exclude Kilmainham and Tallaght

Court Statistics

Section 2: Criminal

*SPECIFIC ROAD TRAFFIC OFFENCES DEALT WITH IN DUBLIN

Court determination	Dangerous driving		Drink driving		Parking offences		Unauthorised takings of motor vehicles	
	Summary Offences	Offenders	Summary Offences	Offenders	Summary Offences	Offenders	Indictable Offences Dealt With Summarily	Offenders
Community service order	0	0	2	2	0	0	8	8
Detention	18	12	3	3	0	0	69	61
Detention suspended	1	1	0	0	0	0	5	5
Dismiss	35	32	215	215	50	32	31	30
Fines	95	88	999	985	627	618	14	14
Imprisonment	24	19	30	29	0	0	62	39
Imprisonment suspended	4	3	16	15	0	0	23	22
Peace bond	0	0	3	3	0	0	4	4
Poor box	2	2	1	1	2	2	0	0
Probation	7	6	7	5	1	1	59	48
Struck out	201	133	269	265	1,345	1,318	126	122
Taken into consideration	51	45	94	89	57	30	76	64
Withdrawn	10	7	21	20	19	19	21	20
Reduced charge	30	30	1	1	0	0	0	0
Total	478	378	1,661	1,633	2,101	2,020	498	437

* Figures include Dun Laoghaire, Swords, Richmond, Chancery St, Children Court and exclude Kilmainham and Tallaght

Court Statistics

Section 2: Criminal

SPECIFIC ROAD TRAFFIC OFFENCES DEALT WITH IN LIMERICK

Court determination	Dangerous driving		Drink driving		Parking offences		Unauthorised takings of motor vehicles	
	Summary Offences	Offenders	Summary Offences	Offenders	Summary Offences	Offenders	Indictable Offences Dealt With Summarily	Offenders
Community service order	2	2	0	0	0	0	1	1
Detention	1	1	0	0	0	0	4	3
Detention suspended	0	0	0	0	0	0	0	0
Dismiss	3	3	26	25	20	20	4	4
Fines	26	19	278	276	1,053	1,051	1	1
Imprisonment	27	23	11	11	0	0	8	8
Imprisonment suspended	2	2	1	1	0	0	2	2
Peace Bond	0	0	0	0	0	0	0	0
Poor Box	0	0	0	0	0	0	0	0
Probation	0	0	0	0	0	0	3	3
Struck out	33	32	41	41	3,444	3,442	12	12
Taken into consideration	29	24	50	46	5	5	11	8
Withdrawn	12	11	5	5	3	3	1	1
Reduced charge	36	36	0	0	0	0	0	0
Total	171	153	412	405	4,525	4,521	47	43

Court Statistics

Section 2: Criminal

*ASSAULT/PUBLIC ORDER OFFENCES DEALT WITH IN DUBLIN

Court determination	Summary offences	Offenders	Indictable offences dealt with summarily	Offenders
Community service order	124	98	1	1
Detention	133	95	3	3
Detention suspended	16	6	1	1
Dismiss	2,243	1,820	2	2
Fines	1,173	1,023	1	1
Imprisonment	499	322	2	2
Imprisonment suspended	191	161	1	1
Peace bond	270	219	1	1
Poor box	705	702	0	0
Probation	467	266	0	0
Struck out	2,385	1,816	23	22
Taken into consideration	1,797	1,059	3	2
Withdrawn	153	131	0	0
Total	10,156	7,718	38	36

ASSAULT/PUBLIC ORDER OFFENCES DEALT WITH IN LIMERICK

Court determination	Summary offences	Offenders	Indictable offences dealt with summarily	Offenders
Community service order	42	28	0	0
Detention	10	9	0	0
Detention suspended	0	0	0	0
Dismiss	153	105	6	6
Fines	186	166	0	0
Imprisonment	93	73	0	0
Imprisonment suspended	72	70	0	0
Peace bond	12	10	0	0
Poor box	0	0	0	0
Probation	29	18	0	0
Struck out	643	472	8	8
Taken into consideration	341	197	1	1
Withdrawn	97	65	1	1
Total	1,678	1,213	16	16

* Figures include Dun Laoghaire, Swords, Richmond, Chancery St, Children Court and exclude Kilmainham and Tallaght

Court Statistics

Section 2: Criminal

*DRUGS OFFENCES DEALT WITH IN DUBLIN

Court determination	Summary offences	Offenders	Indictable Offences dealt with summarily	Offenders
Community service order	2	2	19	14
Detention	7	7	12	12
Detention - suspended	1	1	7	7
Dismiss	35	32	200	159
Fines	15	14	157	149
Imprisonment	21	19	89	69
Imprisonment - suspended	6	6	52	43
Peace bond	6	6	41	30
Poor box	6	6	33	33
Probation	13	13	128	74
Struck out	46	44	465	341
Taken into consideration	29	26	247	132
Withdrawn	4	4	36	28
Total	191	180	1,486	1,091
Drug offences returned for trial				563
Persons returned for trial on drug offences				201

DRUGS OFFENCES DEALT WITH IN LIMERICK

Court determination	Summary offences	Offenders	Indictable offences dealt with summarily	Offenders
Community service order	0	0	1	1
Detention	0	0	0	0
Detention - suspended	0	0	0	0
Dismiss	0	0	11	11
Fines	3	3	85	85
Imprisonment	0	0	17	17
Imprisonment - suspended	0	0	7	6
Peace bond	0	0	0	0
Poor box	0	0	0	0
Probation	0	0	23	16
Struck out	1	1	93	84
Taken into consideration	5	5	75	44
Withdrawn	0	0	5	4
Total	9	9	317	268
Drug offences returned for trial				32
Persons returned for trial on drug offences				11

* Figures include Dun Laoghaire, Swords, Richmond, Chancery St, Children Court and exclude Kilmainham and Tallaght

Court Statistics

Section 2: Criminal

*LARCENY CASES DEALT WITH IN DUBLIN

Court determination	Indictable offences dealt with summarily	Offenders
Community service order	62	58
Detention	120	90
Detention - suspended	6	6
Dismiss	1,336	1,147
Fines	454	417
Imprisonment	853	514
Imprisonment - suspended	210	178
Peace bond	149	117
Poor box	347	346
Probation	559	275
Struck out	2,039	1,447
Taken into consideration	1,000	427
Withdrawn	117	89
Total	7,252	5,111
Larceny offences returned for trial		484
Persons returned for trial on larceny offences		146

LARCENY CASES DEALT WITH IN LIMERICK

Court determination	Indictable offences dealt with summarily	Offenders
Community service order	14	3
Detention	19	16
Detention - suspended	0	0
Dismiss	147	126
Fines	30	29
Imprisonment	77	58
Imprisonment - suspended	99	48
Peace bond	0	0
Poor box	0	0
Probation	46	21
Struck out	101	83
Taken into consideration	138	72
Withdrawn	4	3
Total	675	459
Larceny offences returned for trial		6
Persons returned for trial on larceny offences		5

* Figures include Dun Laoghaire, Swords, Richmond, Chancery St, Children Court and exclude Kilmainham and Tallaght

Court Statistics

Section 2: Criminal

JUVENILE CRIME

The District Court is known as the Children Court when dealing with accused persons under the age of 18. In most provincial locations, the Children Court is held in conjunction with the normal sittings of the District Court. However, Children Court cases are heard at designated times, usually either before or after the other business of the District Court and are heard in the presence of the parties involved and the media only. In Dublin, these cases are dealt with in the Children Court building in Smithfield. There are dedicated children court sittings in Waterford, Limerick and Cork and Galway. The Children Court can deal with all charges against children, except those that by reason of their gravity or other special circumstances the District Judge does not consider fit to deal with.

APPLICATIONS FOR COMMITTAL TO SPECIAL SCHOOLS COUNTRYWIDE

Determination	2004	2003
Juveniles committed to Industrial Schools	8	18
Juveniles committed to Reformatory schools	12	25
Applications for committal struck out/refused	2	32
Total	22	75

DUBLIN METROPOLITAN DISTRICT COURT ONLY

NUMBER OF CHILDREN BROUGHT BEFORE THE CHILDREN COURT

Court Determination	Children whose date of birth is 1992*	Children whose date of birth is 1991*	Children whose date of birth is 1990*	Children whose date of birth is 1989*	Children whose date of birth is 1988*	Children whose date of birth is 1987*	Children whose date of birth is 1986*	Totals
Strike Out	2	4	11	25	85	138	161	426
No Order	1	0	3	4	27	27	35	97
Probation	1	0	4	13	44	65	63	190
Withdrawn	1	0	4	5	20	13	18	61
Dismiss	0	3	10	14	55	89	121	292
Detention	0	2	2	8	43	67	100	222
Children Returned to Higher Court for Trial	0	0	0	4	15	26	20	65
Fine	0	0	1	0	16	39	41	97
Peace Bond	0	0	1	4	15	31	45	96
Community Service Order	0	0	0	0	1	3	6	10
Poor Box	0	0	0	0	4	12	21	37
Total Number of Children	5	9	36	77	325	510	631	1,593

* the system records date of birth not age of child.

Court Statistics

Section 2: Criminal

FIXING DATES FOR HEARING:

COURT OF CRIMINAL APPEAL

Dates for hearing of appeals are allocated at a list to fix dates held once a term. The Court also operates a case-management list which provides a useful forum for applications for priority, interlocutory applications and for the management of the preparation of documentation in appeals estimated to take more than a day. Conviction appeals estimated to take more than a day are processed in the case-management list. When certified as ready, the Chief Justice, in consultation with the President of the High Court, usually specially convenes a court during the following legal term.

HIGH COURT (BAIL)

Applicants select dates by way of notice of motion issued in the Central Office.

CENTRAL CRIMINAL COURT

Cases are returned to the next or present sitting of the Court and placed in a list to fix dates. In addition, the list is called over during the court term and cases are allocated dates, usually several months in advance.

SPECIAL CRIMINAL COURT

The accused is charged before the Court and remanded pending the preparation of a book of evidence. Cases are not assigned dates for hearing until the book of evidence has been served.

CIRCUIT COURT

Dublin

Cases are returned to the present or next sitting of the Dublin Circuit Criminal Court. At the beginning of each week, a call over list is presided over by a judge and the trials and pleas identified. The judge assigns the trials to different courts and deals with the pleas. Cases not ready to proceed are adjourned.

Provincial

All new criminal cases are returned to the next sitting of the Circuit Court. On the first day of the sitting the judge establishes which cases are ready to go ahead and allocates dates for hearing. Cases not ready for hearing are adjourned to the next session.

DISTRICT COURT

Dublin

- Computerised Summonses

Computerised summonses are allocated by the court office to a specific court on the next available date

- Manual Summonses

Manual summonses are allocated by the court office to a specific court on the next available date

- Charge sheets

New charge sheets are brought directly to the appropriate court by An Garda Síochána where they are immediately included in the court list

Court Statistics

Section 2: Criminal

Provincial

- Computerised Summonses (Cork and Limerick only)

Summonses are allocated by the court offices to a specific court on the next available date

- Manual Summonses (all provincial offices)

S.I. No. 5 of 1961 (as amended) sets out the dates, times and venues of court sittings in provincial court areas. An Garda Síochána or the prosecution select the court venue and date. Summonses which have been served are included in the court list for the return date on the summons.

Charge sheets

New charge sheets are brought directly to the appropriate court by An Garda Síochána where they are immediately included in the court list.

AVERAGE WAITING TIMES:

COURT OF CRIMINAL APPEAL

Sentence appeals: 4 - 6 months

Conviction cases: 8 - 10 months

HIGH COURT (BAIL)

Applications received are listed for the following Monday.

CENTRAL CRIMINAL COURT

11-12 months.

SPECIAL CRIMINAL COURT

4 months

CIRCUIT COURT

Waiting times are listed in Appendix IV.

DISTRICT COURT

Waiting times are listed in Appendix V.

Section 3
Civil

Court Statistics

Section 3: Civil

HIGH COURT

The High Court has full jurisdiction in and power to determine all matters and questions whether of law or fact, civil or criminal. Its jurisdiction also extends to the question of the validity of any law having regard to the provisions of the Constitution. The High Court also acts as an appeal court from the Circuit Court in civil matters. It has power to review the decisions of certain tribunals. It may also give rulings on questions of law submitted by the District Court.

