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## Courts Service Annual Report 2017

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An tSeirbhís Chúirteanna  
Courts Service



**Tuarascáil Bhliantúil  
Annual Report  
2017**





## **Mission Statement**

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



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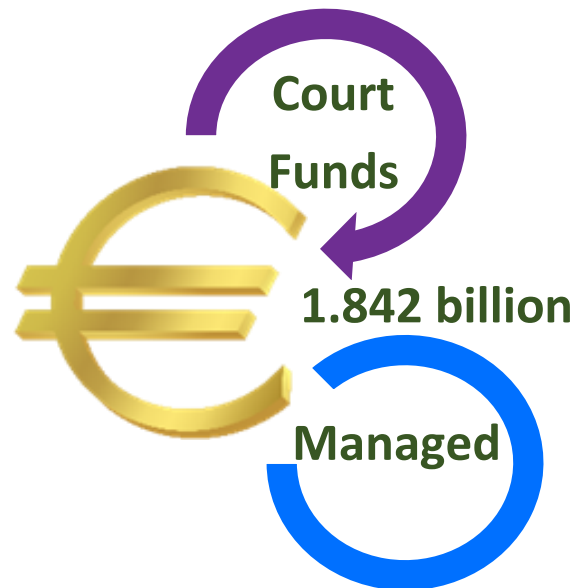
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# At a glance



**160 Judges**





## Glossary of terms

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Foreword by the Chief Justice and Chairperson of the Board



While numbers and statistics can never tell the full story of the work of the courts, they can offer a broad stroke vista of levels of activity.

Our courts received over 655,000 new matters in 2017 - of which over 425,000 were criminal offences, and over 228,000 were civil matters. In the Supreme Court there was a 16% increase in new appeals, and a doubling of new appeals resolved. Despite utilising all available resources, appeals lodged in the Court of Appeal exceeded the number disposed of. At High Court and Circuit Court level, there were increases in defamation and personal injury cases, and slight decreases in divorce and judicial separation applications. And after several years of increases, the number of possession orders made in both jurisdictions decreased. At District Court level there was a slight increase in applications under the domestic violence legislation. These increases and decreases might well reflect changes in the law, or in the environment in which we conduct commerce or organise society.

The matters coming before the courts were administered and heard by 160 judges supported by over 1,025 staff, 48 judicial assistants and 50 court criers. The Presidents of the jurisdictions continued to introduce initiatives to improve the efficient disposal of cases with an initiative in the asylum list in the High Court particularly effective at reducing waiting times. Although it must be said that we have experienced increasing difficulty in recruiting and retaining judicial assistants.

The net cost of operating our entire courts structure was €85 million inclusive of investment in infrastructure and capital projects. The courts collected fines of over €10 million, and €45 million in courts fees were generated. In addition, the courts handled €17 million in family law payments, and supported the investment and management of €1.8 billion in funds held for Minors and Wards of Court.

We work to achieve a greater understanding of our courts through access programmes for students and community based groups. We are improving our presence on social media sites and video channels, and continue to share news *via* our quarterly e-zine. One initiative to bring access to the courts and understanding of the justice system to a wider audience saw decisions of the Supreme Court broadcast on TV for the first time in 2017. Our capital investment programme saw three courthouses completed in 2017, offering world class facilities and services to court users. In all of our investments we seek to accommodate the needs of all who use our courts. It is particularly pleasing that there are now victim support/vulnerable witness rooms in over 50 courthouses across the country.

In my first year as Chief Justice and as Chairperson of the Board of the Courts Service, I have witnessed from a new angle the energy and commitment of the staff. Their creativity and flexibility is critical to the success of the plans and tasks set out by the CEO, his Senior Management Team, and the Board of the Service. I acknowledge the work of my colleague judges, the members of the Courts Service Board and those who serve on committees of the Board. I appreciate the continued support of the Minister for Justice & Equality and his Department, and the Department of Public Expenditure and Reform for taking our needs into account when allocating resources. A partnership approach has enabled the Courts Service meet the current challenges and manage the courts so that there is continued access to law. Our partnership with agencies across the justice community is also vital in this success. I thank all involved for their ongoing efforts.

I commend this report as a rewarding insight into the complex and busy world of our courts.

A handwritten signature in black ink, appearing to read 'Frank Clarke'.

Frank Clarke



Wexford Courthouse

## CHAPTER 1 | ABOUT THE COURTS SERVICE

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

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

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

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

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

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

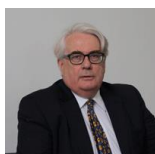
The Courts Service Act provides that the Board may establish committees to advise it in relation to the performance of its functions and may appoint committee members who are not members of the Board but have a specialist knowledge and experience related to the purposes of the committee. The acts of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

The committees of the Board in 2017 were:

### STANDING COMMITTEES

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

## BOARD OF THE COURTS SERVICE



**Frank Clarke**  
*Chairperson, Chief Justice*



**Sean Ryan**  
*President of the Court of Appeal*



**Peter Kelly**  
*President of the High Court*



**Elizabeth Dunne** *elected by the judges of the Supreme Court*



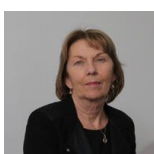
**Michael Peart** *elected by the judges of the Court of Appeal*



**Patrick McCarthy** *elected by the judges of the High Court*



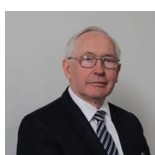
**Raymond Groarke**  
*President of the Circuit Court*



**Dóirbhile Flanagan** *elected by the judges of the Circuit Court*



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



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



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



**Paul McGarry** *nominated by the Bar of Ireland*



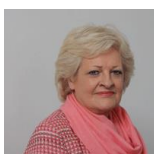
**James McCourt** *nominated by the President of the Law Society of Ireland*



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



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



**Vacancy** *(to be nominated by the Minister)*

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

**Vacancy** *(to be nominated by the Minister)*

The Hon Mr. Justice Frank Clarke replaced the Hon. Mrs. Justice Susan Denham in July 2017

The Hon. Ms. Justice Elizabeth Dunne replaced the Hon. Mr. Justice Liam McKechnie on 9th November 2017

Mr. Damien Downey replaced Mr. Stephen Bracken on 9th November 2017

Ms. Carol Baxter replaced Mr. Conan McKenna on 9th November 2017

The term of office of Mr. Pat Doyle and Mr. Shane Browne ended on 8th November 2017

Mr. Liam Berney was replaced by Ms. Patricia King on 9th November 2017.

## STANDING COMMITTEES OF THE BOARD

### Finance Committee

The Hon. Mr. Justice Frank Clarke – Chairperson

The Hon. Mr. Justice Sean Ryan

The Hon. Mr. Justice Peter Kelly

The Hon. Mr. Justice Raymond Groarke

Her Honour Judge Rosemary Horgan

Mr. Brendan Ryan

Ms. Carol Baxter

*vacancy*

### Audit and Risk Committee

The Hon. Mr. Justice Michael Peart – Chairperson

Her Honour Judge Elma Sheahan, nominee of the President of the Circuit Court

Judge Michael Coghlan, nominee of the President of the District Court

Professor Patricia Baker

Ms. Carol Baxter

*vacancy*

### Building Committee

The Hon. Mr. Justice Patrick McCarthy – Chairperson

His Honour Judge Martin Nolan, nominee of the President of the Circuit Court

Judge Marie Quirke, nominee of the President of the District Court

Mr. Brendan Ryan

Ms. Patricia King

Mr. John Coyle, Head of Circuit Court and District Court Operations, Courts Service

Mr. Paul Burns, Head of Infrastructure Services, Courts Service

Mr. Ciaran O'Connor, Office of Public Works

Mr. Brian Kennedy S.C. the Bar of Ireland \*

Mr. James McCourt

\* Mr. Jack Nicholas, nominated to act as an alternate

### Family Law Court Development Committee

The Hon. Mr. Justice Michael White, judge of the High Court – Chairperson

Her Honour Judge Petria McDonnell, judge of the Circuit Court

Her Honour Judge Doirbhile Flanagan

Judge Gerard Furlong, judge of the District Court

Judge John O'Connor, judge of the District Court

Mr. Sean Ó hUallacháin, nominee of the Chairman of the Bar Council

Mr. Keith Walsh, nominee of the President of the Law Society

Mr. John McDaid, Chief Executive of the Legal Aid Board

Ms. Rita Considine, nominee of the County Registrar's Association

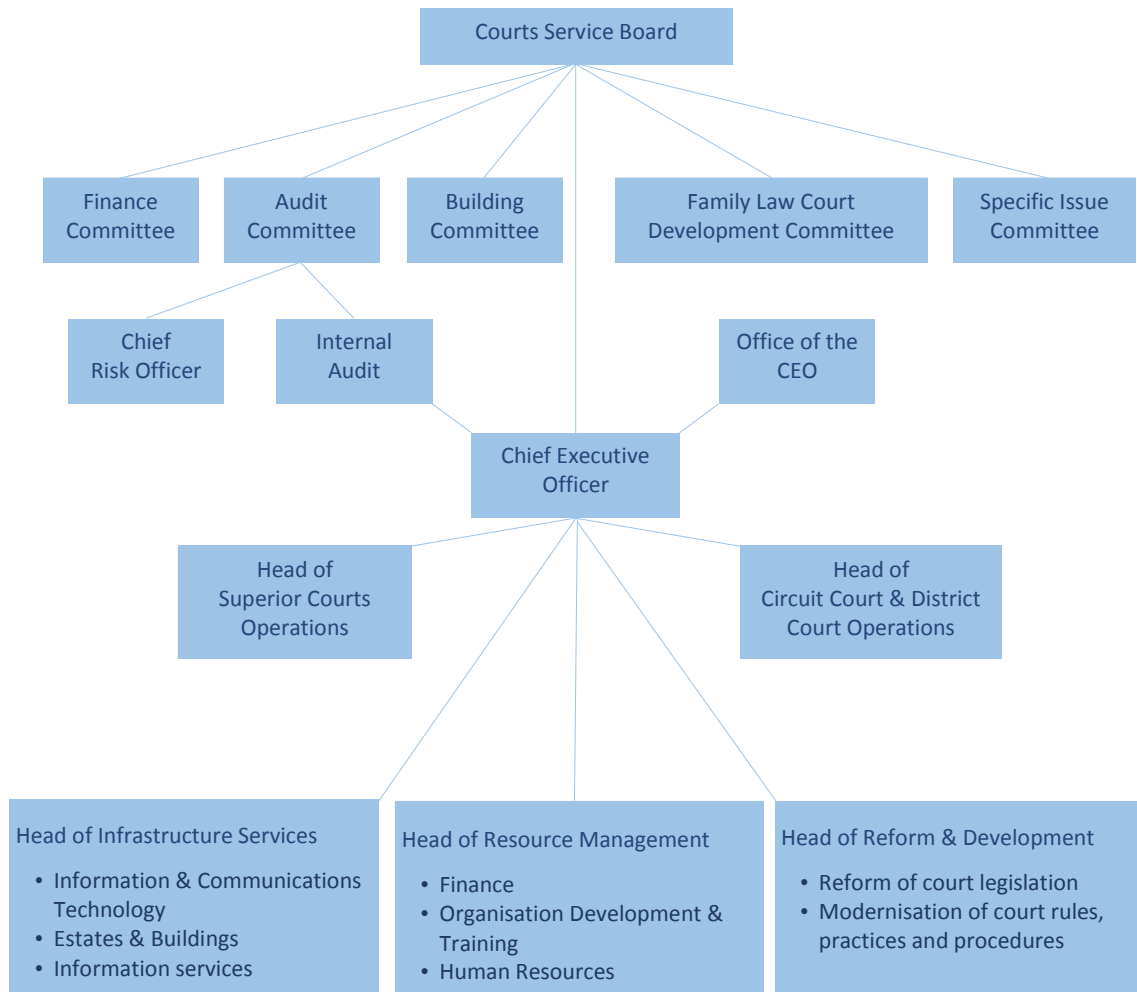
Ms. Geraldine Hurley, Head of Superior Courts Operations, Courts Service

Mr. John Coyle, Head of Circuit Court and District Court Operations, Courts Service

Ms. Emer Darcy, Chief Clerk of the Dublin Circuit and District Civil Courts

Mr. Damien Downey







## ORGANISATIONAL STRUCTURE



## CHIEF EXECUTIVE OFFICER AND SENIOR MANAGEMENT TEAM

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

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

BRENDAN RYAN	NOEL RUBOTHAM	SEAN QUIGLEY	GERALDINE HURLEY	PAUL BURNS	JOHN COYLE
					
Chief Executive Officer	Head of Reform and Development Directorate	Head of Resource Management Directorate	Head of Superior Courts Operations Directorate	Head of Infrastructure Services Directorate	Head of Circuit and District Courts Operations Directorate

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

In Dublin, court offices support the work of the Supreme Court, Court of Appeal, High Court, Dublin Circuit Court and Dublin Metropolitan District Court. Outside of Dublin, 25 court offices support the work of the both the Circuit Court and the District Court and eight offices support the work of the District Court only.

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

## REGIONAL MANAGERS



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



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

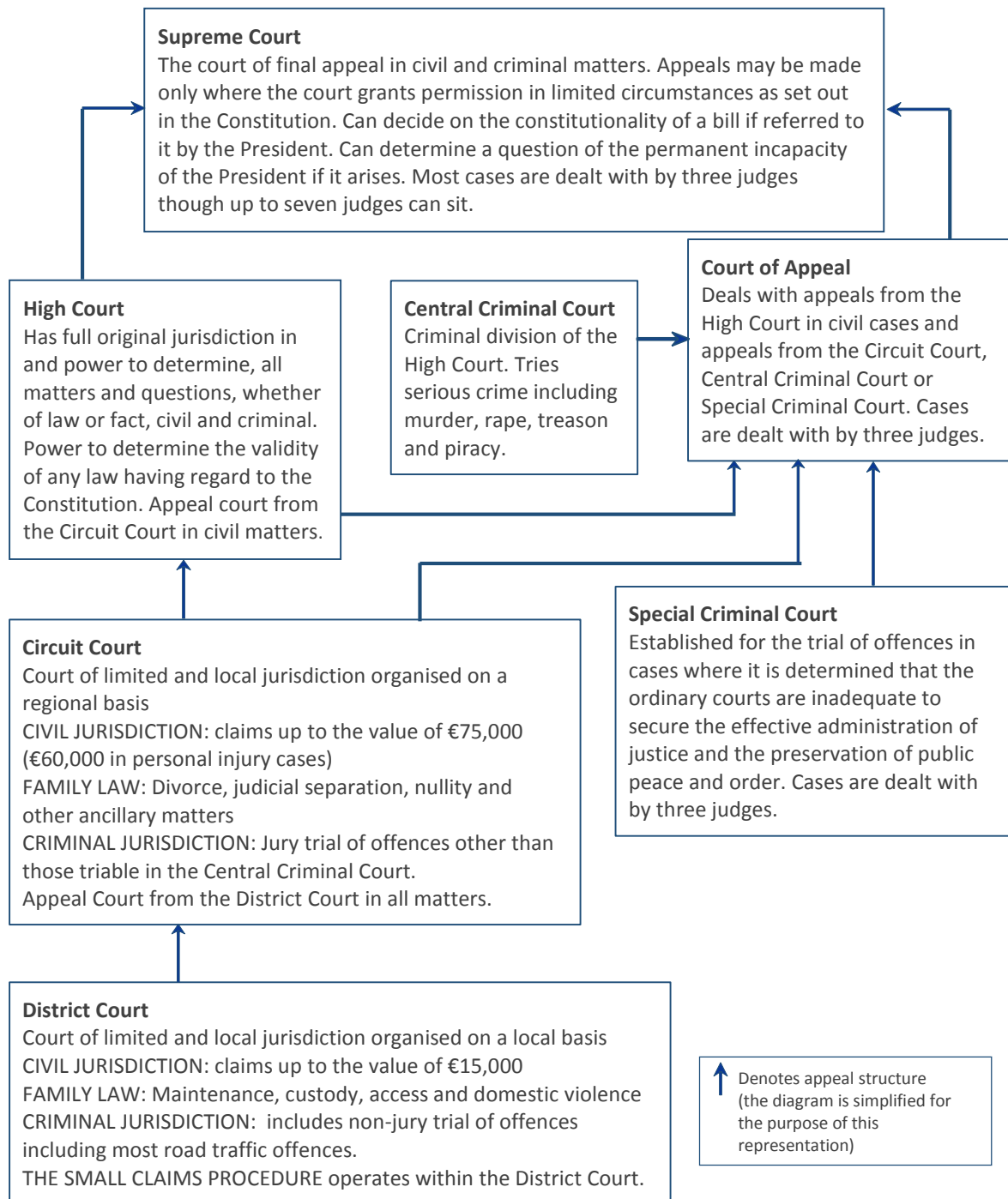


**Brendan McDonald**  
 Manager, Western Regional Office  
 Administrative area: Counties Mayo, Galway, Clare, Sligo, Roscommon, Donegal and Leitrim.



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

## STRUCTURE OF THE COURTS



## CHAPTER 2 | THE YEAR IN REVIEW

### INTRODUCTION BY THE CHIEF EXECUTIVE OFFICER



The focus of our activity during 2017 continued to be the provision of an efficient, modern infrastructure to support the administration of justice. Our priority remains supporting the work of the courts by providing skilled staff, modern accommodation and up to date technology. In that regard we placed renewed emphasis on building and developing – in a variety of ways.

We were building in the physical sense as a number of major courthouse projects reached completion in towns around the country. The impressive new buildings in Drogheda, Letterkenny and Wexford were the first three of a seven courthouse project to be completed under a public private partnership arrangement. In addition to providing much improved facilities for court users these buildings make an important contribution to the built heritage of our country.

We were building in the area of staff development, laying the foundation for the years ahead, as we welcomed new staff and prepared to lose many with years of much valued experience. We invested significantly in staff learning and training and reviewed our staffing needs as we completed a Workforce Plan for the three years to 2019. Our participation in Transparency International Ireland's *Integrity at Work* initiative demonstrated our commitment to creating an ethical workplace where staff can feel safe about speaking up about wrongdoing.

We were building on the success of our information and communications systems by improving technology in the courtroom, streamlining hardware for our staff and for judges and working to deliver improved services particularly in the digital area. Our Courts Service On-Line (CSOL) project allows insolvency practitioners and small claims applicants interact with us remotely and offers an improved service to licensing customers. We commenced work on the redevelopment of our website and on the development of systems to facilitate on-line applications for leave to appeal to the Supreme Court and the proposed new Office of the Legal Cost Adjudicator. We also worked on the development of a bankruptcy register.

Our efforts to build and develop were supported by our improved budgetary allocation. Total gross funding for the Service in 2017 was €140,080m. When adjusted to take account of the once off funding provided for our seven major building projects, this was a real increase of €4.0m or 5% on the allocation for 2016. Payroll increases allowed us fill staff vacancies and we held a number of staff promotion competitions resulting in promotion for more than 70 staff.

Our work continues to be underpinned by a number of corporate documents. It was the third and final, year of our current Strategic Plan and notwithstanding the challenges during its term, we could reflect on many achievements since 2014. Our Corporate Plan 2017 charted an ambitious programme of work for this year. We continued to embed good governance principles into our operations and made every effort to identify and minimise risks where possible.

We were developing plans for the future as evidenced by the completion of our Strategic Plan 2017-2020. This plan sets out our priorities and actions for the next three years. It was developed following consultation with staff through a series of workshops and with external stakeholders who were invited to make submissions on our future priorities. Our new plan will be our road map as we continue to face challenges and embrace the opportunities to improve our services.

We continued to develop a fresh approach to the delivery of services with our review of the operation of our combined court offices outside of Dublin.

We remain committed to supporting Government policy. Our efforts to forge a new direction for the management of the courts are in line with the Civil Service Renewal Plan. The Service was chosen by the Civil Service Management Board to undergo an organisational review to assess our capacity and capability to achieve our objectives. We assisted the review team during the year and await their report in 2018. Staff also attended town hall meetings in multiple locations as part of the overall renewal initiative and participated in the Civil Service Employee Engagement Survey in September.

The goals and objectives in our strategic plans mirror many of those outlined in the Government's strategic plans. In that regard we remain committed to improving services and procuring value for money, improving on-line services and working to make the civil service an employer of choice. We share the objectives of the *eGovernment Strategy 2017-2020* launched in July; the *People Strategy for the Civil Service 2017-2020* launched in October and the new public service framework for future development and innovation outlined in *Our Public Service 2020* launched in December.

The Chief Justice and Chairperson of the Courts Service Board Mrs. Justice Susan Denham left an impressive legacy when she retired in July. Her contribution to the work of the Service will be long remembered. We welcomed her successor, Chief Justice Mr. Justice Frank Clarke and are working with him, to continue to modernise the courts. We are supported in this regard by the other members of the Board.

As ever, I am grateful to the staff of the Service for their continued commitment. I commend their dedication and applaud their efforts to provide a first class service to all who use the courts. I thank the judiciary for their support and acknowledge the assistance we receive from the Minister for Justice and Equality and the staff of his Department. I am grateful for the support of our colleagues in the wider justice community including An Garda Síochána, the Probation Service, the Prison Service, the Bar of Ireland, the Law Society, the Director of Public Prosecutions and the Chief State Solicitor. We will also continue to work with groups supporting victims and others who use our courts.

Our report charts another year of successful delivery on our mandates. We continue to recover from recent lean years and look towards the future with a cautious optimism that building on our experience we can continue to develop a modern courts service for all who use our courts.

## DEVELOPMENTS DURING 2017

The Service continues to operate in an ever changing environment. A variety of internal and external factors provide both challenges and opportunities demanding inventive approaches to the matter of service delivery.

The strategic goals of the Service outlined in the Strategic Plan 2014-2017 are:

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

### Goal 1: Delivering quality services and value for money

#### *Maintenance of frontline services*

The maintenance of front line services is critical to the management of the courts and the success of the Service. Every effort was made during 2017 to ensure that service levels were maintained at the level of the previous year or above. Services continued to be prioritised to ensure that judges and court users' needs were met.

Staff continued to engage with the judiciary throughout the year to manage court lists and promote case management initiatives across all jurisdictions. Scheduled sittings and additional sittings across all jurisdictions – Supreme Court, Court of Appeal, High Court, Circuit Court and District Court – together with Special Criminal Court, were maintained. Staff also continued to interact with court users face-to-face, at public counters, by telephone, by email and on-line.

### *Improving services*

#### *Road Traffic Act 2010*

The Road Traffic Act 2010 provides that a person who has not paid a fixed charge penalty within the specified time limit and who has received a summons, may opt to pay the penalty before the date of the court hearing. By availing of this facility a person need not attend court, their name will not feature on any court list and they will receive the same number of penalty points as they would under the fixed charge regime.

The Service worked with the Department of Justice and Equality, the Department of Transport and An Garda Síochána, to prepare for the implementation of this payment option. With the commencement of section 33 of the Act on 1st June 2017, defendants can pay the fixed charge penalty seven days before the court hearing in respect of offences committed on or after 1st June 2017. The first payment was made in September. Between the end of the October, when the first eligible cases came back before the court and the end of December approximately 40% of those summonsed elected to pay their fixed charge rather than go to court.

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

The Fines (Payment and Recovery) Act 2014, which came into operation on 11th January 2016, introduced fundamental changes to the administration of court imposed fines. Among the features of the Act is the introduction of liberty to pay fines by instalment and the imposition of a subsequent court hearing and sanction where a fine remains unpaid.

The Service completed the final stages of a four phase project to accommodate the ICT requirements of the Act, including the new payment option. The first enforcement notices issued during July 2017. The Service is co-operating with the Department of Justice and Equality to monitor the impact of the new legislation on fines payment rates.

*The Fines (Payment and Recovery) Act 2014 aims to improve the level of fines collection and to ensure that only those who refuse to pay fines (as opposed to those who cannot afford to pay) are imprisoned for non-payment.*

#### *Courts Service On-line: providing additional on-line services*

Work continued to improve the range of services available on-line during the year. An example is in the area of licensing. There are approximately 50,000 licensing and renewal of licence applications every year – the majority in the District Court.

The Service is implementing a system to facilitate the on-line filing of licensing applications and the payment of court fees on-line. It will also provide access to an electronic licensing register. By year end the on-line system had been implemented in offices including Ballina, Bray, Carrick-on-Shannon, Castlebar, Donegal, Dundalk, Letterkenny, Sligo and Wexford. Registers of Licenses and Clubs are available to the public on-line for these counties *via* Courts Service On-line (CSOL) at [www.csol.ie](http://www.csol.ie). Work continued on improving and extending the pilot system to enable solicitors create and submit licensing applications to court offices on-line.

Work commenced on a number of other projects that will extend on-line services *via* CSOL. They include the ability to submit on-line applications for leave to appeal to the Supreme Court, on-line applications to the planned Office of the Legal Cost Adjudicator and the creation of an on-line bankruptcy register.