CASES INITIATED IN THE CENTRAL OFFICE

Plenary Summons	2004	2003
Admiralty	9	27
Assault	166	172
Breach of contract	526	592
Conversion	6	5
Chancery declaration	713	805
Defamation	29	49
False imprisonment	20	6
Forfeiture	4	2
Injunction	408	399
Libel	86	130
Malicious prosecution	2	1
Negligence	1,456	1,519
Nuisance	3	12
Personal injury	15,293	11,245
Fatal action	106	105
Probate action	12	19
Rescission	12	16
Slander	18	11
Specific performance	224	192
Trespass	21	17
Wardship	2	1
Miscellaneous	826	919
Total	19,942	16,244

	2004	2003
Revenue Summons	766	979
Summary Summons	1,668	1,543

Court Statistics

Section 3: Civil

Special Summons	2004	2003
Arbitration Act	24	22
Charities Acts	2	0
Garda compensation	120	59
Mortgage suit	70	70
Partition Acts	5	2
Possession	164	265
Return of documents	6	5
Succession	54	65
Social Welfare Act	1	0
Trade Marks Act, 1996	4	2
Trustees Act	11	8
Vendor & purchaser	7	10
Miscellaneous	53	24
Total	521	566

OVERVIEW OF SUMMONSES ISSUED

Summons type	2004	2003
Revenue	766	979
Plenary	19,942	16,244
Special	521	566
Summary	1,668	1,543
Total	22,897	19,332

Companies Matters	2004	2003
Examinership	4	11
Winding Up Petition	104	83
Restore to Register Petition	201	254
Section 72 Cos Act, 1963*	6	7
Section 73 Cos Act, 1963	1	5
Section 106 Cos Act, 1963	2	8
Section 122 Cos Act, 1963	0	4
Section 135 Cos Act, 1963	1	1
Section 150 (excludes applications initiated in the Examiners Office**)	103	165
Section 160 Cos Act, 1990	16	1
Section 201 Cos Act, 1963	2	2
Section 205 Petition	18	21
Section 245 Cos Act, 1963	0	3
Section 251 Cos Act, 1963	3	5
Section 280 Cos Act, 1963	10	8
Section 310 Cos Act, 1963	1	0
Section 316 Cos Act, 1963	1	0
Section 371 Cos Act, 1963	4	16
Section 178 Cos Act, 1990	0	1
Section 204 Cos Act, 1963	0	2
Section 257 Cos Act, 1963	0	1
Section 290 Cos Act, 1963	0	1
Section 58 Cos Act, 1990	4	4
Assurance Companies Act, 1909	0	4
Miscellaneous companies matters	12	4
Total	493	611

* "Cos Act" denotes Companies Act

** Analysis of Section 150 applications in the Examiners Office are on page 113.

Court Statistics

Section 3: Civil

Miscellaneous Common Law Applications	2004	2003
Fire Services Act	0	1
Freedom of Information Act	7	2
Section 160 Planning	9	35
Transfer of sentenced persons	11	12
Water Pollution Acts	1	0
Section 12 PIAB Act	1	n/a
Miscellaneous	29	33
Total	58	83

Other Proceedings	2004	2003
Appeals from the Hepatitis C Compensation Tribunal	45	93
Foreign judgments	39	47
Foreign tribunal evidence	4	9
Intended action applications	77	96
Extension of time under Immigration Act	0	5
European Arrest Warrant	31	0
Extradition	19	34

Pre-Hearing Activity	2004	2003
Affidavits	32,581	28,115
Appearance	17,299	15,461
Discontinuance	1,880	1,377
Master's motions	5,462	5,742
Notice to Attorney General	2	1
Notice of intention to proceed	2,297	1,992
Notice of change of solicitor	2,656	2,517
Court motions	11,470	11,505
Notice to produce	1,803	2,125
Notice to trustees	57	31
Setting down for trial	7,388	8,088
Third party notice	247	270
Withdraw a case from the list by letters	255	345
Submissions	305	203
Others	7,148	11,081
Total	90,850	88,853

CHANCERY

Interim orders granted (includes interim family law orders)	
Orders in Examinerships	20
Miscellaneous Companies Act applications	132
Examiners orders	366
Interim injunction	140
Interlocutory injunction	140
Miscellaneous interim chancery orders	485
Total	1,283

Court Statistics

Section 3: Civil

Final orders granted	
Chancery:settled	151
Chancery hearing: final orders	69
Restoration of company to Register	213
Reduction of share capital	4
Wind up company	40
Order for possession of property	113
Well charging order	70
Total	660

NON-JURY (EXCLUDING FAMILY LAW AND JUDICIAL REVIEW)

Year	On hands 01/01	Received	Disposed	On hands 31/12
2004	180	262	210	232
2003	117	311	248	180

JUDICIAL REVIEW (EXCLUDING ASYLUM LIST) CASES INITIATED

Case type	2004	2003
Certiorari	662	520
Certiorari, Mandamus & Declaration	1	0
Mandamus	212	182
Prohibition	89	98
Miscellaneous (including extension of time)	241	185
Total	1,205	985

JUDICIAL REVIEW

Interim orders granted	
Leave to apply granted	321
Leave to apply refused	209
Interim planning	10
Other interim orders	578
Total	1,118

Final orders granted	
Declaration	15
Injunction	19
Mandamus	8
Planning	28
Prohibition	16
Refusal	104
Strike out	76
Certiorari	86
Total	352

JUDICIAL REVIEW (ASYLUM)

Year	Cases disposed of
2004	1,381
2003	723

ANALYSIS OF CASES DISPOSED OF

	Adjourned	Judgment reserved	Orders
2004	893	11	477
2003	502	21	200

Court Statistics

Section 3: Civil

JURY LIST

Year	On hands 01/01	Received	Disposed of	On hands 31/12
2004	45	51	44	52
2003	62	54	71	45

Analysis of cases disposed of

Full hearing	3
Settled/withdrawn by letter	41

Number of days at hearing

1 day	2
2 days	1

COMMERCIAL COURT

Admitted to the list	43
Refused entry to the list	3
Full hearings	6
Written judgments delivered	7
Disposed of	27

Analysis of cases disposed of

Judgment after full hearing	5
Dismissed	5
Settled between parties	17

APPEALS FROM THE CIRCUIT COURT – APPEALS LODGED (INCLUDING APPLICATIONS FOR EXTENSION OF TIME TO APPEAL)

2004	462
2003	476

CASES TRANSFERRED FROM THE CIRCUIT COURT

2004	706
2003	1,899

PERSONAL AND FATAL INJURIES

Dublin	2004	2003
On hands 01/01	4,366	6,125
Received	5,815	11,936
Disposed of	4,284	13,695
On hands 31/12	5,897	4,366

PERSONAL AND FATAL INJURIES: PROVINCIAL VENUES

Dundalk	2004	2003
On hands 01/01	500	517
Received	428	547
Disposed of	429	564
On hands 31/12	499	500

Galway	2004	2003
On hands 01/01	511	750
Received	584	702
Disposed of	642	941
On hands 31/12	453	511

Cork	2004	2003
On hands 01/01	753	1,111
Received	667	711
Disposed of	841	1,069
On hands 31/12	579	753

Court Statistics

Section 3: Civil

Limerick	2004	2003
On hands 01/01	762	1,033
Received	845	817
Disposed of	945	1,088
On hands 31/12	662	762

Sligo	2004	2003
On hands 01/01	163	230
Received	336	370
Disposed of	244	437
On hands 31/12	255	163

Waterford	2004	2003
On hands 01/01	242	397
Received	230	351
Disposed of	224	506
On hands 31/12	248	242

Kilkenny	2004	2003
On hands 01/01	68	134
Received	143	166
Disposed of	98	232
On hands 31/12	113	68

TOTAL PERSONAL AND FATAL INJURIES CASES

	2004	2003
On hands 01/01	7,365	10,297
Received	9,009	15,600
Disposed of	7,707	18,532*
On hands 31/12	8,667	7,365

* This figure includes cases where the Notice of Trial was struck out as the case was reached in the list and was not ready to proceed. A new Notice of Trial could be served once the case was ready for hearing.

Court Statistics

Section 3: Civil

Awards were made in 492 personal injury cases in the High Court in 2004. Judgment was either on consent or followed a hearing or disclosed terms of consent.

ANALYSIS OF AWARDS MADE

Amount	Number of Cases
€0 to €37,999	187
€38,000 to €99,999	197
€100,000 to €199,999	42
€200,000 to €999,999	47
€1m +	19

	Highest award	Lowest award
2004	€4.55 million	€1,000
2003	€4.50 million	€5,000

PERSONAL INJURIES SITTINGS OUTSIDE DUBLIN: GENERAL

Cork	9 weeks each year (4 sessions)
Limerick	8 weeks each year (4 sessions)
Galway	8 weeks each year (4 sessions)
Dundalk	6 weeks each year (2 sessions)
Waterford	4 weeks each year (2 sessions)
Sligo	4 weeks each year (2 sessions)
Kilkenny	2 weeks each year (1 session)

PERSONAL AND FATAL INJURIES ACTIONS OUTSIDE DUBLIN

Hilary

CORK	Monday 12th January (3 weeks)
GALWAY	Monday 2nd February (2 weeks)
LIMERICK	Monday 16th February (2 weeks)
WATERFORD	Monday 1st March (2 weeks)
CORK	Monday 22nd March (2 weeks)

Easter

LIMERICK	Monday 19th April (2 weeks)
SLIGO	Monday 19th April (2 weeks)
GALWAY	Monday 3rd May (2 weeks)
DUNDALK	Monday 3rd May (3 weeks)

Trinity

ENNIS (At LIMERICK)	Monday 14th June (2 weeks)
GALWAY	Monday 28th June (2 weeks)
WATERFORD	Monday 28th June (2 weeks)
CORK	Monday 12th July (2 weeks)

Michaelmas

CORK	Monday 4th October (2 weeks)
LIMERICK	Monday 18th October (2 weeks)
GALWAY	Monday 18th October (2 weeks)
SLIGO	Monday 1st November (2 weeks)
KILKENNY	Monday 15th November (2 weeks)
DUNDALK	Monday 29th December (3 weeks)

Court Statistics

Section 3: Civil

COMMON LAW

Interim Orders	
Criminal Assets Bureau matters	58
Stay Circuit Court order	8
Contempt of court	8
Amend pleadings	103
Order directing disclosure of reports	119
Discovery	132
Extension of time appearance /defence	984
Assessment of damages	348
Directing replies to particulars	623
Remit to Circuit Court	130
Renew summons	270
Security for costs	15
Order for service outside jurisdiction	33
Solicitor coming off record	184
Substituted service	132
Liberty to issue & serve third party notice	263
Strike out	1,504
Miscellaneous	2,253
Total	7,167
Final Orders	
Circuit Court appeal	243
Garda compensation	88
Hepatitis C Compensation Tribunal appeals	52
Non Jury final orders	72
Transfer of sentenced persons	6
Miscellaneous	430
TOTAL	891

WRITTEN JUDGMENTS DELIVERED

2004	400
2003	322

MASTER'S COURT

	2004	2003
Special Summons	2,462	2,652
Motions for judgment	2,872	2,376
Motions on notice	8,738	9,090
Ex parte applications	811	837
Examination of company directors/judgment debtors	43	72
Total	14,926	15,027

Orders Granted

Join co-defendant	125
Discovery	1,538
Adopt from Circuit Court	694
Dismiss plaintiff's claim for want of prosecution	101
Enforce foreign judgment	40
Liberty to enter final judgment	309
Payment out of Minor's funds	112
Remit to Circuit Court	124
Strike out motion	1,037
Renew summons	59
Miscellaneous	1,358
Total	5,497

Court Statistics

Section 3: Civil

OTHER CENTRAL OFFICE ACTIVITIES:

	2004	2003
Judgments registered		
High Court:	407	335
Circuit Court:	1,591	980
District Court:	3,277	2,205
Total:	5,275	3,520
Deeds poll registered	575	409
Subpoenas issued	5,997	5,867
Applications for service in Ireland under the Hague Convention	83	117
Judgment mortgage affidavits filed	367	308
Lis pendens registered	182	146
Powers of attorney enrolled	28	26
Judgments in default of appearance marked	722	736
Judgments marked in pursuance of an order	190	187
Execution orders issued	1,040	1,021

OFFICE OF THE GENERAL SOLICITOR FOR MINORS AND WARDS OF COURT

The General Solicitor for Minors and Wards of Court is employed by the President of the High Court to act as committee to the estate in certain wardship matters, as guardian of the funds in certain minor matters and as 'friend of the court' in certain other cases concerning the rights of persons with a mental incapacity.

	2004	2003
Wardship cases	458	421
Sub cases	108	87

FUNDS HELD

At December 31st 2004, the balance in the Committee Account (on behalf of Wards and Minors) amounted to €842,713.63

OFFICE OF WARDS OF COURT

The Office of Wards of Court is responsible for the supervision of the affairs of persons taken into the wardship of the High Court. The purpose of wardship is to afford protection to the person and property of individuals who, whether by reason of mental capacity or infancy, are deemed by the court to be incapable of managing their affairs for themselves.