### Review of Combined Offices

The Service completed a review of the operation of combined court offices following the conclusion of the Combined Office Project. The objective of that project was to replace the single jurisdictional provincial Circuit Court and District Court office network with a combined multi-jurisdictional court office for each county.

The purpose of the review was to identify areas for further improvement and to formulate a set of recommendations and actions required to realise the full benefits and efficiencies achievable both for the staff working environment and the organisation of the combined offices. Areas assessed during the review included the structures, roles and responsibilities, functional operation, resourcing guidelines and supports operating in combined offices. The report of the Review Group was under consideration by the Senior Management Team at year end.

### Change programme

The Change Management Office (CMO) continued to develop the foundations of a change model framework for the Service. This included the development of a suite of project management and change management tools and templates which will frame internal standard operating procedures and governance structures. A Change Advisory Board was established with senior management representatives from all Directorates. The board will provide oversight and governance of the change management programme. It will also evaluate and prioritise projects and change initiatives submitted from within the Service and those that are externally mandated by ministerial direction or legislative development.

In addition, the CMO continued to play an important role in supporting and guiding the change aspect of major projects in conjunction with project sponsors during the year. These included the review of the provision of probate services, the roll out of the new e-licensing system, the project to re-develop the family law ICT systems, the establishment of the new legal cost adjudication regime, chairing the review of the combined court offices, the Supreme Court ICT leave to appeal project and support for the organisational capability review.

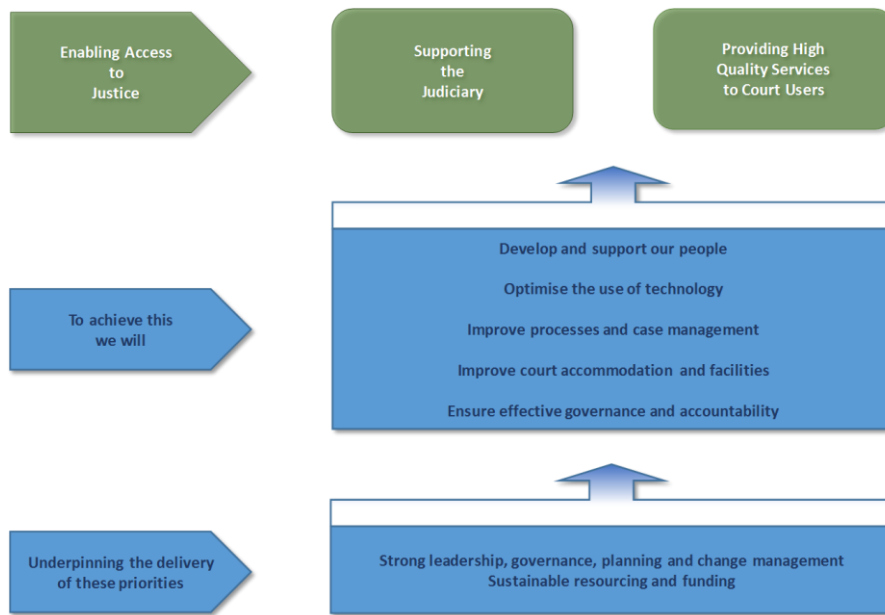
The work of the CMO is pivotal to the success of the Change Programme developed for the three years to 2020. The implementation of the programme, which is aligned with Public Service Reform plans, depends on having a co-ordinated and focused approach to the implementation of change projects and the realisation of benefits from them.

*“Operating in an environment where we must deal with increasing workloads with fewer resources, it is imperative that our structures, systems, processes and procedures enable maximum efficiency in the delivery of our services”. Brendan Ryan, Chief Executive*

### Strategic Plan

The Service engaged in an extensive consultation exercise, which included workshops with staff and management, as part of the development of a Strategic Plan for the period 2017-2020. Other major strategic documents of the Service: the Change Programme, the Learning and Development Strategy, the Workforce Plan and the ICT Strategic Plan 2015-2018 provided a platform on which the Strategic Plan was developed.

The plan sets out the strategies to enable the Service continue to maintain high levels of support for the judiciary and provide high quality services to court users. It identifies key strategies for the organisation in the years to 2020, while also outlining the internal and external environment in which the Service operates and the challenges to be faced in implementing the Strategy. The plan was approved by the Board in October.



*“The success of our Strategic Plan depends on its implementation so we must be realistic about what we can achieve, while also seeking to ensure that matters critical to the success of the Service are adequately addressed”. Brendan Ryan, Chief Executive*

#### Capability review

Action 20 the Civil Service Renewal Plan provides for a programme of organisational reviews. These are designed to embed a culture of regular and objective assessments of the capacity and capability of each Department to achieve its objects and take the necessary action to close any gaps.

The Service was chosen by the Civil Service Management Board during the year as the second organisation to be reviewed under the plan. The review, under four themes: strategy, leadership, delivery and structural capability, involves broad consultation at all levels of the organisation and with external stakeholders. It also has regard to the results of the Civil Service Employee Engagement Survey (insofar as it relates to the Service) undertaken in September 2017 and to the staff engagement surveys undertaken by the Service. It was undertaken by a team from the Department of Public Expenditure and Reform and overseen by an external review panel nominated by the Department.

The review commenced in June and concluded with a presentation of principal findings by the review team to the external panel in December. The Service expects to receive a final report in 2018.

#### Support and user groups

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

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

The Dublin Circuit Family Court Users' Group held its first meeting in May 2017 and every quarter thereafter. The Group considers matters relating to Dublin Circuit Family Court and facilitates a culture of co-operation amongst all stakeholders. The Service also engaged with various groups supporting users of the family court including Treoir, One Family, Women's Aid, Saoirse Women's Refuge and AMEN. Discussions continued on an ongoing basis with other Government departments, including the Department of Employment Affairs and Social Protection and the Department of Foreign Affairs, concerning common issues, for example, maintenance and passports.

A user group for the High Court, the Court of Appeal (Civil) and the Supreme Court continues to discuss issues of common concern and to raise queries on factors affecting service delivery in those jurisdictions. The group, which includes representatives of the Law Society, Bar of Ireland, Chief State Solicitor's Office and the Director of Public Prosecutions met on three occasions in 2017.

### *Victim support*

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

The Criminal Justice (Victims of Crime) Act 2017 transposes Directive 2012/29/EU into Irish law. Parts of the Act were commenced in November 2017. The Directive establishes minimum standards on the rights, support and protection of victims of crime. The Service continued to work as part of a criminal justice interagency group to implement the Directive and national legislation.

The Service co-operated with An Garda Síochána and the Office of the Director of Public Prosecutions to develop a joined-up approach to support victims giving evidence in court. Provisions receiving particular attention include arrangements for victims appearing in court by video link or behind special screens, court accompaniment, translation and interpretation services and statistical data.

#### *Arrangements for victims*

The Service has always placed a high priority on support for victims. Major building projects completed since the establishment of the Service include dedicated facilities for victims. The facilities in the Criminal Courts of Justice are of a particularly high standard and include a specific area for the use of witnesses and victims attending trials. The Service works in co-operation with V-SAC (Victim Support at Court) an NGO which works with victims and An Garda Síochána to ensure the effectiveness of this area. Facilities are also available for under-age vulnerable victims of crime to give evidence to court *via* video link. Similar facilities but on a less extensive scale are available in other court buildings including Carrick-on-Shannon, Castlebar, Cork, Ennis, Galway, Kilkenny, Sligo, Tralee and Tullamore. There are special rooms for victims in over 50 courthouses around the country.

During 2017 substantial progress was made on the construction/refurbishment of seven courthouses in key provincial cities/county towns around the country. (see page 38). Dedicated facilities for vulnerable witnesses and victims of crime, of a standard comparable to those in the Criminal Courts of Justice, were provided in the courthouses completed in Drogheda, Letterkenny and Wexford with similar facilities scheduled to be provided in the remaining four locations (Waterford, Limerick, Cork and Mullingar).

Facilities in Kilkenny were improved during the year following a co-operative effort between the Service, V-SAC and the Office of Public Works. The Service also engaged with V-SAC in anticipation of the completion of the new courthouses in Waterford and Wexford. In addition, the Service liaised with Women's Refuge in Wexford to streamline the completion of court forms in domestic violence applications and continued to accommodate a clinic by Esker House Women's Refuge and Support Service in Athlone courthouse.

*"Major refurbishment projects in all county towns have allowed the Service respond in a sympathetic way to the needs of people, many of whom may be attending court for the first time". Brendan Ryan Chief Executive*

### Support for litigants in possession cases

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

### Customer complaints

The Service streamlined its approach to the management of customer complaints received from members of the public with the establishment of a Customer Complaints Co-ordination Office in September. The Office will be assisted by Customer Complaints Officers who were appointed to each Directorate.

There were 42 formal customer complaints received during 2017. The majority of complaints (90%) concerned administrative matters which were dealt with through the customer complaints procedure. The remainder related to matters which could not be dealt with by administrative means.

### Mediation and Support Services

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

#### Civil cases

Volunteers of three service agencies continued to be available in Dublin District Civil Court to encourage litigants to consider mediating certain disputes. Parties in a small number of cases met representatives of one of the agencies, following their appearance in court or at the court office.

*Disputes appropriate for mediation in the District Court include boundary disputes, private prosecutions for breach of the peace, complaints about noise or nuisance pets and disputes between adult family members on questions of property.*

#### Family cases

The mediation initiative in the District Court involving the Service, the Legal Aid Board and the Family Mediation Service continued in Clonmel, Cork, Dublin, Dundalk, Ennis, Naas, Nenagh and Limerick during the year.

Parties contemplating proceedings in relation to access, custody or guardianship matters are initially invited to attend mediation information sessions. A formal mediation process is then offered to parties willing to engage with legal advice which is available on site *via* the Legal Aid Board.

FAMILY MEDIATION INITIATIVE						
VENUE	PARTIES ATTENDING INFORMATION SESSIONS			AGREEMENTS FINALISED		
	2017	2016	2015	2017	2016	2015
Cork	<b>112</b>	100	162	<b>32</b>	23	31
Dublin	<b>1,156</b>	1,342	1,603	<b>262</b>	337	421
Dundalk	<b>37</b>	6	-	<b>2</b>	0	-
Ennis	<b>84</b>	27	-	<b>18</b>	6	-
Naas	<b>160</b>	170	194	<b>27</b>	37	47
Limerick	<b>77</b>	102	115	<b>5</b>	13	12
Tipperary	<b>78</b>	132	144	<b>13</b>	23	25

*Family cases – support*

A support and referral service for women provided by three organisations – Women’s Aid; Dublin 12 Domestic Violence Service; and Inchicore Outreach Centre – continued in Dublin District Family court during the year. The service is available to all women using the court for applications under the Domestic Violence Act in particular, but also for important ancillary matters including the protection of infants. It is also available to women who present in the office indicating that domestic violence is an issue for them. Over 510 women availed of the service in Dolphin House with a further 109 receiving support *via* telephone.

AMEN, a State-supported non-governmental organisation working with male victims of domestic violence, continued to provide an outreach service in Dolphin House.

*“We are ensuring that a wide spectrum of advice and options is made available – in one place – before people of either gender decide to go into the courtroom. These are services of support, sources of information, or alternative routes to finding a solution”.*  
 Chief Executive Brendan Ryan

**Delivery of court business through the Irish language**

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

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

The third scheme of the Service under the Official Languages Act 2003 was approved by An Coimisinéir Teanga in July 2017.

The official Irish version of the Rules of the Superior Courts 1986 was presented to Mr. Justice Frank Clarke (now the Chief Justice) in his capacity as Chairman of the Irish Legal Terms Advisory Committee by the Minister for Justice and Equality in July.

Gaelchultúr, the Civil Service Irish language training provider, provided a range of courses for staff during the year including a Certificate of Professional Irish. Courses were availed of by 13 staff.

**Interpretation services**

There was a small decrease in expenditure on interpretation services in 2017. Since 2008, the overall cost has decreased by almost 70%.