	2004	2003
Wardship cases	2,019	2,765
Applications awaiting hearing	439	1,125
Total	2,458	3,880
Inquiry orders	268	209
Declaration orders	226	204
Declaration orders (minors)	18	14
Dismissal orders	109	136
Orders (other)	460	1,005
Enduring powers of attorney registered	130	99

Court Statistics

Section 3: Civil

PROBATE OFFICE

The main functions of the Probate Office of the High Court are the admission of wills to proof, the issuing of grants of probate and administration, the preservation of probate records for inspection, the provision of certified copies of probate documents and the processing of court applications to the judge assigned to deal with probate matters.

There are 14 local probate offices called District Probate Registries located in Circuit Court offices around the country.

PRINCIPAL REGISTRY:

Probates (and administrations with wills annexed)	5,244
Intestacies	1,867
Personal applicants (included in above)	1,354
Caveats	464
Appearances	44
Other forms of proceedings: citations	24
Warnings	61

PROBATES AND ADMINISTRATIONS GRANTED

On foot of court action	84
In the Registry without decree or order of the court	7,111
Revocation of probate or administration	27

FEES GENERATED BY OFFICE 2004

Total amount of fees received	€1,806,384
Fees on personal applications	*€474,059

* included in total figure

LOCAL REGISTRIES

Castlebar	2004	2003
Probates (and administrations with wills annexed)	362	340
Intestacies	163	151

Cavan	2004	2003
Probates (and administrations with wills annexed)	161	103
Intestacies	70	73

Clonmel	2004	2003
Probates (and administrations with wills annexed)	412	418
Intestacies	155	126

Cork	2004	2003
Probates (and administrations with wills annexed)	1,158	1,072
Intestacies	343	357

Dundalk	2004	2003
Probates (and administrations with wills annexed)	339	247
Intestacies	125	110

Court Statistics

Section 3: Civil

Galway	2004	2003
Probates (and administrations with wills annexed)	623	586
Intestacies	248	245

Kilkenny	2004	2003
Probates (and administrations with wills annexed)	363	347
Intestacies	124	134

Letterkenny	2004	2003
Probates (and administrations with wills annexed)	188	144
Intestacies	105	106

Limerick	2004	2003
Probates (and administrations with wills annexed)	678	647
Intestacies	201	248

Mullingar	2004	2003
Probates (and administrations with wills annexed)	266	260
Intestacies	91	108

Sligo	2004	2003
Probates (and administrations with wills annexed)	263	228
Intestacies	133	104

Tralee	2004	2003
Probates (and administrations with wills annexed)	410	386
Intestacies	187	169

Waterford	2004	2003
Probates (and administrations with wills annexed)	287	280
Intestacies	98	70

Wexford	2004	2003
Probates (and administrations with wills annexed)	298	226
Intestacies	122	112

Court Statistics

Section 3: Civil

EXAMINERS OFFICE

The Examiner's Office assists the High Court in chancery and company law matters following the making of an order by the court, by dealing with accounts and inquiries, settling lists of creditors, arranging sales of properties, countersigning payments and investments and processing applications for the court.

Nature of proceedings	On hands 01/01	Received	Disposed of	On hands 31/12
Company liquidations	538	34	26	546
Mortgage suits	1,016	16	5	1,027
Administration suits/next of kin/other	362	0	0	362
Total	1,916	50	31	1,935

APPLICATIONS UNDER SECTION 150 COMPANIES ACT, 1990

Directors investigated	Directors restricted	Directors not restricted	Outstanding issues
98	41	48	9

The Examiner also has a role in bankruptcy which includes the processing of applications and acting as Registrar to the Bankruptcy Court.

	2004	2003
Summonses filed	10	8
Summonses granted	6	6
Petitions for adjudication filed	16	14
Adjudications	5	5
Arrangement petitions filed	0	0
Orders in aid applied for	0	0
Orders in aid made	0	0

OFFICE OF THE OFFICIAL ASSIGNEE IN BANKRUPTCY

The Official Assignee in Bankruptcy is primarily concerned with the affairs of persons who have been adjudicated bankrupt by order of the High Court. It is the function of the Official Assignee to realise the assets of a bankrupt and, having discharged costs, fees and expenses incurred in the bankruptcy, together with preferential payments, to pay a dividend to the ordinary creditors admitted in the bankruptcy.

On hands 01/01	494
New adjudications	5
Discharged	4
Annulled	1
New arrangements	1
On hands 31/12	495

Court Statistics

Section 3: Civil

OFFICE OF THE TAXING MASTER

The function of the Taxing Master is to provide an independent and impartial assessment of legal costs incurred by a person or company involved in litigation. Costs may be taxed following a court order, an arbitration hearing, acceptance of a lodgment in court, order of a tribunal, award of the Oireachtas, registration of a judgment as a mortgage or on demand by a client.

	2004	2003
Bills certified	560	519
Items certified	74,211	55,736
Costs claimed	€67,693,019	€33,014,989
Costs allowed	€48,866,382	€25,759,931
Fees (duty)	€3,264,009.14	€1,204,340.60
Duty on summonses	€73,140.00	€22,578.00

OFFICE OF THE ACCOUNTANT OF THE COURTS OF JUSTICE

The Accountant of the Courts of Justice is responsible for the receipt, custody, investment and payment out of monies required to be lodged in court either by direction of the High Court or the Supreme Court, by statute or by Rules of Court. The Accountant also has custody of insurance bonds required to be entered into by all licensed auctioneers.

The Report and Financial Statements of the Office of the Accountant of the Courts of Justice are available from the Office of the Accountant of the Courts of Justice, Phoenix House, 15/24 Phoenix Street North, Smithfield, Dublin 7. Telephone: 01-888 6211 and on the website of the Service www.courts.ie

Extracts are on *page 143*.

Court Statistics

Section 3: Civil

CIRCUIT COURT

The civil jurisdiction of the Circuit Court is a limited one unless all the parties to an action consent to unlimited jurisdiction. The general limits of Circuit Court civil jurisdiction are:

- actions in contract and tort where the claim does not exceed €38,092.14
- probate matters and suits for the administration of estates, where the rateable valuation does not exceed €253.95
- equity cases, where the rateable valuation does not exceed €253.95 or damages do not exceed €38,092.14
- ejectment actions or applications for new tenancies (fixing of rent etc.) where the rateable valuation of the property does not exceed €253.95
- actions founded on hire purchase and credit sale agreements, where the hire purchase price of the goods or, as the case may be, the amount of the claim does not exceed €38,092.14

CIVIL BUSINESS DEALT WITH

	Notices of Trial	Motions	Civil appeals	Liquor licences granted
2004	13,012	24,032	498	441
2003	12,206	26,333	586	521

NOTICE OF TRIALS

	2004	2003
Settled	5,138	5,556
Dealt with by county registrar	904	419
Dealt with by court	6,970	5,772
Adjourned with liberty to re-enter	179	459

MOTIONS

	2004	2003
Dealt with by county registrars	15,741	16,122
Dealt with by court	8,291	5,502

JUDGMENTS MARKED IN THE OFFICE

2004	8,312
2003	7,370

Court Statistics

Section 3: Civil

CIVIL BILLS ISSUED

Circuit court office	2004	2003
CARLOW	616	475
CARRICK-ON-SHANNON	176	177
CASTLEBAR	860	936
CAVAN	391	390
CLONMEL	1,403	1,307
CORK	4,411	5,092
DUBLIN	13,531	14,334
DUNDALK	1,316	1,407
ENNIS	812	789
GALWAY	1,916	1,821
KILKENNY	546	581
LETTERKENNY	2,016	1,128
LIMERICK	2,898	2,187
LONGFORD	302	332
MONAGHAN	465	368
MULLINGAR	436	627
NAAS	1,408	1,604
PORTLAOISE	329	444
ROSCOMMON	385	357
SLIGO	421	462
TRALEE	955	1,074
TRIM	1,252	1,579
TULLAMORE	440	443
WATERFORD	1,069	1,026
WEXFORD	727	924
WICKLOW	1,097	1,317
TOTAL	40,178	41,181

PERSONAL INJURY

AWARDS MADE BY THE COURT OR SETTLEMENTS RULED

Circuit court office	Number of cases
CARLOW	3
CARRICK-ON-SHANNON	3
CASTLEBAR	50
CAVAN	9
CLONMEL	54
CORK	199
DUBLIN	356
DUNDALK	116
ENNIS	33
GALWAY	63
KILKENNY	6
LETTERKENNY	11
LIMERICK	37
LONGFORD	3
MONAGHAN	17
MULLINGAR	12
NAAS	22
PORTLAOISE	11
ROSCOMMON	3
SLIGO	6
TRALEE	38
TRIM	28
TULLAMORE	11
WATERFORD	14
WEXFORD	44
WICKLOW	33
TOTAL	1,182

Court Statistics

Section 3: Civil

DUBLIN CIRCUIT COURT

ANALYSIS OF AWARDS MADE

Amount	Number of cases
€0 to €9,999	173
€10,000 to €19,999	140
€20,000 to €29,999	38
€30,000 +	5

	Highest award	Lowest award
2004	€33,202.00	€1,000.00
2003	€73,358.00	€535.00

PROVINCIAL CIRCUIT COURTS

ANALYSIS OF AWARDS MADE

Amount	Number of cases
€0 to €9,999	317
€10,000 to €19,999	326
€20,000 to €29,999	141
€30,000 +	42

	Highest award	Lowest award
2004	€130,000.00	€500.00
2003	€71,330.94	€500.00

DISTRICT COURT

The civil jurisdiction of the District Court is as follows:

- in contract, claims which do not exceed €6,348.69
- in actions relating to hire-purchase and credit sales agreements, claims where the hire-purchase price of the goods or the amount of the agreement do not exceed €6,348.69

- in relation to tort (except slander, libel, sedition, slander of title, malicious prosecution and false imprisonment), claims which do not exceed €6,348.69
- in ejectment proceedings for non-payment of rent or overholding in any class of tenancy, claims where the annual rent does not exceed €6,348.69
- in actions for wrongful detention of goods, claims where the value of the goods does not exceed €6,348.69.

APPLICATIONS DEALT WITH

	2004	2003
Ejectment proceedings	71	297
Summary judgment	30,138	42,478
Small claims	2,779	3,097
Ordinary civil process	7,261	6,904
Summonses of a civil nature	7,343	6,611
Examination orders	6,306	9,352
Instalment orders	11,240	11,974
Committal orders	5,859	6,108
Foreign judgment	304	5
Other	368	730
Total	71,669	87,556

SMALL CLAIMS PROCEDURE

The Small Claims procedure is designed to deal with consumer claims for up to €1,269.74 speedily, inexpensively and without the need to engage a solicitor. A small claim can be brought by an individual who has purchased goods or services for private use from someone selling them in the course of a business.

Court Statistics

Section 3: Civil

TYPE OF APPLICATIONS RECEIVED

	2004	2003
Holidays	360	388
Professional services	44	52
Dry cleaners	105	161
Building	116	97
Damage to private property	131	160
Key money	553	588
Electrical goods	196	208
Audio/computer	163	147
Clothing	85	119
Shoes	47	63
Furniture	133	157
Carpets/flooring	79	79
Doors/roofs	128	115
Cars	235	216
Other	632	686
Total	3,007	3,236

CLAIMS DEALT WITH

	2004	2003
Not covered by procedure	105	30
Not proceeded with	307	355
Decrees by default	321	380
Settled by Registrar	1,331	1,511
Referred to court	715	821
Total	2,779	3,097

CASES ADJUDICATED BY COURT

	2004	2003
Decrees granted	371	510
Dismissed	126	125
Struck out/withdrawn	218	186
Total	715	821

APPLICATIONS UNDER SECTION 107 AND SECTION 108 OF THE ENVIRONMENTAL PROTECTION ACT, 1992 SECTION 107

	2004	2003
Applications received	24	1
Successful applications	23	1

SECTION 108

	2004	2003
Applications received	81	40
Successful applications	29	37

Court Statistics

Section 3: Civil

FIXING DATES FOR HEARING

HIGH COURT

GENERAL

When cases are ready for hearing, they are set down for trial and given a list number. A list to fix dates is held each legal term in respect of most lists. Cases are not transferred to the list to fix dates until they are certified by counsel as ready for trial. Most certified cases are given dates for hearing in the following legal term. On selected dates throughout the year, cases which have been set down for trial but which have not been certified by counsel as ready for trial are called over in court to ascertain the current position.

Many cases are settled by the parties and do not proceed to full hearing. These cases are removed from the list of cases set down for trial or certified as ready for hearing by consent of the parties. Section 10 (3) of the Courts (Supplemental Provisions) Act, 1961, as amended, states that it is the function of the President of the High Court to arrange the distribution and allocation of the business of the High Court. Lists are prepared by senior court registrars called list registrars, with cases being listed in chronological order. The date on which cases are entered in the lists depends on the category of case.

With the exception of the Circuit Appeals List, responsibility for the allocation of dates is delegated by the President of the High Court to the individual judges having management of the various lists. In cases of urgency where an early hearing is requested and no available dates remain, the parties may apply to the President who will endeavour to assign judges to hear the case depending on the availability of extra judges and the urgency of the cases.

NON-JURY AND CHANCERY

Non-jury and chancery list cases are not transferred to the list to fix dates until certified as ready for hearing. Certified cases are then listed chronologically (in accordance with the date of filing of the certificate of readiness) in the next list to fix dates. Certain cases at the top of the list may be given priority by the list judge where a date may previously have been assigned but the case failed to get a hearing due to the unavailability of a judge. Lists to fix dates are held at

the end of each term and most cases ready to proceed are assigned one the following term.

JUDICIAL REVIEW (EXCLUDING ASYLUM)

Motions for judicial review are not transferred to the list to fix dates until the list judge is satisfied that all pre-hearing directions have been complied with. The list to fix dates is held at the end of each term to fix dates for the following term.

JURY

Actions set down for trial are automatically entered in the next list to fix dates according to the setting down date. As there is generally a high number of settlements and applications for adjournments in this list, virtually all cases seeking a date obtain one in the following term.

JUDICIAL REVIEW (ASYLUM)

Cases are assigned dates by the list judge.

MASTER'S COURT

Notices of motion and special summonses are allocated return dates for the Masters Court at the time of issue.

APPEALS FROM THE CIRCUIT COURT

Circuit appeals are heard on Monday of each week. Dates are not assigned until books of appeal are lodged in the Central Office. The next available hearing date is then assigned by the list registrar. Application is made to the President to assign an extra judge to hear appeals which are expected to last a number of days.

Court Statistics

Section 3: Civil

PERSONAL AND FATAL INJURIES

Dublin List

Once a case is set down, the parties may immediately apply for a hearing date 3 weeks from the date of application.

Venues outside Dublin

The High Court sits at Cork, Galway, Limerick, Waterford, Sligo/Letterkenny, Kilkenny and Dundalk to hear personal and fatal injury actions. Cases are listed in chronological order once set down. Applications to fix the list of cases for hearing are heard by the list judge 3 weeks in advance of the sittings. Cases that are not ready for hearing are adjourned.

CIRCUIT COURT

Dublin

Cases which are ready to proceed are allocated the next available date by the court office.

Provincial

All new cases are returned for hearing to the next sitting of the Circuit Court. Prior to the commencement of each term, the County Registrar either calls over a list of cases or contacts the parties to establish which cases are going ahead. Cases ready for hearing are placed in the list for the court and cases not ready for hearing are adjourned to the next session.

DISTRICT COURT

Dublin

The return date assigned allows time for such matters as service of the civil process

Provincial

Applicants select the date and cases are listed before the court on the date selected

AVERAGE WAITING TIMES:

HIGH COURT

COMMERCIAL COURT

From listing of Motion to entering Commercial List	1 week
From entry into list to allocation of trial date	5 weeks
From entry into list to conclusion of action	6 weeks
of which :	
Cases settled	4 weeks
Cases heard by Court	9 weeks

CHANCERY

At the list to fix dates in December 2004, all cases which had been set down and certified by counsel as ready for trial in each of the chancery lists to fix dates were allocated dates from January 2005 to March 2005. Cases which were not assigned dates were directed to be listed in the list to fix dates in March 2005.

NON-JURY

At the list to fix dates in December 2004, dates were allocated to 73 out of the 328 cases which had been certified as ready at the time. The dates allocated were from January 2005 to March 2005. The remainder of cases in the list were adjourned to the top of the list to fix dates in March 2005.

JUDICIAL REVIEW (EXCLUDING ASYLUM)

At the list to fix dates in December 2004, dates were allocated from January 2005 to March 2005. The remainder of cases in the list were adjourned to the top of the list to fix dates in March 2005.

JUDICIAL REVIEW (ASYLUM)

Motions are listed for hearing on a date approximately within 5 weeks of coming into the list.

Court Statistics

Section 3: Civil

JURY

At the list to fix dates in October 2004, cases ready for hearing were allocated to dates in November. Cases not allocated dates were adjourned to the list to fix dates in February 2005.

APPEALS FROM THE CIRCUIT COURT

6-8 weeks from the date of lodgment of books of appeal

PERSONAL AND FATAL INJURIES

Dublin List

There are no delays in this list and the speed with which a case obtains a hearing date is a matter for the parties. Long cases such as medical negligence actions which can last a number of weeks may require that a date be specially fixed by the judge.

The date assigned will depend on availability but generally a date will be assigned within 3 weeks of the application being made.

Venues outside Dublin

The only significant delay is in the Cork list where cases can take 3¹/₂ years to be reached. In the Dundalk, Kilkenny, Galway, Waterford and Sligo/Letterkenny lists, cases that are ready to proceed will usually be heard within 9 months of setting down. In Limerick cases are usually heard within 2 years of setting down.

MASTER'S COURT

Return dates allocated for notices of motion and special summonses are approximately 3 weeks after the date of issue.

CENTRAL OFFICE

Processing of applications for judgment and execution orders	3 weeks where no query raised or from discharge of query if raised
Enrolment of miscellaneous deeds e.g. Deed Poll	1 week
Requests for copy documents	3 days
Certification of documents by Registrar of Central Office (e.g. judgment mortgage affidavits)	1 week

OFFICE OF WARDS OF COURT

From acceptance of application papers to listing before court	2 weeks from receipt of completed documentation
For preparation of dismissal or discharge order from date of filing application	10 weeks
For authorisation of payments	2-3 days from date of request where there are no queries or from resolution of queries
For registration of an enduring power of attorney	1 week where no query raised or from discharge of query, if raised.

Court Statistics

Section 3: Civil

TAXING MASTERS OFFICE

Summons to tax costs to date for hearing: 6-7 weeks

PROBATE OFFICE

PRINCIPAL REGISTRY

Application by solicitor for grant	5-6 weeks
Application by personal applicant for grant	9-10 weeks

DISTRICT PROBATE REGISTRIES

	2004	2003
Castlebar	2 weeks	4 weeks
Cavan	2 weeks	2 weeks
Clonmel	2 weeks	1-2 weeks
Cork	3 weeks	3 weeks
Dundalk	2 weeks	2 weeks
Galway	6 weeks	10-12 weeks
Kilkenny	2 weeks	2-3 weeks
Letterkenny	8 weeks	8 weeks
Limerick	4-6 weeks	8-10 weeks
Mullingar	2 weeks	1 week
Sligo	5-7 days	1- 1 ¹ / ₂ weeks
Tralee	7-10 days	2-3 weeks
Waterford	2 weeks	4-6 weeks
Wexford	7 days	2 weeks

CIRCUIT COURT

Dublin

Judgment marked in the office: less than one month

Callers to counter: less than 10 minutes to be served and no more than half and hour

Signed orders: available within 1-2 weeks of court hearing

Trial date: one week of lodging Notice of Trial

Notice of Motion before Court - next day if requested

Notice of Motion before County Registrar - 2 weeks

Trials (over half day) - 5 months

Trials (under half day) - 2-3 months

District Court Appeals - hearing dates: 5 months
- listing dates: 3 weeks

99% of trials are reached on the day

Waiting times for all cases in the Circuit Court are in Appendix IV.

DISTRICT COURT

Waiting times for all cases in the District Court are in Appendix V.

Section 4

Family Law

Court Statistics

Section 4: Family Law

Proceedings in family law are heard *in camera* and are as informal as is practicable.

The High and Circuit Court have concurrent jurisdiction in the area of family law. A notable exception is where a question arises as to the constitutionality of legislation or other law. This may only be heard in the High Court or the Supreme Court (on appeal). Family law proceedings include judicial separation, divorce, nullity and appeals from lower courts together with additional orders, such as custody, access, maintenance and barring orders.

Applications for protection and barring orders, though usually made to the District Court, may be made directly to the Circuit Court. Applications under section 33 of the Family Law Act, 1995 to dispense with the necessity to give three months notice of intention to marry and/or allow people under the age of eighteen years to marry are also dealt with by the Circuit Court.

The District Court deals with applications arising from incidents of domestic violence together with custody, access and maintenance applications.

DIVORCE, JUDICIAL SEPARATION AND NULLITY

CHANGING TRENDS: APPLICATIONS RECEIVED

Year	Divorce		Judicial separation		Nullity	
	High	Circuit	High	Circuit	High	Circuit
2000	39	3,339	76	1,592	8	84
2001	31	3,459	76	1,845	8	109
2002	33	3,912	59	1,871	2	52
2003	42	3,733	53	1,802	1	92
2004	34	3,880	48	1,654	0	51

CHANGING TRENDS: ORDERS GRANTED

Year	Divorce		Judicial separation		Nullity	
	High	Circuit	High	Circuit	High	Circuit
2000	30	2,710	27	998	5	47
2001	20	2,817	27	1,018	4	59
2002	20	2,571	28	940	1	40
2003	41	2,929	26	1,206	4	33
2004	42	3,305	42	1,126	5	20

APPLICATIONS RECEIVED

	2004		2003	
	High	Circuit	High	Circuit
Divorce	34	3,880	42	3,733
Judicial separation	48	1,654	53	1,802
Nullity	0	51	1	92

ORDERS GRANTED

	2004		2003	
	High	Circuit	High	Circuit
Divorce	42	3,305	41	2,929
Judicial separation	42	1,126	26	1,206
Nullity	5	20	4	33

Court Statistics

Section 4: Family Law

HIGH COURT

OTHER FAMILY LAW CASES INITIATED

Case type	2004	2003
Adoption	9	12
Appeals from the Circuit Court	62	94
Hague/Luxembourg Convention (child abduction)	27	34
Family Law Act 1995	3	2
Guardianship of infants	4	5
Total	105	147

OTHER FAMILY LAW ORDERS GRANTED

Case type	2004	2003
Adoption order	12	10
Circuit appeal: final order	37	27
Hague/Luxembourg Convention (child abduction): final order	31	14
Miscellaneous: final family orders	41	45
Interim miscellaneous	210	218
Total	331	314

CIRCUIT COURT *(see also Appendix III)*

APPLICATIONS RECEIVED

	2004	2003
Divorce	3,880	3,733
Judicial separation	1,654	1,802
Nullity	51	92
Section 33	882	893
Family law appeals	494	412

APPLICATIONS DEALT WITH IN 2004

	Granted	Refused	Withdrawn, struck out/Adjourned generally
Divorce	3,305	7	25
Judicial separation	1,216	6	33
Nullity	20	3	1
Section 33	761	20	17

APPLICATIONS DEALT WITH IN 2003

	Granted	Refused	Withdrawn, struck out/Adjourned generally
Divorce	2,929	5	40
Judicial separation	1,206	4	82
Nullity	33	10	4
Section 33	837	30	0

Court Statistics

Section 4: Family Law

DISTRICT COURT

2004 DOMESTIC VIOLENCE ACT, 1996

	Applications	Granted	Refused	Withdrawn /struck out
Barring orders	3,210	1,295	109	1,806
Safety orders	2,611	987	83	1,541
Protection orders	3,054	2,810	113	131
Interim barring orders	698	604	40	54

PROTECTION ORDER APPLICATIONS DEALT WITH (BY STATUS OF APPLICANT) 2004

	Granted	Interim barring in lieu	Refused	Withdrawn / struck out
Spouse	1,589	0	59	81
Common law	843	0	30	36
Parent	330	0	16	9
Other	48	0	8	5
Health Board	0	0	0	0
Total	2,810	0	113	131

SAFETY ORDER APPLICATIONS DEALT WITH (BY STATUS OF APPLICANT) 2004

	Granted	Refused	Withdrawn /struck out
Spouse	552	63	872
Common law	316	17	419
Parent	96	1	181
Other	23	2	69
Health Board	0	0	0
Total	987	83	1,541

2003 DOMESTIC VIOLENCE ACT, 1996

	Applications	Granted	Refused	Withdrawn /struck out
Barring orders	3,586	1,575	161	1,850
Safety orders	2,557	1,180	113	1,336
Protection orders	3,109	2,814	79	205
Interim barring orders	629	531	30	68

* 11 Interim barring orders granted in lieu of protection orders.