FUNDING FOR INTERPRETATION SERVICES	
<b>2017</b>	<b>€996,559</b>
2016	€1.038m
2015	€912,000

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

LANGUAGE REQUESTS			
	<b>2017</b>	2016	2015
Polish	2,155	2,420	2,141
Romanian	1,306	1,449	1,433
Lithuanian	1,079	1,081	1,049
Russian	819	797	712
Latvian	284	240	259
Mandarin	149	243	251
Portuguese	357	232	166
Czech	164	194	160
French	141	97	120
Arabic	167	183	118
Other	1,176	1,079	1,081
<b>Total</b>	<b>7,217</b>	<b>8,015</b>	<b>7,490</b>

## Goal 2: Support the judiciary

Supporting the judiciary is a statutory function of the Service and significant resources are focussed on fulfilling this remit. Support is provided across many different areas including court sittings, research, library facilities, general support, provision of courtroom technology and provision of accommodation. In addition, the Service assists the judiciary with initiatives to streamline the processing of cases. These include improved case management procedures and practice directions to improve the standard of documentation lodged in court offices.

During 2017 the Service provided support for judges of all court jurisdictions:

JUDICIARY: 2013 – 2017 AT 31 DECEMBER (WITH MAXIMUM NUMBERS ALLOWED)					
	2013	2014	2015	2016	<b>2017</b>
Supreme Court	10 (10)	10 (10)	10(10)	9 (10)	<b>8 (10)</b>
Court of Appeal	n/a	10 (10)	9(10)	10 (10)	<b>10 (10)</b>
High Court	33 (36)	34 (36)	36 (40)	40 (40)	<b>38 (40)</b>
Circuit Court	44 (46)	44 (46)	43 (46)	44 (46)	<b>40 (46)</b>
District Court	61 (64)	63 (64)	63 (64)	62 (64)	<b>64 (64)</b>
<b>Total</b>	<b>148 (156)</b>	<b>163 (166)</b>	<b>161 (170)</b>	<b>165 (170)</b>	<b>160 (170)</b>

### *Court sittings*

The Service continues to work with the Presidents of the various court jurisdictions and the other members of the judiciary to ensure that waiting times are kept to a minimum and, where specific issues are identified, resources are targeted at areas of greatest need.

#### *Supreme Court*

Under the direction of the Chief Justice, the Supreme Court has essentially disposed of its legacy appeal backlog. The average waiting time had been up to 48 months. While there has been some increase in waiting times in the Supreme Court since the end of 2016 this is largely due to changes in judicial resources. (For additional information about the work of the Supreme Court (see page 92).

#### *Court of Appeal: Civil*

The President of the Court of Appeal actively manages the civil list of appeals. Directions as to submissions are given in respect of all new appeals with dates for hearing fixed by the President monthly. Short appeals (where similar legal principles apply and where judgment can be given on the day of hearing) are separately accommodated.

Urgent appeals such as Hague Convention/child abduction and refugee asylum cases continue to be accommodated having regard to the degree of urgency demonstrated. Civil appeals which have a custody/criminal element continue to be case-managed in the Criminal Courts of Justice by the panel of four judges assigned to deal with the criminal appeal lists. (For additional information about the work of the Court of Appeal (Civil) see page 87.)

#### *Court of Appeal: Criminal*

Hearing dates are allocated during the subsequent legal term to the majority of cases included in the list to fix dates held once a term. Criminal appeals are actively managed by the judges to ensure cases are dealt with as efficiently as possible. (For additional information about the work of the Court of Appeal (Criminal) see page 89.)

### *Special Criminal Court*

The establishment of a second Special Criminal Court continues to impact positively on waiting times. The 273 sitting days during the year represented the highest ever number of sitting days for the court.

### *High Court*

The Service supported a number of initiatives by the President of the High Court to enhance the effective disposal of cases. For example, a revised approach to management of the asylum list resulted in the elimination of waiting times in the pre-leave list during the year. An initiative in relation to the High Court bail list continued to result in prompt hearings for persons in custody.

Practice directions of note issued by the President during the year included one clarifying the role of persons attending in court to assist unrepresented litigants (known as a *McKenzie friend*) and another sanctioning the payment on account of costs pending taxation in High Court cases.

Court registrars continued to assume quasi-judicial roles to manage court lists and deal with certain matters. This frees up judicial time for the hearing of cases and disposes of aspects of the functions assigned to the Master of the High Court. Areas of business include management of personal injury, non-jury and judicial review lists, international service of documents and enforcement of European maintenance and debt.

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

### *Circuit Court and District Court*

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

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

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

### *Drug Treatment Court*

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

There were 108 participants referred to the DTC programme in 2017. The programme comprises three stages – bronze, silver and gold. Ten participants graduated at the gold level during the year, the highest number in any one year since the programme commenced in 2001. This indicates that they have completed all stages of the programme, are not using any non-prescribed drugs and are either working or enrolled on a course. At year end, there were 26 participants on the bronze phase, 11 on the silver phase and 12 on the gold phase.

Homeless rights campaigner Father Peter McVerry was the guest speaker at DTC graduation events during the year.

### *Research assistance*

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

#### *Judicial assistants*

At the end of the year, there were 48 judicial assistants, generally recent law graduates, employed by the Service on fixed term contracts. These assistants are assigned to the Judicial Research Office (JRO) and to work directly with judges of the Supreme Court, Court of Appeal, High Court and Circuit Court.

The JRO undertakes research, preparation of material for publication on the judges' internet, preparation and updating of handbooks and proof-reading of judgments and other documents for judges across all jurisdictions.

Judicial assistants assigned to judges combine the role of judicial assistant with that of the traditional tipstaff/crier. Judges appointed after 2011 are assigned a judicial assistant rather than a tipstaff/crier. The Service continues to employ over 50 tipstuffs/criers who are generally working with judges appointed up to 2011. A further group of judicial assistants are assigned to support the work of the Supreme Court, Court of Appeal and High Court.

During the year the Review Group on Judicial Assistants, established by the Board, reviewed the judicial assistant arrangements and their ability to meet the needs of the judiciary in the medium and long term. The group, consisting of members of the judiciary and senior officials of the Service and chaired by a judge of the Supreme Court, reported to the Board in June. The Board approved the recommendations of the Review Group on a range of matters including recruitment, salary levels, induction, training and supervision. The Service established an internal working group to implement the recommendations and in particular to address the matter of recruitment. The group was also tasked with putting appropriate management support and supervisory arrangements in place for a growing cohort of staff.

Recruitment campaigns for judicial assistants for the Circuit Court, High Court, Court of Appeal and the Supreme Court were held throughout the year. This reflected one of the key recommendations of the Review Group – the need to have separate recruitment streams that meet the differing support and research requirements of judges across the various jurisdictions. At year end there were a number of vacancies in the judicial assistant pool given the challenging and competitive labour market for law graduates.

### *Library and research facilities*

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

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

The Service upgraded the Judges' Library ICT system during the year to enable on-line access to library catalogues and to improve loan tracking processes.

### *Additional support*

#### *Judicial Support Unit*

The Judicial Support Unit continued to provide a one stop shop for issues of concern to all judges. Areas managed by the Unit include judicial travel (both domestic and foreign), validation of travel claims,

payment processing for judicial attire, protocol arrangements and liaison as appropriate between the judiciary and other sections of the Service and the judiciary and other Government departments.

The unit continued to accommodate judicial and administrative visitors from Ireland and abroad and organised tailored visits which included opportunities to meet judges and staff of the Service. Visitors from abroad during 2017 came from Austria, Australia, China, Congo, Germany, Japan, Hungary, Malawi, Netherlands, Norway, Pakistan, Sweden, Turkey and the United States. Judges from Finland, Norway and Latvia visited as part of a judicial exchange programme arranged by the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union.

Events co-ordinated by the Unit during the year included the annual conferences for judges of the District Court, Circuit Court and Superior Courts; the Franco-British-Irish Colloque; the 'Four Jurisdictions' Conference; and a seminar and meeting of the United Kingdom and Ireland Judicial Studies Council.

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

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

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

*"It has been an honour to participate in this programme and every moment was filled with new learning experiences. It was a great opportunity to meet members of the judiciary, court staff and students from both Irish colleges and abroad." Muiread Murphy, National University of Ireland, Maynooth.*

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

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

An initiative to optimise the benefits of the use of technology by judges commenced during the year. Consultations began with a view to compiling a set of 'customer journey' reports with recommendations for improvements in each jurisdiction.

#### *Courtroom technology*

Technology continues to assist in the more efficient processing of cases including the viewing, taking and recording of evidence.

#### *Evidence display*

Evidence display facilities, available in 68 courtrooms, allow for viewing of evidence including recordings of interviews in garda stations, CCTV security footage and other forms of evidence held electronically including scanned documentary evidence. In addition, mobile evidence display units continued to enable video viewing in courtrooms without built-in viewing facilities in the Criminal Courts of Justice and around the country. These units are also used by juries to review CCTV footage and associated video evidence during deliberations in the jury room.

*Video conferencing – general*

The use of video conferencing facilities enables more efficient use of court time and streamlines court hearings. They eliminate the necessity for witnesses and accused in custody to attend in person and are of particular benefit where witnesses are abroad and for vulnerable underage witnesses. Their use leads to considerable cost savings especially in relation to expert witnesses in civil cases. There are video conferencing facilities in 45 courtrooms in 21 courthouses around the country.

Witnesses can give evidence *via* video link for commercial, non-jury, chancery and personal injury cases in the High Court, in particular medical witnesses in child care cases, witnesses in custody and those located abroad. The High Court granted leave to hear evidence by way of video conferencing in 121 cases during the year. As a result of the settlement of cases before trial 51 cases proceeded to have evidence heard using the facility. While this represented an increase on 2016, the use of the technology remains under utilised by parties in the court.

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

In the Criminal Courts of Justice, video conferencing locations in 2017 included Australia, United Kingdom, the Isle of Man, Germany and the United States.

USE OF VIDEO CONFERENCING IN THE CRIMINAL COURTS OF JUSTICE	2017	2016
Video conferencing to locations and countries outside the CCJ	<b>13</b>	12
Video link to vulnerable witness room in the CCJ	<b>43</b>	30

Work to provide video conferencing facilities continued around the country during the year. The Prison Service supported a programme of work that delivered video conferencing facilities in ten courtrooms at five provincial locations and upgrade works to a number of existing critical facilities. At year end, video conferencing facilities were available in courtrooms in Castlebar, Cavan, Clonmel, Cork, Dublin, Dundalk, Ennis, Galway, Kilkenny, Limerick, Letterkenny, Monaghan, Naas, Nenagh, Portlaoise, Sligo and Tullamore.

Potential jurors continued to view the arraignment process on screens in the Criminal Courts of Justice jury reception area *via* video link to courts 6 and 7. These facilities are available in the buildings completed as part of the PPP building project referred to on page 38.

*Video conferencing - between courts and prisons*

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

Video conferencing to prisons operated from Cloverhill District Court, Cork District Court, the Criminal Courts of Justice (Dublin Circuit and District Criminal Courts), Ennis District Court, Galway District Court, Letterkenny District Court and Limerick District Court during the year. There were 3,094 video link sessions between courts and prisons, a 3% increase on 2016 and constituting 8% of total custody remands.

The Service continued to chair a joint working group to examine the potential for the extension of the use of video link between courts and prisons for pre-trial matters in accordance with the Act. The group includes representatives of An Garda Síochána, the Prison Service and the Office of the Chief Prosecution Solicitor. Kilkenny District Court, with the introduction of bail and remand hearings, has been identified as a site for the provision of video conferencing. Early preparatory work was completed, with work to be undertaken in 2018.

The preparation for and installation of, video conferencing facilities in the courthouses under construction around the country was a priority during the year. The Service installed a state of the art video viewing solution in Drogheda in June and an extensive video conferencing solution in Letterkenny in November.

Ongoing maintenance and support of the existing video conferencing infrastructure is an important aspect of the work of the ICT Unit of the Service. The unit continues to work closely with an external video conferencing partner to extend the lifespan of existing solutions. The facilities in the Criminal Courts of Justice complex are approaching end of life with a complete technology refresh required to ensure continued service provision to the courtrooms. Preparatory work including full site surveys was completed during the year in advance of expected installation works in 2018.

#### *Digital Audio Recording*

Digital audio recording (DAR) is the standard method of recording court proceedings and is used to produce transcripts, in particular for criminal cases. It is available in all courtrooms.

A project to completely refresh the technology in over 200 courtrooms is being undertaken in four phases. The first phase, which included the Criminal Courts of Justice and the Four Courts, went live in January 2017. The second phase, which included installations across the Dublin campus, was completed in April. The third phase, which included all court venues in the Southern region was completed in September. The fourth phase, which includes all courtrooms in the North/Midland region will be completed in January 2018.

The project to replace external providers, who assist in the production of court transcripts by noting certain information in court, was concluded in 2017. Court registrars in the Circuit Court and Central Criminal Court now undertake this function for most court sittings. This is estimated to save the Service €0.360m per annum.

#### *Support for Interim Judicial Council*

The Service continued to support the Board of the Interim Judicial Council by providing input into the Judicial Council Bill. This included providing an assessment as to the costs of establishing and operating the Judicial Council to the Department of Justice and Equality. The Judicial Council Bill was presented at first stage in the Seanad in May 2017.

### Goal 3: Develop skilled, competent and engaged staff

The Service has long recognised staff as its greatest resource. At year end the Service had 1,025 staff. During the year there were 180 new entrants and 37 retirements. Following competitions for internal promotion to the grades of executive officer, higher executive officer and assistant principal officer, 72 staff promotions were made.

The Service continues to manage its pay budget in line with the requirements for delegated sanction. This allows the Service approve the appointment of staff, both additional positions and the filling of vacancies up to and including principal officer. Restrictions in approving the filling of positions include that the annual pay allocation must not be exceeded and all posts filled must be supported by an internal business case which is open to audit in due course.

STAFF – 2017	
Staff (at 31st December)	1,072*
New staff recruited	180
Staff promoted and retained in Courts Service	72
Staff transferred to other Departments on promotion	12
Staff retired	37
* from 1,024 at 1st January - full time equivalent at 31st December was 1,025	

### *Developing staff*

Staff learning and development is a high priority for the organisation. It is critical that court going staff are equipped with the requisite technical and legal knowledge to discharge their responsibilities effectively and that managers and staff are trained to deal with the challenges and issues they face.

Budgetary restrictions in the several years following the financial downturn in 2008 limited investment in this area. The availability of improved funding in recent years has facilitated the development of a comprehensive learning and development strategy which includes a range of courses and programmes offered in a variety of ways. Over 1,260 staff attended in-house training courses during the year, an increase of 23% on 2016.

EXPENDITURE ON LEARNING AND DEVELOPMENT	
Year	Amount
2017	€532,069
2016	€368,912
2015	€250,000
2014	€235,000

### *Learning and Development Strategy*

An important element of the renewed emphasis on staff training was the development of the Learning and Development Strategy (L&D Strategy) for the three years to 2018. Central to the strategy is the development of a number of important learning norms including a learning culture, a more focussed approach to staff learning and development and a coaching culture. The Learning and Development Committee, which contains representatives of all grades and locations, continued to oversee the implementation of the L&D Strategy.

#### *Developing management and leadership capability*

The development of a coaching culture is an important element of the L&D Strategy. The coaching for performance programme provides managers with enhanced communication skills to enable them work in a collaborative way with staff and improve individual, team and organisational effectiveness.

#### Coaching for performance

Almost 90 staff attended the three-day Coaching Skills Programme during the year with follow up maintained after the event. Progress was also made in the development of internal coaching capacity with three executive coaches qualified at year end and a fourth participating in the training required.

#### One-to-one executive coaching

Increasing numbers of staff availed of one to one coaching which was delivered by a combination of internal and external coaches.

#### Leadership programmes

The Service participated in several leadership programmes including a public service pilot programme for senior staff and a criminal justice sector pilot leadership programme. Executive coaching is a key feature of both programmes.

Four members of staff attended the Young Ireland Programme held in Scotland in September. The programme aims to develop the communication skills and broaden the horizons of people in the early stages of their working lives.

#### *Developing capability and capacity*

Staff with expertise in respect of particular subjects (subject matter experts) assisted in the development of technical training programmes in a number of areas including Circuit Court family law and e-licensing.

Subject matter experts collaborated with the Business Support Unit (BSU) of the Circuit Court and District Court Directorate to provide material for an updated Criminal Warrants Guide for the District Court and for manual warrants training for staff across the country. The BSU provides ongoing assistance and guidance to staff in Circuit and District Court offices. Its primary function is to plan for and assess, the impact of new legislation. It also aims to review existing practices. The BSU is the central point of contact for logging requests for changes to certain ICT systems, issues with procedural manuals or business issues.

#### *Other training initiatives*

Staff assisting with video link in courts were provided with training in video link policy and procedures and training in respect of responsibilities under the Children First Act 2015.

Other training initiatives included induction, health and safety, conflict resolution, train the trainer and procurement. Staff attended various external workshops and seminars in areas such as human resources, procurement, project management, internal audit and ICT. The Service also refunded fees to staff undertaking courses outside of the Service which met set criteria.

#### *Online learning*

A key feature of the L&D Strategy is the flexible approach to learning integrating the more traditional methods with new technologies to provide increased access to learning opportunities.

The Service launched a new learning management system, L&D Connect, in October. The system allows staff book training courses, manage their training schedule and access a number of learning modules on-line. Managers can view their staff training schedules, bookings and learning records. L&D Connect received the 'Best Government Project' award at the Totara awards 2017. These awards acknowledge the best projects and highest performing Totara partners from around the world.

#### *One-Learning*

The new Civil Service L&D shared service centre, One-Learning, was established under the Civil Service Renewal Plan during the year. A suite of development programmes based on the civil service competencies and the knowledge and skills common across grades was produced.

The Service assisted with the development of pilot training courses and availed of courses in areas including customer service, project management and managing people and performance.

#### *Staff engagement survey*

The Service undertook a survey in March to obtain the views of staff and assess the status and performance of the organisation in a number of areas. The survey provides an insight into levels of staff engagement and staff enablement. Staff engagement measures how committed and willing employees are to put in the extra effort for the good of the organisation. Staff enablement measures whether employees' skills and abilities are fully utilised and whether the work environment supports staff in getting work done.

Over 1,000 staff were asked to complete the survey. There was a response rate of 58%, an increase of 4% on the previous survey in 2015. Staff engagement was at 51%, an increase from 42% in 2015, with staff enablement at 54%, an increase from 44%. The most significant improvement was in the area of development and opportunity - with the lowest scores recorded in areas including training and communication. The results of the survey will inform training and development initiatives with efforts continuing to improve communication throughout the organisation.

#### *Communicating with staff*

One of the initiatives aimed at improving communications was the introduction of a new intranet site during the year. The site provides staff with information across a range of areas and up-to-date news of developments.

### Principal Officer Network

The establishment of a principal officer network was a further demonstration of efforts to improve communications. The network provides a platform for engagement among principal officers and between principal officers and the Senior Management Team. The network held a number of meetings during the year and worked with the Senior Management Team in the drafting of the Strategic Plan 2017-2020.

### Workforce Planning

Workforce planning assists the Service to make critical decisions related to its workforce over the short to medium term. It is a continual process used to align the business and strategic needs and priorities of the organisation with those of the workforce to ensure that the organisation is equipped to meet its legislative, service and organisational objectives.

Planning for the future is a vital part of the efficient operation of any organisation. For the Service there is an added urgency given the age profile of the staff – almost 35% are aged over 55 years. Planning for the future is therefore critical not only in terms of the foreseeable loss of institutional knowledge but in view of the unforeseeable demands arising from the complex and uncertain environment in which the Service operates.

*“The geographic dispersal of court offices around the country combined with the age profile creates specific challenges for the Service. These offices provide frontline operational services to the public and must be appropriately staffed if court sittings are to be maintained and justice delivered without undue delay”. Chief Executive Brendan Ryan*

The Service published a workforce plan for the period 2017-2019 which was submitted to the Department of Public Expenditure and Reform in May. The plan represents the next step in the ongoing development of the response of the Service to organisational and work force needs. This process commenced with the Learning and Development Strategy and will involve the development of further HR strategies and policy documents to address and support issues such as internal mobility, succession planning, professional development and recruitment. The plan was developed as part of a Civil Service wide initiative requiring all Departments and organisations to have tailored work force plans in place. A copy of the plan was submitted to the Department of Public Expenditure and Reform.

*“The operation of the courts is critically dependent on the technical, procedural and relevant legal knowledge, institutional wisdom and experience of its staff at all grades”. Brendan Ryan, Chief Executive*

Work commenced on developing the strategic role of the HR Unit. The Service appointed a new HR Manager in June and at year end work was underway to restructure the HR Unit and develop a HR Strategy.

### Performance management

Effective performance management is critical to the ability of the Service to meet its operational and strategic objectives.

The Performance Management and Development System (PMDS) continues to be a useful support to all staff and managers in the management and improvement of individual performance. In particular, it provides staff with a planned structure for clarifying their role and reviewing their performance. PMDS includes the completion of a goal setting stage at the beginning of the year and two performance review stages – a mid-year review stage and an end of year review stage. The Service is part of the centralised *PeoplePoint* system with staff using ePMDS to record and process forms associated with the exercise.

### *Partnership*

The Partnership Committee discussed a range of matters including financial updates, staff appointments, customer service, staff engagement survey, progress on staff learning and development and induction for new staff during the year.

### *Support for Civil Service Renewal/Reform Agenda*

The Human Resource Unit of the Service continued to promote Civil Service Renewal initiatives throughout the organisation. This includes Town Hall meetings, Civil Service Renewal newsletter and the Civil Service Excellence and Innovation Awards. Staff of the HR Unit participated in working groups dealing with a range of matters including the Civil Service Mobility Scheme, the Inter-Agency Secondment Scheme for the Criminal Justice Sector and the Civil Service Employee Engagement Survey. They also contributed to the proposed One Learning Civil Service Induction Programme.

### *Disability*

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

### *Employee assistance*

The Civil Service Employee Assistance Service (CSEAS) is a regionalised service which provides services and support to civil servants by promoting well-being, resilience and organisational effectiveness. It also supplements the work of human resource units and managers. Staff of the Service continued to avail of the services of the CSEAS for advice, support and information on personal and work related matters during 2017.

### *Protected Disclosures Act, 2014*

The Protected Disclosures Policy confirms the commitment of the Service to fostering a supportive culture and work environment. This ensures that any member of staff is encouraged and supported to raise, without fear of adverse treatment, any issue regarding wrongdoing or potential wrongdoing in the workplace and any matter that may impact adversely on the ability of the Service to carry out its functions.

The Department of Justice and Equality, in common with other Government departments, contracted the services of Transparency International Ireland, to support the Department and agencies under its aegis in the application of the Protected Disclosures Act, through the Integrity at Work initiative. The Service was provided with information and resources during the year to assist in the development of an ethical workplace and the implementation of the Protected Disclosures Policy. As part of the initiative the Chief Justice (as Chairperson of the Board) and the Chief Executive signed a pledge signalling the commitment of the Service to addressing the risk of wrongdoing, fostering a workplace in which staff feel safe when speaking up about wrongdoing and acting consistently within the ethical standards of the Service.

There were no protected disclosures made in 2017.

### *Goal 4: Support case management, collaboration and reform*

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

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

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

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

The Rules of the Superior Courts (Service) 2017, which came into effect in November, facilitate parties wishing to receive pleadings and other documents in a case by e-mail. Work continued on the preparation of a consolidated version of the District Court Rules and forms regulating the procedure in criminal proceedings.

The Service also continued to assess the potential impact of new legislative initiatives, particularly those affecting the range and type of criminal proceedings and civil actions which come before the courts, on available resources. Such assessment also includes procedural changes, such as those affecting jurisdiction or the manner in which remedies may be sought. Legislative provisions with particular significance for the Service during 2017 are in chapter 7.

#### *Cross agency initiatives*

The Service continues to work with other agencies to share services where possible and to utilise common approaches wherever and whenever advantageous. Reference has already been made to a cross-agency initiative in respect of the payment of road traffic fines. Additional examples of cross-agency co-operation are:

##### *Criminal Justice Strategic Group*

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

The Service fully supports and participates in the work of this committee and the sub-groups set up to progress particular initiatives with a cross-agency dimension. In particular, the Service continues to be represented on a number of subgroups including the *Criminal Justice Data Needs and Interoperability Working Group*, the *Victim Services Group*, the *Working Group on Efficiencies in the Circuit and District Courts* and the *Working Group on the development of a Criminal Justice Leadership Programme*.

##### *Criminal Justice (Fixed Charge Processing System) Working Group*

The Service continues to be represented on the group established to oversee and facilitate the implementation of the recommendations of the Report of the Garda Inspectorate on the Fixed Charge Processing System.

##### *Criminal Justice Operational Hub*

The Service is participating in a project to develop a hub for the sharing electronically of information across the justice sector to improve the quality and timeliness of information available and reduce duplicate data entry. The project is examining the feasibility of electronic lodgement of charge sheets with the courts and the provision to the hub of all court outcomes.

*Civil Justice Review Group*

A group to review and reform the administration of civil justice in the State was established by the Department of Justice and Equality in March, in line with commitments in the Programme for Government. The Service is represented on the group which also includes judicial representatives of all jurisdictions, the Department of Justice and Equality, the Department of An Taoiseach, the Department of Public Expenditure and Reform, the Office of the Attorney General, the Bar of Ireland and the Law Society of Ireland. The Reform and Development Directorate is co-ordinating Courts Service management's input into the review and providing briefing materials of the Service to the review group.