PROTECTION ORDER APPLICATIONS DEALT WITH (BY STATUS OF APPLICANT) 2003

	Granted	Interim barring in lieu	Refused	Withdrawn / struck out
Spouse	1,618	11	49	119
Common law	872	0	19	56
Parent	290	0	4	22
Other	32	0	7	8
Health Board	2	0	0	0
Total	2,814	11	79	205

SAFETY ORDER APPLICATIONS DEALT WITH (BY STATUS OF APPLICANT) 2003

	Granted	Refused	Withdrawn /struck out
Spouse	670	50	812
Common law	314	30	357
Parent	105	30	130
Other	19	3	37
Health Board	0	0	0
Total	1,108	113	1,336

Court Statistics

Section 4: Family Law

**BARRING ORDER APPLICATIONS DEALT WITH
(BY STATUS OF APPLICANT) 2004**

	Granted	Refused	Withdrawn /struck out
Spouse	751	73	1,030
Common law	371	27	523
Parent	172	8	253
Other	1	1	0
Health Board	0	0	0
Total	1,295	109	1,806

**BARRING ORDER APPLICATIONS DEALT WITH
(BY STATUS OF APPLICANT) 2003**

	Granted	Refused	Withdrawn /struck out
Spouse	936	96	1,089
Common law	425	28	542
Parent	209	37	214
Other	2	0	3
Health Board	3	0	2
Total	1,575	161	1,850

**INTERIM BARRING ORDER APPLICATIONS DEALT
WITH (BY STATUS OF APPLICANT) 2004**

	Granted	Refused	Withdrawn /struck out
Spouse	307	23	29
Common law	195	10	18
Parent	100	7	7
Other	2	0	0
Health Board	0	0	0
Total	604	40	54

**INTERIM BARRING ORDER APPLICATIONS DEALT
WITH (BY STATUS OF APPLICANT) 2003**

	Granted	Refused	Withdrawn /struck out
Spouse	312	20	31
Common law	125	7	28
Parent	94	3	9
Other	0	0	0
Health Board	0	0	0
Total	531	30	68

Court Statistics

Section 4: Family Law

CHANGING TRENDS

	1998	1999	2000	2001	2002	2003	2004
Barring order applications	4,792	4,668	4,908	4,470	4,067	3,586	3,210
Barring orders granted	2,004	2,219	2,319	2,067	1,740	1,575	1,295
Protection order applications	4,409	3,619	4,381	4,263	3,677	3,109	3,054
Protection orders granted	3,474	3,390	3,467	3,711	3,248	2,814	2,810
Safety order applications	1,779	2,039	2,336	2,903	2,814	2,557	2,611
Safety orders granted	837	970	988	1,232	1,187	1,108	987
Interim barring order applications	733	1,120	506	1,159	852	629	698
Interim barring orders granted	677	1,002	415	1,007	706	531	604

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

Court Statistics

Section 4: Family Law

GUARDIANSHIP OF CHILDREN

APPLICATIONS FOR CUSTODY AND ACCESS 2004

	Applications dealt with	Granted	Refused	Withdrawn /struck out
Custody & access	715	455	35	225
Custody only	792	450	34	308
Access only	2,758	2,003	111	644
Total	4,265	2,908	180	1,177

MAINTENANCE 2004

	Applications dealt with	Granted	Refused	Withdrawn /struck out
Maintenance applications (married)	1,574	1,044	49	481
Maintenance applications (unmarried)	2,307	1,666	46	595
Maintenance Act 1994 applications	10	5	1	4
Maintenance Foreign Jurisdictions Act, 1974	47	26	3	18
Total	3,938	2,741	99	1,098

APPLICATIONS FOR GUARDIANSHIP 2004

	Applications dealt with	Granted	Refused	Withdrawn /struck out
Non-marital fathers Section 6(a)	1,237	862	38	337

APPLICATIONS FOR CUSTODY AND ACCESS 2003

	Applications dealt with	Granted	Refused	Withdrawn /struck out
Custody & access	820	516	55	249
Custody only	690	408	35	247
Access only	2,837	2,110	72	655
Total	4,347	3,034	162	1,151

MAINTENANCE 2003

	Applications dealt with	Granted	Refused	Withdrawn /struck out
Married & unmarried	4,635	3,172	149	1,314
Maintenance Act 1994 applications	5	4	0	1
Maintenance Foreign Jurisdictions Act, 1974	43	39	1	3
Total	4,683	3,215	150	1,318

APPLICATIONS FOR GUARDIANSHIP 2003

	Applications dealt with	Granted	Refused	Withdrawn /struck out
Non-marital fathers Section 6(a)	1,276	960	39	277

Court Statistics

Section 4: Family Law

SUPERVISION AND CARE ORDERS

A supervision order authorises a health board to visit a child periodically to satisfy itself as to the welfare of the child. It also enables the health board to give advice regarding that welfare.

A care order places a child in the care of a health board until he or she reaches the age of eighteen or a shorter period as determined by the court.

	Orders granted
Supervision orders	273
Full Care orders	411

FIXING DATES FOR HEARING

HIGH COURT

Cases ready for hearing are included in a weekly list to fix dates.

CIRCUIT COURT

Dublin

Cases which are ready to proceed are allocated the next available date by the court office.

Provincial

All new cases are returned for hearing to the next sitting of the Circuit Court. Prior to the commencement of each term, the County Registrar either calls over a list of cases or contacts the parties to establish which cases are going ahead. Cases ready for hearing are placed in the list for the court and cases not ready for hearing are adjourned to the next session.

DISTRICT COURT

Dublin

Emergency applications are dealt with immediately. In relation to all other applications, the court assigns the next available date

Provincial

Emergency applications are dealt with immediately. In relation to all other applications, the solicitors/applicants select the date and cases are listed before the court List on the date selected.

WAITING TIMES:

HIGH COURT

At the list to fix dates in December 2004, all cases ready to proceed were allocated dates from January 2005 to March 2005.

CIRCUIT COURT

Waiting times for all cases are in Appendix IV

DISTRICT COURT

Waiting times for all cases are in Appendix V

Section 5
Licensing

Court Statistics

Section 5: Licensing

CIRCUIT COURT

Applications for the creation of new licences such as pubs, hotels, special restaurant certificates, club certificates and the extension of existing licenses under the intoxicating liquor laws are dealt with by the Circuit Court.

LIQUOR LICENCES GRANTED

	Pub	Hotel	Special rest. certificate	Club	Total
2004	352	48	29	17	441
2003	395	56	47	23	521

DISTRICT COURT

LICENSING APPLICATIONS DEALT WITH

	2004	2003
Renewal of publican licences	1,647	1,458
Temporary transfer of licence	1,070	1,151
Annual dance licence	1,355	1,758
Temporary dance licence	395	322
Restaurant certificate	832	1,300
Special exemption orders	89,716	86,178
Lottery licence	1,290	1,363
Other	8,519	8,389
Total	104,824	101,919

Section 6

Court Fees and Fines

Court Statistics

Section 6: Court Fees and Fines

COURT FEES

People using the courts must pay fees for many of the operations relating to civil matters carried out by each of the court offices. For example, if a person wishes to lodge documents, a fee is often payable. Court fees are fixed by the Minister for Justice, Equality & Law Reform with the agreement of the Minister for Finance. Since the beginning of 2003, these fees are retained by the Service and included in the Appropriation-in-Aid of the Service which contributes to the operating costs provided by the Oireachtas.

The Service also collects a range of fees on behalf of the Land Registry and the Revenue Commissioners. The Land Registry fees are in relation to the access to Land Registry documents held locally in court offices. The fees collected on behalf of the Revenue Commissioners are excise duties due on certain applications to court and to the provision of copies of some of these documents. This is mainly in relation to licensing cases *e.g.* an application for a special licence.

FEES COLLECTED AND TRANSFERRED

	2004 (€000s)	2003 (€000s)
Revenue Commissioners	10,241	9,892
Retained by the Service	21,876	20,254
Land Registry	76	68
Total	32,193	30,214

Details of court fees are available on the Service's website (www.courts.ie)

FINES

One of the penalties open to the courts when hearing cases is the imposition of a fine. When a fine is imposed, the Service collects the fine from the offender. In many cases, these fines are collected by the Service on behalf of the other Government agencies or public bodies *e.g.* fisheries fines are transferred to the Department of Communications, Marine & Natural Resources.

	2004 (€000s)	2003 (€000s)
Exchequer (Motor Fines)	8,810	8,741
Revenue Commissioners	1,434	1,693
Department of Communications, Marine & Natural Resources	242	517
Exchequer	4,885	5,028
Total	15,371	15,979

Reports of the Rules Committees

This section contains reports from the Rules Committees of the various court jurisdictions for 2004.

Superior Courts Rules Committee

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

- Ms. Maeve Kane, Registrar of the Supreme Court, is the secretary to the Committee
- Mr. Sean Barton, solicitor, McCann Fitzgerald Solicitors, is the draughtsman for the Committee

The Committee met on eight occasions during 2004.

MEMBERSHIP OF THE COMMITTEE AT YEAR ENDING 31ST DECEMBER 2004:

- The Chief Justice, the Hon. Mr. Justice John L. Murray (Chairman)
- The President of the High Court, the Hon. Mr. Justice Joseph Finnegan (Vice Chairman)
- The Hon. Mr. Justice Adrian Hardiman, Judge of the Supreme Court
- The Hon. Mr. Justice Brian McCracken, Judge of the Supreme Court
- The Hon. Mr. Justice Richard Johnson, Judge of the High Court
- The Hon. Mr. Justice Liam McKechnie, Judge of the High Court
- The Master of the High Court, Mr. Edmund W. Honohan S.C.
- Mr. Michael Cush S.C., nominated by the Council of the Bar of Ireland
- Mr. Tony Hunt B.L., nominated by the Council of the Bar of Ireland
- Mr. Patrick Groarke, solicitor, nominated by the Council of the Law Society of Ireland
- Mr. Patrick O'Connor, solicitor, nominated by the Council of the Law Society of Ireland
- Mr. Matthew Feely, Office of the Attorney General – appointed to act in place of the Attorney General under Section 36(4) of the Courts and Court Officers Act, 2002
- Mr. Noel Rubotham, Courts Service, to whom membership has been delegated by the Chief Executive Officer under Section 30(2) of the Courts Service Act, 1998

Superior Courts Rules Committee

The following rules were signed by the Committee during 2004:-

Order number	Title	Date signed by Committee	S.I. number
Order 130	RSC (Order 130 (Amendment) Rules), 2004	29th January 2004	471 of 2004
Order 60A	RSC (Right of Attorney General and Human Rights Commission to notice of proceedings involving Declaration of Incompatibility Issue Rules), 2004	4th March 2004	211 of 2004
Order 118	RSC (Amendment to Order 118), 2004	22nd April 2004 (" 23rd" in SI)	253 of 2004
Orders 4, 22, 41,52	RSC (Personal Injuries Assessment Board Act 2003), 2004	15th July 2004	517 of 2004
Order 53	RSC (Solicitors Acts 1954 to 2002), 2004	15th July 2004	701 of 2004
Orders 58 & 97	RSC (Elections)	17th November 2004	Observations received – rules to be revised
Order 98	RSC (European Arrest Warrant Act 2003 and Extradition Acts 1965 to 2001), 2005	17th November 2004	53 of 2005
Orders 4, 5, 11A, 11B, 11C,11D,12, 13A, 19, 29, 42A, 121, 121A, 121B	RSC (Jurisdiction, Recognition, Enforcement and Service of Proceedings), 2004	17th November 2004	Observations received – rules to be revised
Order 85	RSC (Order 85), 2004	17th November 2004	767 of 2004
Order 63B	RSC (Competition Proceedings)	15th December 2004	Awaited
Orders 52,53 and 125	RSC (EC(Lawyers Establishment) Regulations 2003 as amended), 2005	15th December 2004	15 of 2005

Superior Courts Rules Committee

During the year the Committee also considered the Government White Paper 'Regulating Better', the right to representation in the Court of Criminal Appeal of an accused's former solicitor, the Interim Report of the Committee on Videoconferencing, the Company Law Enforcement Act, 2001 and draft rules providing for applications under Section 73 of the Mental Health Act, 2001.

At year end draft rules in respect of the Civil Liability and Courts Act, 2004 and Order 22 RSC were under consideration by the Committee.

Maeve Kane

Secretary

Circuit Court Rules Committee

THE TERMS OF REFERENCE FOR THE COMMITTEE ARE:

- To consider legislative changes at domestic and EU level and to amend Circuit Court Rules on practice and procedure to take account of such changes, where appropriate
- To review and update as necessary the consolidated Circuit Court Rules, 2001
- To consider issues relevant to the Rules raised by members of the Committee and other parties having an interest in the practice and procedure of the Circuit Court.

MEMBERSHIP OF THE COMMITTEE AT YEAR ENDING 31ST DECEMBER 2004

- The Hon. Mr. Justice Esmond Smyth, President of the Circuit Court
- Her Honour Judge Elizabeth Dunne, judge of the Circuit Court
- Mr. Patrick Hunt, S.C., nominated by the Council of the Bar of Ireland
- Mr. Fergal Foley, B.L., nominated by the Council of the Bar of Ireland
- Mr. Gerard J. Doherty, solicitor, nominated by the Law Society of Ireland
- Mr. Joseph T. Deane, solicitor, nominated by the Law Society of Ireland
- Ms. Faye Breen, B.L., nominated by the Attorney General – appointed to act in place of the Attorney General under Section 36(4) of the Courts and Court Officers Act, 2002
- Mr. Noel Rubotham, Courts Service, to whom membership has been delegated by the Chief Executive Officer under section 30(2) of the Courts Service Act, 1998
- Ms. Susan Ryan, County Registrar, Dublin is Secretary to the Committee
- Ms. Nuala Jackson, B.L., is draughtsperson to the Committee

The Committee met on nine occasions during 2004 when the following matters were attended to:

- The practice and procedure in respect of applications under Section 39 of the Criminal Justice Act, 1994 (*i.e.* applications regarding the forfeiture of cash under the Act) were reviewed in considerable detail by the Committee. Rules were drafted and signed off by the Committee.
- A draft composite amendment to the Circuit Court Rules, 2001 received further consideration, in particular at a meeting of the Committee on 8th September 2004, when the draft was scrutinised by the members. The final draft was subsequently sent to the Department of Justice, Equality & Law Reform for comment.
- The Committee prioritised consideration of the Personal Injuries Assessment Board Act, 2003. Rules were drafted, considered and signed off at a meeting of the Committee on 30th June, 2004.
- The Rules Committee noted, with approval, a proposal to have one Secretary serve the three Rules Committees *i.e.* the Superior Court Rules Committee, the Circuit Court Rules Committee and the District Court Rules Committee.
- Consideration was given to the Courts and Civil Liability Act, 2004 and at its meeting on 14th December 2004 it was decided that a sub committee would review the legislation early in 2005 with a view to drafting rules for the Committee to consider.
- The Residential Tenancies Act, 2004 was also considered at the meeting on 14th December 2004 when it was decided that Ms. Nuala Jackson, B.L., (drafting Counsel to the Committee) and the Secretary would meet with representatives of the Residential Tenancies Board and report.
- Ms. Faye Breen, B.L., was welcomed by the Committee to her first meeting on 14th December 2004. She replaced Mr. Edmund Carroll as nominee of the Attorney General. The Committee acknowledged the valuable contribution made by Mr. Carroll as the Attorney General's nominee.

Circuit Court Rules Committee

- Consideration was also given to the need to draft rules to give effect to centralisation of the investment of minor's funds. Rules in this regard were drafted and were under consideration as of 31st December 2004.
- During the course of the year, the Committee gave due consideration to submissions, reports and correspondence received from practitioners and other stakeholders in the practice and procedure of the Circuit Court.

RULES RELATING TO THE FOLLOWING WERE IMPLEMENTED IN 2004:

- Circuit Court Rules (Section 39 Criminal Justice Act, 1994), 2004 **(S.I. No. 448 of 2004)**
- Circuit Court Rules (Personal Injuries Assessment Board Act, 2003), 2004 **(S.I. 542 of 2004)**
- Circuit Court Rules (Protection of Employees (Part Time Work) Act, 2001), 2004 **(S.I. No. 721 of 2004)**
- Circuit Court Rules (Equal Status Act, 2000), 2004 **(S.I. No. 879 of 2004)**
- Circuit Court Rules (Employment Equality Act, 1998), 2004 **(S.I. No. 880 of 2004)**
- Circuit Court Rules (Jurisdiction and Recognition and Enforcement of Judgments in Matrimonial Matters), 2004 **(S.I. No. 881 of 2004)**
- Circuit Court Rules (Jurisdiction and Recognition and Enforcement of Judgments in Civil or Commercial Matters), 2004 **(S.I. No. 882 of 2004)**
- Circuit Court Rules (Service in Member States of Judicial and Extra-Judicial Documents in Civil or Commercial Matters), 2004 **(S.I. No. 883 of 2004)**

Susan Ryan

Secretary

District Court Rules Committee

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

MEMBERSHIP OF THE COMMITTEE AT YEAR ENDING 31ST DECEMBER, 2004:

- The President of the District Court, His Honour Judge Peter A. Smithwick (Chairman)
- Judge Uinsin MacGruairc, Judge of the District Court
- Judge Mary Devins, Judge of the District Court
- Judge John P. Brophy, Judge of the District Court
- Judge Thomas E. O'Donnell, Judge of the District Court
- Mr. Hugh O'Neill, Solicitor, nominated by the Law Society of Ireland
- Mr. Sean McMullin, Solicitor, nominated by the Law Society of Ireland
- Mr Damien Colgan, B.L., nominated by the Council of the Bar of Ireland
- Mr. David Kelly, Advisory Counsel, 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 under Section 30(2) of the Courts Service Act, 1998
- Liz Hughes, Deputy Chief Clerk, Dublin Metropolitan District Court is the Secretary to the Committee
- Mr. Sean Barton, solicitor, McCann Fitzgerald Solicitors, is the draughtsman for the Committee

The Committee met on six occasions during 2004 and considered and passed a number of Rules. The following Rules of the District Court were signed by the Minister for Justice, Equality and Law Reform between the 1st January 2004 and the 31st December 2004:

- S.I. No. 411 of 2004 District Court (Intellectual Property) Rules, 2004
- S.I. No. 526 of 2004 District Court (Personal Injuries Assessment Board Act 2003) Rules, 2004
- S.I. No. 534 of 2004 District Court (Railway Infrastructure) Rules, 2004
- S.I. No. 535 of 2004 District Court (Estreatment of Recognisances) Rules, 2004
- S.I. No. 539 of 2004 District Court (Children) Rules, 2004
- S.I. No. 586 of 2004 District Court (Taxes Consolidation Act 1997)(Amendment) Rules, 2004
- S.I. No. 666 of 2004 District Court (Children)(No. 2) Rules, 2004
- S.I. No. 700 of 2004 District Court (Food Safety) Rules, 2004

The rules below were signed by the Committee during 2004 and were awaiting the concurrence of the Minister for Justice, Equality and Law Reform:

- District Court (Intoxicating Liquor) Rules
- District Court (Refugee Act) Rules
- District Court (European Arrest Warrant) Rules
- District Court (Appeals to Circuit Court) Rules
- District Court (Summonses) Rules

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

- Children Act ,2001
- Mental Health Act, 2001
- Taxi Regulation Act, 2003
- Civil Liability and Courts Act, 2004
- Residential Tenancies Act, 2004

Liz Hughes

Secretary



Financial Statements

Financial Statements

Extracts from the Report and Financial Statements of the Office of the Accountant of the Courts of Justice for the year ended 30th September 2004 are included in this Report.

The Financial Statements are the first to comply with best accounting practice. This represents the culmination of a major modernisation programme that has been taking place in recent years in which best practice in relation to all aspects of the management and investment of court funds has been the overriding objective.

The Report and Financial Statements are available from the Office of the Accountant of the Courts of Justice, Phoenix House, 15/24 Phoenix Street North, Smithfield, Dublin 7, telephone: 01-888 6211 and on the website of the Service www.courts.ie

Office of the Accountant of the Courts of Justice

Extract from Report and Financial Statements for the year ended 30th September 2004

Statement of Assets and Liabilities

AS AT 30 SEPTEMBER

	Notes	2004 €	2003 €
INVESTMENT ASSETS			
Investments	4	749,852,358	699,489,595
CURRENT ASSETS			
Debtors	5	5,907,298	7,581,527
Bank		-	2,821,429
TOTAL ASSETS		755,759,656	709,892,551
CURRENT LIABILITIES			
Creditors	6	40,086	273
Bank	6	427,065	-
TOTAL LIABILITIES		467,151	273
NET CURRENT ASSETS		5,440,147	10,402,683
TOTAL NET ASSETS		755,292,505	709,892,278

Represented by:

Funds held for beneficiaries at year end	7	755,292,505	709,892,278
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SEE ACCOMPANYING NOTES TO FINANCIAL STATEMENTS

Office of the Accountant of the Courts of Justice

Extract from Report and Financial Statements for the year ended 30th September 2004

Statement of Operations

FOR THE YEAR ENDED 30 SEPTEMBER

	Notes	2004 €
INVESTMENT INCOME	9	10,095,729
EXPENSES	10	(3,200,754)
NET INVESTMENT GAIN		6,894,975
 NET REALISED AND UNREALISED GAINS		
Net realised gain on investments disposed of during the year		2,821,002
Net change in unrealised gain on investments		18,243,496
Gains realised on transfer out during the year		55,179
NET REALISED AND UNREALISED GAINS		21,119,677
INCREASE IN NET ASSETS FROM OPERATIONS		28,014,652

SEE ACCOMPANYING NOTES TO FINANCIAL STATEMENTS

Office of the Accountant of the Courts of Justice

Extract from Report and Financial Statements for the year ended 30th September 2004

Statement of Changes in Net Assets

FOR THE YEAR ENDED 30 SEPTEMBER

	2004 €
INCREASE IN NET ASSETS RESULTING FROM OPERATIONS	
Net investment gain	6,894,975
Net realised gain on investments	2,821,002
Net unrealised gain on investments	18,298,675
NET INCREASE IN NET ASSETS FROM OPERATIONS	28,014,652
CAPITAL TRANSACTIONS	
Payments in	154,620,676
Disbursements	(137,235,102)
NET INCREASE IN NET ASSETS FROM CAPITAL TRANSACTIONS	17,385,574
Increase in net assets in the year	45,400,226
Net assets at beginning of year	709,892,278
NET ASSETS AT END OF YEAR	755,292,504

SEE ACCOMPANYING NOTES TO FINANCIAL STATEMENTS

Office of the Accountant of the Courts of Justice

Extract from Report and Financial Statements for the year ended 30th September 2004

Notes to the Financial Statements

FOR THE YEAR ENDED 30 SEPTEMBER 2004

1. GENERAL – LEGAL STATUS

The Fund is managed in a fiduciary capacity on behalf of beneficiaries by the Accountant of the Courts of Justice. The main primary and subordinate legislation governing the receipt, management and investment of Court controlled funds is as follows:

- Court Officers Act, 1926
- The Trustee (Authorised Investments) Act, 1958 and the Trustee (Authorised Investments) orders made thereunder.
- The Rules of the Superior Courts.

2. ACCOUNTING POLICIES

(a) Basis of preparation

These financial statements have been prepared in accordance with accounting standards generally accepted in Ireland. Comparative figures for the previous year are not presented in the Statement of Operations and the Statement of Changes in Net Assets, as the required information is not readily available. This arises as a result of the major changes in systems completed in the year under review.

(b) Valuation of Investments

Listed investments and unitised funds are valued at their bid price where they are quoted on a recognised stock exchange. Insurance policies are valued at their surrender value as confirmed independently by the insurance companies. Other investments are valued at their deposit value including interest accrued at year-end.

(c) Income

Interest and dividend income is recorded on the accrual basis.

(d) Realised gains and losses

Investment transactions are recorded on a trade date basis. Realised gains or losses on sales of trading securities are calculated on a first in, first out basis. Realised gains or losses on sales of units of the Spectrum Fund are calculated on an average basis. Realised and unrealised gains or losses on investments are recorded in the statement of operations.

(e) Expenses

Expenses are accounted for on an accruals basis. Expenses are charged to the statement of operations, except for expenses incurred on the acquisition of an investment, which are included in the cost of that investment.

Office of the Accountant of the Courts of Justice

Extract from Report and Financial Statements for the year ended 30th September 2004

3. FEES AND EXPENSES

3.1 Court Fees:

Significant resources are deployed, particularly in the Accountants Office and the Office of Wards of Court, in managing the affairs of persons who are wards of court and minors. In recent years significant investment has been made in modernising the arrangements for the management and investment of court funds held on behalf of wards of court and minors to bring them into line with best practice. As a contribution towards the costs of these operations court fees are applied to various transactions associated with the management and processing of court funds by the Accountants Office. These charges are approved by the Minister for Justice, Equality and Law Reform and the Minister for Finance and are contained in the Supreme and High Court Fees Orders. Charges amounting to €1.36m have been deducted as a result of transactions processed in the Accountant's Office during the year ended 30th September 2004. Charges amounting to €0.663m arose in respect of court percentages which are charged on funds held on behalf of Wards of Court. The amount charged in relation to court percentages in the period ended 30th September 2004 included an amount of €0.559m which represented the collection of arrears of these charges for the period from 1996 to 2002.