*Unified Patent Court*

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

During 2017, the Service submitted observations to the Department of Jobs, Enterprise and Innovation on the approach which should be taken to the assessment of patents caseload for the purpose of determining the State's contribution to the costs of the UPC's budget.

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

This committee of the Council of Europe is charged with promoting improvements in the administration of justice in member states of the council. The Service was represented at the plenary meeting of the commission during the year and continued to liaise with the Department of Justice and Equality on the provision of annual caseload and other court related statistics to CEPEJ. The statistics are included in CEPEJ's biennial report *European Judicial Systems* and in the EU Commission's *EU Justice Scoreboard* mentioned below. The Service continues to engage in improving the capacity of its case processing systems to provide a wider range of caseflow data for its own needs as well as for those publications.

*EU Justice Scoreboard*

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

*Probate Services Review Group*

The Probate Services Review Group, comprising representatives of the Service, the Office of the Revenue Commissioners and the Department of Justice and Equality, continued to work on a review of probate services. The review is assessing the current service in terms of its rules, legislation and structures with a view to improving delivery to the next of kin of deceased persons. It is also assessing, in conjunction with the Revenue Commissioners, the opportunities for the further utilisation of ICT to provide probate services using modern on-line service delivery models.

The group surveyed both external and internal stakeholders of the probate service, to assess the effectiveness or otherwise of the current system and identify the improvements that might be made to improve delivery of this important State service. The review will be completed in early 2018 and will be submitted to the Senior Management Team and the Board of the Service for further consideration.

*Wards of Court and Assisted Decision-Making (Capacity) Act 2015*

The legal framework dealing with persons who lack capacity is undergoing significant reform. The system of wardship is being replaced with a more modern system focussed on assisting and supporting persons who may lack capacity as provided for under the Assisted Decision-Making (Capacity) Act 2015. The Service is represented on an inter-departmental steering group chaired jointly by the Department of Health and the Department of Justice and Equality. The group is overseeing the establishment of the Decision Support Service under the auspices of the Mental Health Commission.

The Service is fully committed to assisting in the work of the steering group and the Director of the Decision Support Service, who was appointed in 2017, in the transition to the new system of supporting persons who lack capacity.

Draft rules to facilitate the exercise by the High Court and Circuit Court of their respective jurisdictions under the Assisted Decision-Making (Capacity) Act were prepared during the year. They will be discussed with relevant court offices and with the Director of the Decision Support Service.

The Service is also represented on the Technical Expert Group for advising the National Disability Authority on developing non-health codes of practice under the Act.

Officials of the Service attended before the Dáil Public Accounts Committee in July and the Joint Oireachtas Committee on Justice and Equality in October to answer questions in relation to the wards of court system and in particular, the investment and management of court funds held on behalf of wards of court.

*Legal Services Regulation Act 2015*

The Legal Services Regulation Act 2015 will replace the system of taxation of costs and the function of the Taxing Master with a regime for legal costs adjudication, operated by legal costs adjudicators. The Service is represented on a steering group which has been established with the Department of Justice and Equality to plan implementation of the new regime.

Separately the Service established an internal working group to consider the administrative arrangements required. These included the development of a dedicated on-line ICT system and the provision of staff and accommodation. Work on the ICT system included workshops with the Taxing Masters and staff, and preparation of process maps of new procedures, requirements and functional specifications. Additional staff were assigned to the Office of the Taxing Master during the year to assist with this programme of change while maintaining ongoing service levels.

In addition, the Service drafted procedural rules and a new form of itemised bill of costs to facilitate the exercise by the new legal costs adjudicators of their functions under the Act. These were considered by the Superior Courts Rules Committee in July and by the Bar of Ireland, the Law Society and the Institute of Legal Costs Accountants. Workshops to assist in the design of processes were held in September following which work commenced on the development of the new ICT system. This system, which will be hosted on CSOL, will facilitate on-line filing of bills of costs, an updated case management system and an on-line register of determinations.

*Insurance Compensation Fund*

The Office of the Accountant of the Courts of Justice administers the Insurance Compensation Fund (ICF) in accordance with the Insurance Act 1964. The ICF was established to make arrangements to meet certain liabilities of insolvent insurers. There has been significant increase in recent years in the number of insurance companies going into liquidation with consequent claims dealt with by the Accountant's Office under the ICF. Information about the work undertaken to manage the ICF during 2017 can be found in the Report of the Accountant of the Courts of Justice available on the website of the Service ([www.courts.ie](http://www.courts.ie)).

The Accountant's Office continued to engage with the Department of Finance, the Central Bank and the State Claims Agency as part of a review of the operation of the ICF.

## Goal 5: Utilise modern technology

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

The ICT Strategy 2016-2018 continued to guide development in 2017. The key focus of the strategy is ensuring value for money in investment in technology, keeping the day-to-day operations up and running, taking advantage of government provided shared service arrangements and continuing to explore opportunities for delivering services online. A major challenge in the implementation of the projects set out in the strategy are the demands and priorities, internal and external, which can take precedence over the projects in the strategy leading to an unanticipated diversion of resources. During 2017, the ICT Governing Committee continued its efforts to ensure that ICT resources were deployed in the most advantageous way.

Improved funding for ICT development in 2017 enabled the Service continue the work, commenced in 2016, to develop the infrastructure necessary to support several major projects. Work also continued to improve services across a number of key areas, including courtroom technology, on-line services and e-filing.

Projects concluded or continued during 2017 included:

- roll out of a new Citrix desktop solution
- upgrade of the office productivity toolset MS Office 365
- changes to the overall ICT environment/network
- increase in network bandwidth through the Government Cloud Network
- digital audio recording technology refresh
- further development of the CSOL
- upgrades to various pieces of software – Agresso (Funds Accounting System), DAR and Oracle

Particular developments in respect of these projects during the year included the conclusion of procurement projects in respect of the Criminal Case Tracking System and CSOL, and continuation of the project to connect to the Government Cloud Network.

Preparations were made during the year for the ICT services required for the new courthouses due to be completed by the end of the year.

### *Security*

The security of the ICT network of the Service is critical. During the year the Service appointed a Security Officer and a comprehensive programme of measures was drawn up to address a range of cyber security deficits in infrastructure, network and systems.

An Information Security Committee was established to provide governance for information security with responsibility for reviewing, issuing and implementing various ICT policies and standards including a security policy. These policies will be up to ISO 27001 standard and will give the Service the option to become ISO certified in the future. By year end the committee had also prepared a governance framework and a charter. An information security policy was approved by the Board in December.

In addition to policy issues, technical security issues were reviewed with a number of projects commenced aimed at improving the overall security environment.

### *Civil Courts Modernisation Programme*

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

CSOL has replaced a number of existing systems and continues to be implemented on a modular basis. Areas of work of the courts benefiting from the new platform include insolvency and small claims, the work of the Supreme Court and the work of the Court of Appeal. Work continued during the year to extend CSOL to support e-licensing and the following systems:

*Application for leave to appeal to the Supreme Court Online*

Following an announcement by the Chief Justice, work commenced in September to design a system to facilitate on-line applications for leave to appeal to the Supreme Court. A project board was established to agree the scope of the project including the business requirements, and ICT developers were engaged to work on the development of an on-line system. Engagement with external stakeholders who will use this application will be an essential element of this project.

*Legal Cost Adjudicator Project*

In preparation for the commencement of the Legal Services Regulation Act 2015 work commenced on a project to provide the facility to make applications to the Office of the new Legal Cost Adjudicator on-line, track and manage cases and provide post court documentation and an electronic register.

*Bankruptcy Conversion Project*

Work also commenced on a project to convert the manual book-based Bankruptcy Register to an electronic version and to integrate that version into the proposed EU Insolvency Register to be maintained by the EU Justice Portal. This is to comply with the State's obligation as set out in EU Regulation No. 2015/848 following the agreement of the Government to participate in the proposed register.

*Family law*

Work continued on a project to replace the individual systems supporting family law in the Circuit Court and District Court with a multi-jurisdictional system operating on CSOL. The project will be aligned with the development of the Family Law Office in the Hammond Lane complex (see page 39).

*Criminal Case Tracking System and Criminal Justice Interoperability Project*

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

CJIP continues to process over two million messages between the PULSE system and the District Courts every year, including summons applications, publication of court hearing schedules, publication of court outcomes, bail, warrants, appeals and appeal outcomes and adjournments.

**Goal 6: Provide suitable court accommodation**

The provision of high quality court buildings and facilities for users of the courts are important mandates of the Service. The provision of new and improved buildings in Dublin and in county towns around Ireland has been a key objective since the establishment of the Service. This involves the construction of new courthouses and the refurbishment/extension of existing ones. It also requires a comprehensive and extensive maintenance programme and detailed planning for future court accommodation requirements.

## Implementation of the Capital Building Programme

### Regional courthouse projects

The Government's Infrastructure and Capital Investment Plan 2016-2021 provides for the construction/refurbishment of seven regional courthouses. The project to deliver these courthouses is the largest courthouse building project, outside of Dublin, undertaken in the history of the State. Upon completion it will have delivered 36,000 square metres of accommodation including thirty-one courtrooms.

The project comprises the construction of four new courthouses in Drogheda, Letterkenny, Limerick and Wexford; and substantial refurbishment and extension works to existing courthouses in Mullingar, Waterford and Cork. The courthouses are being delivered as public private partnership projects with finance arranged through the National Development Finance Agency and payments made by the Service over a period of 25 years. Construction work began in early 2016 following the award of the contract for delivery of the projects to BAM PPP PGGM.

By the end of 2017, the projects at Drogheda, Letterkenny and Wexford had been completed.

The new courthouse in Drogheda has two courtrooms and associated facilities on a landmark town centre site adjacent to the River Boyne. Court sittings commenced in the new facility in July. The new courthouse in Letterkenny has four courtrooms and associated facilities on a town centre site close to the existing courthouse. Court sittings commenced in the new facility in late December. The new courthouse in Wexford has four courtrooms and associated facilities in a restored and substantially extended heritage building close to the town centre. Court sittings in the new facility will commence in early 2018. The remaining projects will be completed during 2018.

The completed courthouses are fully accessible to the latest standards and include additional facilities for vulnerable witnesses and victims of crime. The public private partnership contract includes the provision of a range of facilities including management and maintenance services at each location.

*"The improved facilities will allow a greater range of sittings to be held at the various locations, including custody cases that previously could not be held at some venues due to inadequate facilities or security concerns". Brendan Ryan, Chief Executive*



*Dublin projects: Family Law and Children Court complex*

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

A project board, chaired by a judge of the High Court, continued to oversee the project during the year. By year end, a substantial amount of design work had been completed. The Service undertook an extensive consultation exercise during the year with a wide range of stakeholders and organisations who work in the field of child and family law. They included the legal profession, other government departments and agencies and subject matter experts in areas including children's rights.

A detailed business case/capital appraisal as required by the Public Spending Code was also completed and sent to the Department of Justice and Equality for approval.

The National Development Finance Agency began work on the procurement of legal and technical advisors to assist with the preparation of the documentation for the overall procurement process. A range of surveys were carried out on the site including topographical, geotechnical, archaeological, ecological, traffic, noise and vibration.

At year end detailed discussions regarding the financing and approval of the project were in progress with the Department of Justice and Equality.

*Other Dublin projects*

- From April, the Service assumed responsibility for the lease of Dolphin House courthouse in Temple Bar, Dublin, previously held by the Office of Public Works (OPW). Dolphin House is the location of much of Dublin District Court family law business and will continue to operate until such time as the Hammond Lane complex is delivered.
- Work on the refurbishment of the Four Courts dome continued during the year under the supervision of the OPW. The project involves the replacement of several capitals (the topmost parts of the Dome's columns). Two capitals were replaced during the year with a third to be replaced in 2018. The replacement capitals are made from Portland stone and each weighs approximately 800kg. The OPW installed an information display in the Round Hall of the Four Courts, as part of the project, which included information on the project and plans for future works.
- Planning and design work for the provision of additional court and office accommodation for the proposed new Legal Cost Adjudicator's Office was also undertaken during the year.
- The Criminal Courts of Justice (CCJ) in Dublin is the largest courthouse in Ireland with over 3,000 members of the public entering the building daily. The public private partnership contract for the CCJ is a twenty-five-year contract between the Service and a public private partnership consortium that will last until 2034.