3.2 Investment Management Fees:

A scale of investment management fees were agreed with Bank of Ireland Asset Management and State Street Global Advisors and incorporated in the Investment Management Agreement.

The average investment management fee on each of the funds in 2004 was as follows:

Cash Plus:	0.17% Net Asset Value calculated weekly
Bond Plus:	0.13% Net Asset Value calculated weekly
Balanced:	0.25% Net Asset Value calculated weekly
Growth:	0.25% Net Asset Value calculated weekly

3.3 Administration and Custodian Fees:

These are transactional fees charged by JP Morgan

The administration and custodian fee on each of the funds in 2004 was as follows:

Cash Plus:	0.03% Anti-Dilution Levy calculated weekly
Bond Plus:	0.11% Anti-Dilution Levy calculated weekly
Balanced:	0.15% Anti-Dilution Levy calculated weekly
Growth:	0.20% Anti-Dilution Levy calculated weekly

Office of the Accountant of the Courts of Justice

Extract from Report and Financial Statements for the year ended 30th September 2004

4. INVESTMENTS

	2004
	€
Euro Equity	105,802,014
Euro Bond	131,746,973
Euro Cash	211,511,545
Non-Euro Equity	57,464,868
Non-Euro Bond	606,756
Managed Funds	48,598,327
Deposit Accounts	191,735,938
Insurance Policies	1,385,937
PORTFOLIO OF INVESTMENTS	749,852,358

5. DEBTORS

	2004	2003
	€	€
Court amounts awarded not yet received	5,907,298	7,581,527

6. CURRENT LIABILITIES

	2004	2003
	€	€
Exit tax payable	40,086	-
Bank overdraft (i)	427,065	-
Court fees	-	273
	467,151	273

(i) Bank overdraft arises when unrepresented cheques are taken into account.

7. FUNDS HELD FOR THIRD PARTIES

	2004
	€
Amounts held for wards of court	508,329,936
Amounts held for minors	149,672,829
Amounts held for pending further order cases	28,073,158
Amounts held for charitable bequests	25,389,530
Amounts held for lodgements with defence	19,636,097
Other	24,190,955
	755,292,505

Office of the Accountant of the Courts of Justice

Extract from Report and Financial Statements for the year ended 30th September 2004

8. INVESTMENT RISKS

Investment Risks

The investments managed by the Accountant's Office are managed by appointed professional managers adopting agreed investment strategies. Risk is inherent in any investment strategy, and the principal risks relevant to these strategies are as follows;

Market Price Risk

Market price risk arises mainly from uncertainty about future prices of financial instruments held. It represents the potential loss which might be suffered through holding market positions in the face of price movements. The investments held are subject to normal market fluctuations and the risks inherent in investment in international securities markets. The investment managers consider the asset allocation of the funds in order to minimise the risk associated with particular countries or industry sectors whilst continuing to follow the investment objectives.

Credit Risk

Foreign exchange, futures and other transactions involve counterparty credit risk and will expose the funds to unanticipated losses to the extent that counterparties are unable or unwilling to fulfil their contractual obligations. Available contractual remedies could be inadequate to the extent that the collateral or other assets available are insufficient to satisfy the obligations of the counterparty.

Foreign Currency Risk

A proportion of the funds are invested in financial assets denominated in currencies other than the Euro (refer note 4). Adverse movements in currency exchange rates can result in a decrease in return and a loss of capital.

9. INVESTMENT INCOME

	2004
	€
Deposit interest	4,533,395
Dividends	1,881,006
Shares in lieu of dividends	483,766
Interest on other investments	3,180,993
Other	16,569
Total	10,095,729

Office of the Accountant of the Courts of Justice

Extract from Report and Financial Statements for the year ended 30th September 2004

10. EXPENSES

	2004
	€
Court fees (see Note 3.1 on pg 149)	2,027,251
Investment management fee (see Note 3.2 on pg 149)	421,121
Administration and custodian fees (see Note 3.3 on pg 149)	313,388
Miscellaneous managed funds fees (i)	305,797
Taxes	78,048
Brokers' fee	54,611
Bank charges	538
Total	3,200,754

(i) These fees include transaction charges, audit fees, safekeeping fees, other professional fees, trustee fees and bank interest.

11. OTHER INCOME

Other income is represented by, inter alia, shares in lieu of dividends, interest on other investments and tax refunds.

12. POST BALANCE SHEET EVENTS

There were no material post balance sheet events, which would require revision of the figures in the financial statements.

Expenditure and Income

	2004 € '000	2003 € '000
Current Expenditure		
Salaries and Wages	45,289	40,534
Travel and Subsistence	3,967	3,308
Staff and judicial training	879	798
Stenography and other fees	2,573	2,493
Legal services	463	375
Postal services	900	898
Telecommunications	1,428	1,460
Office equipment and materials	1,086	1,869
Courthouse maintenance	6,249	5,665
Heat, light and fuel costs	1,669	1,554
Furniture and fittings	381	203
Leases	4,695	6,216
Consultancy (Non I.T related)	156	360
Incorporated Council of Law Reporting of Ireland	20	41
Incidental/ miscellaneous costs	1,992	1,714
Total Current Expenditure	71,747	67,488
Telecommunications systems	40	2
Computer systems	7,538	6,480
Courthouses and other buildings	17,101	18,841
Total Capital Expenditure	24,679	25,323
Total Expenditure	96,426	92,811
Income (Appropriations - in - Aid)		
Fees	22,787	20,654
Miscellaneous	869	914
Total Income	23,656	21,568
Net Expenditure	72,770	71,243

Note : These figures are provisional and subject to audit by the Comptroller and Auditor General

Prompt Payment of Accounts Act 1997

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

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

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

In accordance with the Prompt Payments of Account Act, 1997, the following information is provided in respect of the financial period ending December 31st 2004:

(a) Payment Practices

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

(b) Late payments

Invoice Amount	No. of Invoices	Amount of Interest paid €
Under €317	71	595
Over €317	615	21,789
Total	686	22,384

(c) Overall percentage of late payments to total payments and total interest paid.

The overall percentage of late payments to total payments was 11%.

The total amount of interest paid with respect to late payments was €22,384.

Poor Box Receipts

POOR BOX RECEIPTS THROUGH COURT OFFICES 2004

	Opening Balance at 01/01 €	Receipts €	Payments €	Balance on Hand at 31/12 €
High Court	Nil	Nil	Nil	Nil
Circuit Court	12,346.26	11,659.34	11,350.00	12,655.60
District Court	210,246.84	916,672.18	1,000,430.98	126,488.04
Total	*222,593.10	928,331.52	1,011,780.98	139,143.64

* The opening balance at 01/01/04 was €13,602.05 more than the closing balance in the Annual Report for 2003 due to revised details provided by court offices.

POOR BOX RECEIPTS THROUGH COURT OFFICES 2003

	Opening Balance at 01/01 €	Receipts €	Payments €	Balance on Hand at 31/12 €
High Court	Nil	Nil	Nil	Nil
Circuit Court	14,137.81	2,700.00	4,491.55	12,346.26
District Court	197,084.52	997,886.14	998,325.87	196,644.79
Total	* 211,222.33	1,000,586.14	1,002,817.42	208,991.05

* The opening balance at 01/01/03 was €13,471.10 less than the closing balance in the Annual Report for 2002 due to revised details provided by court offices



Glossary of Terms

Glossary of Terms

Administration suit - a form of proceeding taken in order to establish who is entitled to share in the estate (that is the property) of a deceased person and/or to have the estate administered by the court where questions arise in respect of the estate

Affidavit - a written statement made on oath

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

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

Average waiting time - the time between the court offices being notified that a case is ready to proceed to hearing/trial and the actual date for hearing/trial

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

Bill of Sale - a document transferring or mortgaging of an interest in movable property

Care Order - an order placing a child in the care of the health board until he or she reaches the age of eighteen or a shorter period as determined by the court

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

Certified List - a list of cases which have been certified by counsel as being ready for hearing

Civil Bill - a document used to start a case in the Circuit Court. It gives details of the parties to the case and details of the claim that is being made

Claim - the assertion of a right. Taking a case against someone is a way of making a claim

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

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

Deed Poll: a deed completed by one party only, often used to declare an intention to change a surname

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

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

Deponent - the person who swears an affidavit

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

Enduring Power of Attorney - a document providing for the management of a person's affairs in the event of their becoming mentally incapacitated

Ex officio - by virtue of his/her office

Ex parte - without notice to the other side of an action

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

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

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

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

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

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

Intestate - Dying without making a valid will

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

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

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

Lis Pendens – *Action pending* – the registration of an action against an owner of land

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

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

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

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

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

Plaintiff - a person who brings a legal action against another

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

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

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

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

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

Seat Office - part of the Probate Office in Dublin where applications by solicitors for grants of probate and administration are processed.

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

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

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

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

Subpoena ad testificandum – an order to attend and give evidence

Subpoena duces tecum – an order to attend and produce certain specified documents

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 needing 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 authorising a health board to visit a child periodically to satisfy itself as to the child's welfare and enabling the health board to give advice regarding the child's welfare



Additional Information

Contacting offices of the Service

Contact details for the main offices of the Service are published on the website. Details may also be obtained from the Information Office, Courts Service, Phoenix House, 15/24 Phoenix Street North, Smithfield, Dublin 7. Telephone: 01-8886000.

eircom telephone directories

Telephone numbers for the main offices of the Service are contained in the green pages section of the current eircom telephone directories.

Other information

Details of court cases at hearing in the High Court in Dublin and Cork are displayed on electronic boards in the Four Courts in Dublin and in the courthouse in Washington Street, Cork.

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

The Annual Reports of the Service for the years 2000, 2001, 2002 and 2003 together with the Strategic Plans, Customer Service Action Plan, Customer Charter and other publications including those referred to on pages 54 and 55 of this Report are published on the website.

Copies of all publications are available from the Information Office.

Website

The website can be accessed at www.courts.ie

Solicitors

McCann Fitzgerald,
Solicitors,
2 Harbourmaster Place,
International Financial Services Centre,
Dublin 1.

Auditors

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

Deloitte & Touche
Chartered Accountants
Deloitte & Touche House
Earlsfort Terrace
Dublin 2
(Financial Statements of the Office of the Accountant
of the Courts of Justice)

Appendices

Appendix I

Population of each Province, County and City and actual and percentage change, 1996 and 2002

PROVINCE, COUNTY OR CITY	1996 PERSONS	2002 PERSONS	2002 MALES	2002 FEMALES	ACTUAL CHANGE 1996-2002	PERCENTAGE CHANGE 1996-2002
Leinster	1,924,702	2,105,579	1,038,015	1,067,564	180,877	9.4
Carlow	41,616	46,014	23,403	22,611	4,398	10.6
Dublin	1,058,264	1,122,821	544,075	578,746	64,557	6.1
<i>of which</i>						
Dublin City	481,854	495,781	237,813	257,968	13,927	2.9
Dún Laoghaire -Rathdown	189,999	191,792	91,337	100,455	1,793	0.9
Fingal	167,683	196,413	97,409	99,004	28,730	17.1
South Dublin	218,728	238,835	117,516	121,319	20,107	9.2
Kildare	134,992	163,944	82,735	81,209	28,952	21.4
Kilkenny	75,336	80,339	40,540	39,799	5,003	6.6
Laoighis	52,945	58,774	30,131	28,643	5,829	11.0
Longford	30,166	31,068	15,794	15,274	902	3.0
Louth	92,166	101,821	50,489	51,332	9,655	10.5
Meath	109,732	134,005	67,733	66,272	24,273	22.1
Offaly	59,117	63,663	32,185	31,478	4,546	7.7
Westmeath	63,314	71,858	35,960	35,898	8,544	13.5
Wexford	104,371	116,596	58,170	58,426	12,225	11.7
Wicklow	102,683	114,676	56,800	57,876	11,993	11.7
Munster	1,033,903	1,100,614	550,118	550,496	66,711	6.5
Clare	94,006	103,277	52,063	51,214	9,271	9.9
Cork	420,510	447,829	222,317	225,512	27,319	6.5
<i>of which</i>						
Cork City	127,187	123,062	59,263	63,799	-4,125	-3.2
Cork County	293,323	324,767	163,054	161,713	31,444	10.7
Kerry	126,130	132,527	66,572	65,955	6,397	5.1
Limerick	165,042	175,304	87,631	87,673	10,262	6.2
<i>of which</i>						
Limerick City	52,039	54,023	26,128	27,895	1,984	3.8
Limerick County	113,003	121,281	61,503	59,778	8,278	7.3
Tipperary North	58,021	61,010	30,864	30,146	2,989	5.2
Tipperary South	75,514	79,121	39,999	39,122	3,607	4.8
Waterford	94,680	101,546	50,672	50,874	6,866	7.3
<i>of which</i>						
Waterford City	42,540	44,594	21,782	22,812	2,054	4.8
Waterford County	52,140	56,952	28,890	28,062	4,812	9.2
Connacht	433,231	464,296	233,194	231,102	31,065	7.2
Galway	188,854	209,077	104,367	104,710	20,223	10.7
<i>of which</i>						
Galway City	57,241	65,832	31,015	34,817	8,591	15.0
Galway County	131,613	143,245	73,352	69,893	11,632	8.8
Leitrim	25,057	25,799	13,324	12,475	742	3.0
Mayo	111,524	117,446	59,149	58,297	5,922	5.3
Roscommon	51,975	53,774	27,583	26,191	1,799	3.5
Sligo	55,821	58,200	28,771	29,429	2,379	4.3
Ulster (part of)	234,251	246,714	124,837	121,877	12,463	5.3
Cavan	52,944	56,546	29,015	27,531	3,602	6.8
Donegal	129,994	137,575	69,016	68,559	7,581	5.8
Monaghan	51,313	52,593	26,806	25,787	1,280	2.5
State	3,626,087	3,917,203	1,946,164	1,971,039	291,116	8.0