*Future projects*

Five provincial city/county town projects remain to be completed – Galway, Tralee, Portlaoise, Roscommon and Wicklow. Work continued during the year to identify and acquire sites to progress these projects. The

Service purchased Roscommon County Council’s interest in Roscommon courthouse in December thereby acquiring full ownership.

The need to improve court facilities at urban locations other than the main provincial cities and county towns also continued to receive attention. A number of potential projects were being considered for inclusion in the new National Development Plan to be published by the Government in 2018.

#### *Maintenance of court buildings*

The Service is working to implement the recommendation of the Comptroller and Auditor General that a preventative maintenance programme in respect of court buildings (other than those under PPP arrangements) be developed.

The Service will engage a provider to undertake a survey of court buildings during 2018 to determine their condition and identify works required to meet ongoing maintenance requirements. In preparation for this, the Service commenced a number of surveys on a pilot basis in courthouses in Tallaght, Trim, Swords and Tralee. The results of these surveys will inform the procurement process and the manner in which a nationwide survey will be undertaken.

#### *Courtroom security*

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

#### *Energy management*

##### *Energy usage*

There was a 5% decrease in overall energy consumption in 2017 when compared with 2016 and a 10% decrease on 2015.

	2017	2016	2015
Overall Consumption	<b>20,990,088 kwh</b>	22,188,588 kwh	23,411,158 kwh
Criminal Courts of Justice	<b>4,711,950 kwh</b>	5,240,232 kwh	5,069,482 kwh
Overall Expenditure	<b>€2,173,422</b>	€2,526,315	€2,696,485

The Service occupies 120 buildings throughout the country. Some are used infrequently (once or twice per month), others are shared with other organisations (for example, local authorities) while others are rented to facilitate court sittings. The Service cannot provide precise figures in relation to energy usage in respect of buildings where it is not the sole user.

##### *Future energy management*

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

The Service held a number of energy awareness days in 2017, in conjunction with the Office of Public Works' *Optimising Power @ Work* campaign, to assist in reducing its energy consumption. In addition, a number of energy efficiency projects were undertaken including boiler replacements in Cork, lighting upgrades in Clonmel and the installation of a new building management system in Kilkenny.

#### *Accessibility*

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

### Providing information for the public

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

#### Website

The website of the Service ([www.courts.ie](http://www.courts.ie)) received over 2.9 million visits in 2017 with visits *via* mobile device comprising 33% of total visits. The most visited sections were legal diary, judgments and determinations, court rules and High Court Search.

VISITS:		VISITS VIA MOBILE DEVICE (INCLUDING TABLET)	
2017	2,913,473	2017	968,233
2016	2,709,351	2016	811,914
2015	2,766,751	2015	769,640
2014	2,619,641	2014	630,321
2013	2,569,418	2013	457,894

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

#### Social media

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

#### Outreach

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

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

Courthouses in Castlebar and Ennis were made available to assist the training programmes of agencies including TUSLA, An Garda Síochána and local bar associations. Other buildings made available included Sligo courthouse during the Yeats Theatre Festival in July, Ennis courthouse as part of Fleadh Cheoil na hÉireann 2017 and the courthouse in Washington Street Cork as part of Heritage Day in August. In Kilkenny the Service co-operated with Kilkenny County Council as part of events for St. Patrick's Day in March and hosted the homecoming for the Kilkenny county camogie team following the All Ireland final in September. A day of events brought hundreds to the streets of Kilkenny in August to commemorate the centenary of the by-election which saw W.T. Cosgrave elected to parliament in 1917. The events included the unveiling of a special plaque outside the courthouse.

The courthouses in Dundalk, Monaghan and Trim were made available for various filming events during the year and staff in Sligo courthouse organised carol singing for charity in December.

### Media

Interaction with the media as a way of informing the public of the operation of the courts is an important part of the work of the Service. Engagement with the media continued during 2017 on matters of policy and information and court stories, through a central contact for information - the Media Relations Service (MRS).

The MRS deals with queries from print, broadcast, on-line and social media platforms providing an initial contact for some local and regional media and all national and international media. It also assists with the accurate reporting of court cases and the compiling of fact based features and documentaries on the courts system. The MRS engages with colleges, associations and unions involved with media, to establish links and work on areas of interest to promote court reporting. This work continued during the year with workshops, seminars and news days for trainee and student journalists and contact with various media bodies including the National Union of Journalists, the Press Council and the Press Ombudsman's office.

The MRS also acts as a support, resource and source of information for court offices. It also researches for, and advises the judiciary on, matters relating to the media. An example during 2017 was managing the media interest upon the retirement of the Chief Justice and the appointment of her successor.

Almost 10,000 queries were dealt with by the MRS during the year covering a broad range of subjects including court proceedings, details of charges, court processes and statistics. Over 95% of queries continued to be dealt with on the day of receipt. Information about and relating to, other areas of the legal and justice system continued to be answered in co-operation with agencies across the justice community.

### Televising court proceedings

The Service facilitated the televising of proceedings in the Supreme Court for the first time in October. The initiative, promoted by the Chief Justice, aims to demystify the court process.

*"We wish to allow people see how their highest court operates. This initiative will help explain and create an understanding of the courts. It is a start and following a test period, we will review its success with a view to expanding coverage in 2018."*

*Chief Justice, Mr. Justice Frank Clarke*



### Retired staff

The Retired Staff Association continued to afford former colleagues opportunities to meet during the year. They included organised visits to cultural sites in Dublin and lunch events at Christmas, Easter and during the Summer.

### Other information

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

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

### Freedom of Information

The Service received 169 formal requests under the Freedom of Information Act 2014. Further requests were answered outside of the Acts. Additional queries were dealt with by telephone or e-mail, many of

which related to requests for information contained in court records which are not covered by freedom of information legislation.

REQUESTS: FREEDOM OF INFORMATION ACT 2014	
On hand 01 January 2017	3
Received	169
Dealt with	168
On hand 31 December 2017	4
<b>Outcome of requests dealt with</b>	
Access granted/part granted	56
Refused*	92
Transferred/withdrawn	20
* includes access requests for court records which are exempt records under section 42(a)(i) of the 2014 Act.	

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

#### *Data Protection*

The Service dealt with 37 requests under the Data Protection legislation during the year.

#### *Compliance with the General Data Protection Regulation*

The General Data Protection Regulation (EU) 2016/679 will replace current data protection laws on 25th May 2018. It is a regulation in European Union (EU) law on data protection and privacy for all individuals within the EU. It also addresses the export of personal data outside of the EU. The Service continued to work to ensure that the organisation will be substantially compliant with the Regulation by 25th May 2018. Work carried out included a gap assessment on a selection of offices to identify such remediation work as the organisation may have to complete.



## CHAPTER 3 | STATISTICS

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## OVERVIEW

CIVIL BUSINESS BY JURISDICTION	INCOMING		RESOLVED	
	2017	2016	2017	2016
District Court	133,823	133,724	121,075	105,177
Circuit Court	53,795	53,287	36,612	37,723
High Court	39,659	43,132	27,398	35,964
Court of Appeal	611	594	470	591
Supreme Court	234	212	275	368
<b>Total</b>	<b>228,122</b>	<b>235,949</b>	<b>185,830</b>	<b>179,823</b>

CIVIL BUSINESS BY TYPE	INCOMING		RESOLVED	
	2017	2016	2017	2016
Civil and commercial litigious cases	128,820	127,395	93,729	75,463
Civil and commercial non-litigious cases	84,195	92,800	78,015	89,162
Non-litigious enforcement cases	11,168	12,048	11,017	11,807
Appeals	2,876	2,869	2,018	2,546
Cases Stated	31	22	19	30
Other	1,032	815	1,032	815
<b>Total</b>	<b>228,122</b>	<b>235,949</b>	<b>185,830</b>	<b>179,823</b>

CRIMINAL OFFENCES AND APPEALS (BY OFFENCE)	INCOMING		RESOLVED	
	2017	2016	2017	2016
District Criminal Court	391,207	382,325	290,567	284,678
Circuit Criminal Court	32,787	28,387	47,716	25,344
Special Criminal Court	54	60	50	67
Central Criminal Court	1,761	1,946	2,098	734
Court of Criminal Appeal		-		1
Court of Appeal (Criminal)	1,281	1,099	1,078	1,109
<b>Total</b>	<b>427,090</b>	<b>413,817</b>	<b>341,509</b>	<b>311,933</b>

CRIMINAL OFFENCES AND APPEALS TOTAL	INCOMING		RESOLVED	
	2017	2016	2017	2016
Offences	406,996	398,586	307,021	294,718
Appeals	20,094	15,231	34,488	17,215
<b>Total</b>	<b>427,090</b>	<b>413,817</b>	<b>341,509</b>	<b>311,933</b>

## CIVIL BUSINESS

CIVIL BUSINESS IS CATEGORISED BY CASE TYPE:

### 1. CIVIL AND COMMERCIAL LITIGIOUS CASES

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

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

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

### 3. NON-LITIGIOUS ENFORCEMENT CASES

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

### 4. APPEALS

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

### 5. CASES STATED

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

Civil statistics are presented by reference to cases/matters received and cases/matters resolved during the year. The majority of civil cases initiated in Ireland do not proceed to trial. Typically, they are either settled between the parties (with or without a court approving a settlement), are formally discontinued (involving notification to the defendant and the court), or are not pursued further by the plaintiff (without the plaintiff notifying the court). It is therefore not possible to provide figures for pending caseloads in most courts. Cases referred to as 'resolved' may include cases commenced in years other than 2016 or 2017.

## 1. CIVIL AND COMMERCIAL LITIGIOUS CASES

### DISTRICT COURT, CIRCUIT COURT, HIGH COURT

CIVIL AND COMMERCIAL LITIGIOUS CASES		INCOMING		RESOLVED	
		2017	2016	2017	2016
A	Cases where one party is suing another	125,664	123,093	90,683	71,670
B	European Payment Order applications	110	175	28	25
C	Corporate insolvency	128	186	162	235
D	Personal insolvency (creditors)	115	160	107	126
E	Appeals to District Court	111	86	57	32
F	Litigious enforcement	2,692	3,695	2,692	3,375
	<b>Total</b>	<b>128,820</b>	<b>127,395</b>	<b>93,729</b>	<b>75,463</b>

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

##### General

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

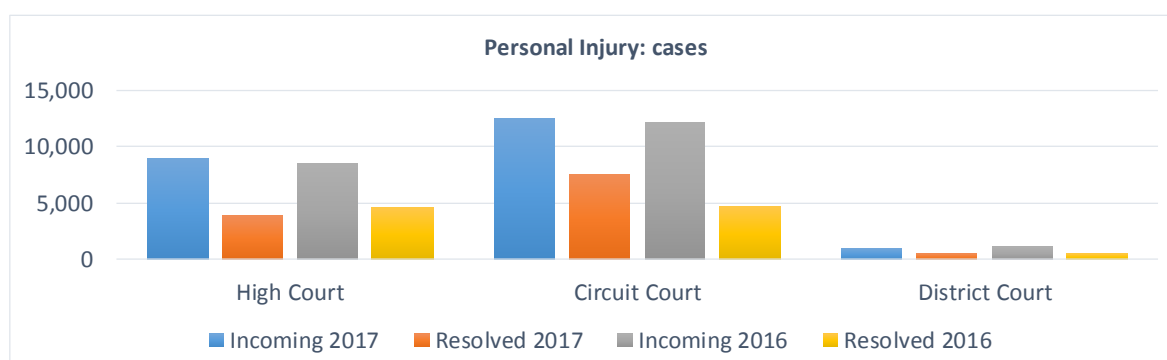
A person may pursue a claim for damages for personal injuries through the courts upon receipt of an authorisation from the Personal Injuries Assessment Board (PIAB). This is a legal document issued in the absence of consent from the person responsible for the injury (the respondent) to the assessment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

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

There were 22,417 personal injury suits filed in 2017, a slight increase on the 21,898 in 2016 – 8,909 (including 1,080 medical negligence) in the High Court, a 5% increase on the 8,510 in 2016 and 12,497 in the Circuit Court, a slight increase on the 12,230 in 2016. There were 1,011 suits filed in the District Court, a 13% decrease on the 1,158 in 2016.