SOURCE: CENTRAL STATISTICS OFFICE

Appendix II

Circuit Court: Countrywide

CIRCUIT COURT OFFICE	CRIMINAL		CIVIL				FAMILY LAW				HIGH COURT APPEALS			
	CRIMINAL BUSINESS DEALT WITH	DISTRICT COURT APPEALS HEARD	CIVIL TRIALS DEALT WITH	MOTIONS DEALT WITH	DISTRICT COURT CIVIL APPEALS HEARD	LIQUOR LICENCES GRANTED	JUDICIAL SEPARATION GRANTED	DIVORCE GRANTED	NULLITY GRANTED	SECTION 33 APPEALS GRANTED	DISTRICT COURT FAMILY LAW APPEALS HEARD	CRIMINAL APPEALS	CIVIL APPEALS	FAMILY LAW APPEALS
CARLOW	11	82	88	411	10	11	3	37	1	29	0	3	3	1
CARRICK-ON-SHANNON	16	57	57	125	2	7	4	18	1	8	1	0	3	2
CASTLEBAR	43	89	191	574	2	27	20	46	1	13	1	0	1	3
CAVAN	32	57	68	180	1	18	10	27	0	13	2	0	13	0
CLONMEL	39	219	444	826	21	20	21	96	1	31	11	0	31	2
CORK	235	891	2473	2794	133	48	92	269	5	40	48	0	120	16
DUBLIN	1,139	1,943	4,641	10,234	142	85	598	1,464	5	268	127	N/A	N/A	N/A
DUNDALK	94	119	437	915	0	8	35	100	0	26	38	6	20	2
ENNIS	28	184	183	635	17	9	23	79	0	18	0	0	9	4
GALWAY	61	251	330	1624	15	24	27	33	0	25	66	0	35	0
KILKENNY	21	74	159	267	1	10	14	45	1	11	4	1	9	2
LETTERKENNY	46	125	673	665	10	22	21	74	0	34	12	0	5	2
LIMERICK	101	1,003	902	944	34	22	70	176	4	34	18	6	16	0
LONGFORD	8	40	66	193	5	9	10	19	0	6	6	0	1	1
MONAGHAN	20	73	111	184	6	10	15	21	0	16	2	0	1	1
MULLINGAR	21	68	161	304	6	11	22	64	0	16	8	0	14	5
NAAS	53	612	238	657	16	19	39	114	1	19	24	6	10	3
PORTLAOISE	17	77	88	243	4	10	7	31	0	19	10	3	1	0
ROSCOMMON	12	49	128	282	6	3	11	22	1	5	2	0	20	3
SLIGO	57	35	115	94	4	5	9	50	0	16	0	2	7	3
TRALEE	53	172	218	619	21	30	32	72	0	18	27	3	13	1
TRIM	33	52	458	643	9	15	40	78	3	26	13	0	13	4
TULLAMORE	9	189	58	130	3	6	6	47	0	12	1	0	4	0
WATERFORD	49	41	178	772	11	13	38	122	0	35	2	7	68	7
WEXFORD	24	137	237	64	6	16	28	118	0	0	30	0	29	10
WICKLOW	67	104	244	577	13	4	21	83	0	23	13	0	6	3
TOTAL	2,289	6,743	12,946	24,956	498	462	1,216	3,305	24	761	466	34	281	51

Appendix III

Circuit Court: Family Law

CIRCUIT COURT	DIVORCE APPLICATIONS				JUDICIAL SEPARATION APPLICATIONS				NULLITY APPLICATIONS				SECTION 33 APPLICATIONS			APPEALS	
	RECEIVED	GRANTED	REFUSED	WD/SO ADJ GEN	RECEIVED	GRANTED	REFUSED	WD/SO	RECEIVED	GRANTED	REFUSED	WD/SO	RECEIVED	GRANTED	REFUSED	RECEIVED	DEALT WITH
CARLOW	58	37	0	0	18	3	0	0	1	1	0	0	29	29	0	0	0
CARRICK-ON -SHANNON	16	18	0	0	4	4	0	0	3	1	0	0	9	8	0	1	1
CASTLEBAR	68	46	0	0	42	20	0	0	2	1	0	0	17	13	0	1	1
CAVAN	33	27	0	0	22	10	0	0	0	0	0	0	20	13	0	2	2
CLONMEL	145	96	0	0	49	21	0	2	1	1	0	0	31	31	0	10	11
CORK	521	269	0	5	252	92	3	2	9	5	2	0	77	40	1	67	48
DUBLIN	1,466	1,464	2	0	600	598	2	0	13	1	0	0	292	268	5	178	127
DUNDALK	130	100	0	0	57	35	0	0	2	0	0	0	27	26	1	28	38
ENNIS	98	79	0	0	18	23	0	0	1	0	0	0	18	18	0	1	0
GALWAY	71	33	0	0	35	27	1	0	6	0	0	0	26	25	1	66	66
KILKENNY	51	45	0	8	26	14	0	2	2	1	0	0	11	11	0	2	4
LETTERKENNY	78	74	0	2	38	21	0	0	0	0	0	0	34	34	0	15	12
LIMERICK	158	176	0	7	103	70	0	3	4	4	0	1	46	34	1	15	18
LONGFORD	13	19	0	0	5	10	0	5	0	0	1	0	6	6	0	6	6
MONAGHAN	37	21	2	0	24	15	0	5	0	0	0	0	22	16	0	3	2
MULLINGAR	70	64	0	1	24	22	0	8	0	0	0	0	19	16	3	7	8
NAAS	145	114	0	0	58	39	0	0	2	1	0	0	39	19	0	18	24
PORTLAOISE	40	31	1	0	11	7	0	1	0	0	0	0	19	19	0	10	14
ROSCOMMON	22	22	0	0	17	11	0	0	2	1	0	0	7	5	2	1	2
SLIGO	51	50	0	0	21	9	0	0	0	0	0	0	16	16	1	3	0
TRALEE	105	72	0	0	48	32	0	1	2	0	0	0	19	18	1	18	27
TRIM	110	78	0	0	71	40	0	1	1	3	0	0	27	26	0	12	13
TULLAMORE	44	47	0	0	11	6	0	1	0	0	0	0	12	12	0	4	1
WATERFORD	122	122	2	0	37	38	0	0	0	0	0	0	36	35	1	5	2
WEXFORD	117	118	0	0	30	28	0	0	0	0	0	0	0	0	0	4	30
WICKLOW	111	83	0	2	33	21	0	2	0	0	0	0	23	23	0	17	13
TOTAL	3,880	3,305	7	25	1,654	1,216	6	33	51	20	3	1	882	761	17	494	470

Appendix IV

Circuit Court: Average Waiting Times

CIRCUIT COURT	CRIMINAL		CIVIL		FAMILY LAW			
	CASES	APPEALS	CASES	APPEALS	JUDICIAL SEPARATION	DIVORCE	NULLITY	APPEALS
CARLOW	3-6 months	6 months	6 months	6 months	6 months	6 months	6 months	6 months
CARRICK-ON-SHANNON	Next session	Next session	6 months	3 months	Next session	Next session	Next session	Next session
CASTLEBAR	Next session	Next session	Next session	Next session	Next session	Next session	Next session	Next session
CAVAN	6 months	6 months	6 months	6 months	6 months	6 months	6 months	6 months
CLONMEL	Next session	Next session	Next session	Next session	6 months	Next session	Next session	Next session
CORK	4-6 months	4-6 months	12-18 months	9 months	6 months	6 months	6 months	4-6 months
DUBLIN	1 month	1 month	1 month	1 month	Consent - 6 weeks Contested - 3 months	Consent - 6 weeks Contested - 3 months	Consent - 6 weeks Contested - 3 months	3 months
DUNDALK	Next session	Next session	9 months	6 months	Next session	Next session	Next session	Next session
ENNIS	6 months	6 months	4 months	4 months	4 months	4 months	4 months	4 months
GALWAY	Next session	Next session	Next session	Next session	Next session	Next session	Next session	Next session
KILKENNY	20 months	20 months	24 months	24 months	Next session	Next session	Next session	Next session
LETTERKENNY	6 months	3 months	9-12 months	9-12 months	6 months	3 months	Next session	3 months
LIMERICK	6 months	3 months	12 months	3 months	Next session	Next session	Next session	Next session
LONGFORD	Next session	Next session	6-12 months	Next session	6 months	Next session	Next session	Next session
MONAGHAN	6 months	6 months	6 months	Next session	6 months	6 months	Next session	3 months
MULLINGAR	3-6 months	Next session	3-6 months	3-6 months	Next session	Next session	Next session	Next session
NAAS	6 months	3 months	6 months	6 months	3 months	3 months	3 months	3 months
PORTLAOISE	6 months	Next session	9-12 months	Next session	Consent-Next session Contested 2-3 months	Consent-Next session Contested 2-3 months	Consent-Next session Contested 2-3 months	Next session
ROSCOMMON	Next session	Next session	Next session	3 months	3 months	3 months	Next session	Next session
SLIGO	6 months	2 months	6 months	2 months	6 months	6 months	6 months	6 months
TRALEE	24 months	Next session	24 months	24 months	3-6 months	3-6 months	Next session	3-6 months
TRIM	Next session	Next session	Next session	Next session	Next session	Next session	Next session	Next session
TULLAMORE	Next session	Next session	12 months	Next session	Next session	Next session	Next session	Next session
WATERFORD	24 months	24 months	24 months	18 months	6 months	6 months	6 months	6 months
WEXFORD	Next session	6-9 months	18-24 months	6-12 months	1-2 years	1-2 years	No cases (no delay)	Next session
WICKLOW	6 months	6 months	6 months	6 months	Consent - Next Session Contested - 6 months	Consent - Next Session Contested - 6 months	Consent - Next Session Contested - 6 months	3-6 months

The term **next session** means that the case will be dealt with at the next court sittings in the venue concerned. While cases may be listed for hearing for a particular sitting, unusual circumstances, for example a long criminal trial, may lead to the adjournment of other listed cases to the following session. The duration of, and time between, court sittings will vary from circuit to circuit, but in general the Circuit Court sits every two to four months in provincial venues. In Dublin there are daily sittings throughout each term.

Appendix V

District Court: Average Waiting Times

CRIMINAL CASES

Dublin Metropolitan District Court

6 months from the date a person is charged / date of receipt of application for a summons to hearing date

Provincial District Courts

Cork

4 months from the date a person is charged/ date of receipt of application for a summons to hearing date

Other Provincial District Courts

Generally no delay in cases receiving hearing dates. Of course, not all cases can be dealt with immediately. For example, a case where there is a number of witnesses or in which there may be complex issues to consider may not go ahead on the day on which the case first comes for hearing. If such cases cannot be dealt with, Judges will set special sittings. In Donegal, Wicklow, Wexford and Kildare the average waiting time is three to six months.

FAMILY LAW CASES

Dublin District Court

9 weeks from the date of issue of the summons to the date of hearing of application

Provincial District Courts

Cork

7 weeks from date of issue of the summons to initial date for hearing

Other Provincial District Courts

In general, there is no delay in hearing family law cases in the provincial district courts as cases are listed for the next sitting in the District Court Area.

CIVIL CASES

Dublin Metropolitan District Court

6 weeks from date of issue of summons to initial date for hearing

Provincial District Courts

Cork

7 weeks from date of issue of summons to initial date for hearing

Other Provincial District Courts

Generally no delay. Outside Dublin and Cork City civil cases tend to be dealt with by way of special sittings and this can lead to some delays in completing same.