PERSONAL INJURY	INCOMING				RESOLVED	
	2017	2016	2017		2016	
			By court*	Out of court	By court*	Out of court
High Court	8,909	8,510	3,879	31	4,508	41
Circuit Court	12,497	12,230	6,834	775	4,340	332
District Court	1,011	1,158	527	0	595	0
<b>Total</b>	<b>22,417</b>	<b>21,898</b>	<b>11,240</b>	<b>806</b>	<b>9,443</b>	<b>373</b>

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



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

PERSONAL INJURY AWARDS: DISTRICT COURT		
Amount	Cases	
	2017	2016
€0 to €7,500	204	282
€7,500 to €15,000	159	248
€15,000+	11	5
<b>Total</b>	<b>374</b>	<b>535</b>

PERSONAL INJURY AWARDS: CIRCUIT COURT		
Amount	Cases	
	2017	2016
€0 to €15,000	405	398
€15,000 to €60,000	666	574
€60,000+	4	5
<b>Total</b>	<b>1,075</b>	<b>977</b>

PERSONAL INJURY AWARDS: HIGH COURT		
Amount	Cases	
	2017*	2016*
€0 to €60,000	149	146
€60,000 to €199,999	170	158
€200,000 to €499,999	28	36
€500,000+	53	50
<b>Total</b>	<b>400</b>	<b>390</b>

*\* includes medical negligence awards*

MEDICAL NEGLIGENCE AWARDS: HIGH COURT		
Amount	Cases	
	2017	2016
€0 to €60,000	6	5
€60,000 to €199,999	13	16
€200,000 to €499,999	7	6
€500,000+	24	21
<b>Total</b>	<b>50</b>	<b>48</b>

Amounts awarded	HIGH COURT		CIRCUIT COURT		DISTRICT COURT	
	2017*	2016*	2017	2016	2017	2016
Lowest amount	€2,405	€5,000	€1,000	€500	€500	€1,000
Highest amount	€15,000,000	€9,000,000	€78,000	€206,810	€20,000	€16,065
Total amount	€183,141,689	€147,145,000	€19,874,648	€17,314,830	€2,796,527	€4,059,854

*\* includes medical negligence awards*

MEDICAL NEGLIGENCE AWARDS: HIGH COURT		
	2017	2016
Lowest amount awarded	€17,500	€20,000
Highest amount awarded	€15,000,000	€9,000,000
Total amount awarded	€98,804,401	€62,207,390

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

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

NEGLIGENCE	INCOMING		RESOLVED			
	2017	2016	2017		2016	
			By court	Out of court	By court	Out of court
High Court	324	433	46	52	50	86

### 3. Commercial

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

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

COMMERCIAL	INCOMING		RESOLVED			
	2017	2016	2017		2016	
			By court	Out of court	By court	Out of court
High Court	193	157	89	34	75	40

ANALYSIS OF CASELOAD	2017	2016	2015	2014
On hands 01/01	245	203	166	106
Incoming	193	157	148	171
Resolved	123	115	111	111
On hands 31/12	315	245	203	166

ANALYSIS OF CASES RESOLVED	2017	2016	2015	2014
Motion to dismiss	6	5	4	1
Settled after entry	9	7	5	8
Settled after directions hearing	10	21	13	13
Settled after hearing date set	15	12	8	15
Settled at hearing	11	12	9	11
Full hearing	72	58	61	61
Other	0	0	11	2
<b>Total</b>	<b>123</b>	<b>115</b>	<b>111</b>	<b>111</b>

### 4. Chancery

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

CHANCERY	INCOMING		RESOLVED			
	2017	2016	2017		2016	
			By court	Out of court	By court	Out of court
High Court	2,269	2,102	308	271	330	337

ANALYSIS OF INCOMING CASES	2017	2016	2015	2014
Specific performance	133	168	152	212
Injunction	405	337	298	375
Declaration	1,066	898	1,280	873
European Communities (Cross Border mergers) Regulations, 2008*	0	3	9	6
Other	665	696	571	683
<b>Total</b>	<b>2,269</b>	<b>2,102</b>	<b>2,310</b>	<b>2,149</b>

\* S.I. No. 157 of 2008

5. Property

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

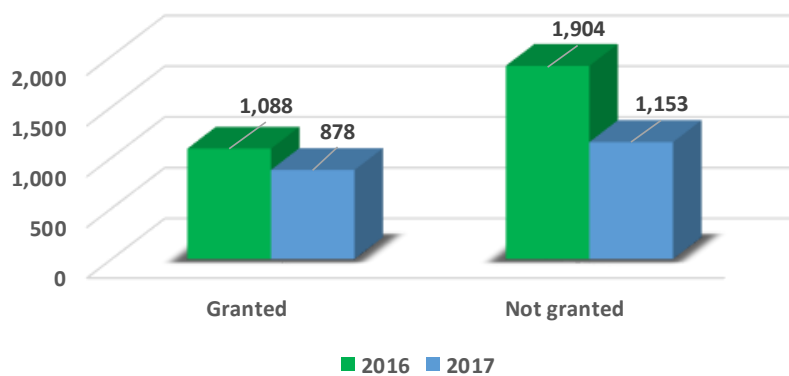
Other property cases include ‘mortgage suits’ (cases where the creditor has a mortgage on the property in which the defendant has an interest but does not have power to sell that property unless the court declares the mortgage well-charged on the debtor’s interest), applications for ejectment, applications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

There were 3,356 cases for the recovery of possession of lands and/or premises in the High Court and Circuit Court – a 14% decrease on the 3,915 cases in 2016. The Circuit Court made 878 orders for possession, a 19% decrease on the 1,088 made in 2016.

PROPERTY (POSSESSION)	INCOMING		RESOLVED			
	2017	2016	2017		2016	
			By court	Out of court	By court	Out of court
High Court	301	236	75	12	47	0
Circuit Court	3,055	3,679	2,031	0	2,992	0
<b>Total</b>	<b>3,356</b>	<b>3,915</b>	<b>2,106</b>	<b>12</b>	<b>3,039</b>	<b>0</b>

PROPERTY (POSSESSION)	ORDERS GRANTED		ORDERS NOT GRANTED	
	2017	2016	2017	2016
Circuit Court	878	1,088	1,153	1,904

Property (possession) orders  
Circuit Court



PROPERTY (OTHER)	INCOMING		RESOLVED			
	2017	2016	2017		2016	
			By court	Out of court	By court	Out of court
High Court	59	35	33	6	30	0
Circuit Court	585	567	556	286	49	173
District Court	109	117	62	0	49	0
<b>Total</b>	<b>753</b>	<b>719</b>	<b>651</b>	<b>292</b>	<b>128</b>	<b>173</b>

## 6. Breach of contract

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

HIGH COURT					
Incoming		Resolved			
2017	2016	2017		2016	
		By court	Out of court	By court	Out of court
327	526	38	81	20	82

## 7. Recovery of debt (liquidated claims)

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

The courts received 21,180 claims for the recovery of liquidated debt in 2017, a 9% decrease on the 23,394 in 2016.

	INCOMING			RESOLVED				
	2017	2016	2017			2016		
			By court	Out of court <sup>1</sup>	Out of court <sup>2</sup>	By court	Out of court <sup>1</sup>	Out of court <sup>2</sup>
High Court	3,042	2,842	351	339	822	489	103	684
Circuit Court	2,806	3,718	359	362	1,775	391	258	1,985
District Court	15,332	17,374	1,256	0	7,400	1,439	0	7,299
<b>Total</b>	<b>21,180</b>	<b>23,934</b>	<b>1,966</b>	<b>701</b>	<b>9,997</b>	<b>2,319</b>	<b>361</b>	<b>9,968</b>

<sup>1</sup> Discontinuance

<sup>2</sup> Judgments marked in the office – these figures are also on page 75 as part of the civil and commercial non-litigious statistics.

## 8. Defamation

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

	INCOMING		RESOLVED			
	2017	2016	2017		2016	
			By court	Out of court	By court	Out of court
High Court	152	133	7	9	13	31
Circuit Court	135	73	0	6	1	6
<b>Total</b>	<b>287</b>	<b>206</b>	<b>7</b>	<b>15</b>	<b>14</b>	<b>37</b>

## 9. Assault

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

	INCOMING		RESOLVED			
	2017	2016	2017		2016	
			By court	Out of court	By court	Out of court
High Court	117	130	15	15	41	19

## 10. Employment

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

EMPLOYMENT (DISMISSAL)	INCOMING		RESOLVED			
	2017	2016	2017		2016	
			By court	Out of court	By court	Out of court
High Court	2	0	0	0	0	0
Circuit Court	48	121	69	4	105	3
<b>Total</b>	<b>50</b>	<b>121</b>	<b>69</b>	<b>4</b>	<b>105</b>	<b>3</b>

EMPLOYMENT (OTHER)	INCOMING		RESOLVED			
	2017	2016	2017		2016	
			By court	Out of court	By court	Out of court
High Court	13	1	2	0	0	0
Circuit Court	65	108	18	2	34	2
<b>Total</b>	<b>78</b>	<b>109</b>	<b>20</b>	<b>2</b>	<b>34</b>	<b>2</b>

## 11. Small claims

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

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

SMALL CLAIMS: IRELAND* AND EU : DISTRICT COURT					
Incoming		Resolved			
2017	2016	2017		2016	
		By court	Out of court	By court	Out of court
3,274	2,786	436	2,597**	498	2,072**

\* claims include those made online

\*\* includes applications deemed to fall outside the scope of the rules for small claims.

ANALYSIS OF CASES DEALT WITH	2017		2016	
	IRELAND	EU	IRELAND	EU
Not proceeded with	110	14	150	24
Decrees by default	184	23	213	27
Settled by registrar	450	56	564	50
Settled after notice to pay	0	0	n/a	n/a
Referred to court	602	75	640	74
<b>Total</b>	<b>1,346</b>	<b>168</b>	<b>1,567</b>	<b>175</b>

ADJUDICATED BY THE COURT	2017		2016	
	IRELAND	EU	IRELAND	EU
Decrees granted	167	8	230	14
Cases dismissed	66	33	76	11
Withdrawn/struck out	158	4	161	6
<b>Total</b>	<b>391</b>	<b>45</b>	<b>467</b>	<b>31</b>

### 12. Proceeds of crime

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

HIGH COURT:					
Incoming		Resolved			
2017	2016	2017		2016	
		By court	Out of court	By court	Out of court
32	22	11	0	3	0

### 13. Judicial review

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

JUDICIAL REVIEW (ASYLUM RELATED): HIGH COURT					
Incoming		Resolved			
2017	2016	2017		2016	
		By court	Out of court	By court	Out of court
497	458	189	143	258	122

JUDICIAL REVIEW (OTHER) : HIGH COURT					
Incoming		Resolved			
2017	2016	2017		2016	
		By court	Out of court	By court	Out of court
464	502	193	90	251	111

JUDICIAL REVIEW: HIGH COURT	(ASYLUM RELATED)		(OTHER)	
	2017	2016	2017	2016
<b>Incoming</b>	497	458	464	502
<b>Orders made:</b>				
Liberty to apply for judicial review granted	551	314	367	339
Liberty to apply for judicial review refused	30	15	42	57
Interim orders	102	106	250	249
Final orders – relief granted	20	34	129	120
Final orders – relief refused	37	36	97	79
Final orders – miscellaneous	97	50	-	-
Final orders – struck out (no order)	143	120	121	111
<b>Total</b>	<b>980</b>	<b>675</b>	<b>1,006</b>	<b>955</b>

#### 14. Regulation of professions

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

HIGH COURT:					
Incoming		Resolved			
2017	2016	2017		2016	
		By court	Out of court	By court	Out of court
147	283	149	0	251	0

#### 15. Garda compensation

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

HIGH COURT:					
Incoming		Resolved			
2017	2016	2017		2016	
		By court	Out of court	By court	Out of court
149	173	113	0	83	0

### 16. Habeas corpus

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

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

HABEAS CORPUS: HIGH COURT					
Incoming		Resolved			
2017	2016	2017		2016	
		By court	Out of court	By court	Out of court
128	157	54	0	67	0

### 17. European Arrest Warrants

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

HIGH COURT:					
Incoming		Resolved			
2017	2016	2017		2016	
		By court	Out of court	By court	Out of court
344	243	86	0	103	0

### 18. Bail

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

HIGH COURT:					
Incoming		Resolved			
2017	2016	2017		2016	
		By court	Out of court	By court	Out of court
1,381	1,243	1,381	0	1,243	0

### 19. Other

	Incoming	Resolved	
		By court	Out of court
High Court	1,293	351	74
Circuit Court*	3,625	2,373	283
District Court**	5,679	3,904	0
<b>Total</b>	<b>10,597</b>	<b>6,628</b>	<b>357</b>

\* includes equity, testamentary, succession law, Data Protection Act

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

A. Cases where one party is suing another:

**Family law**

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

1. Divorce

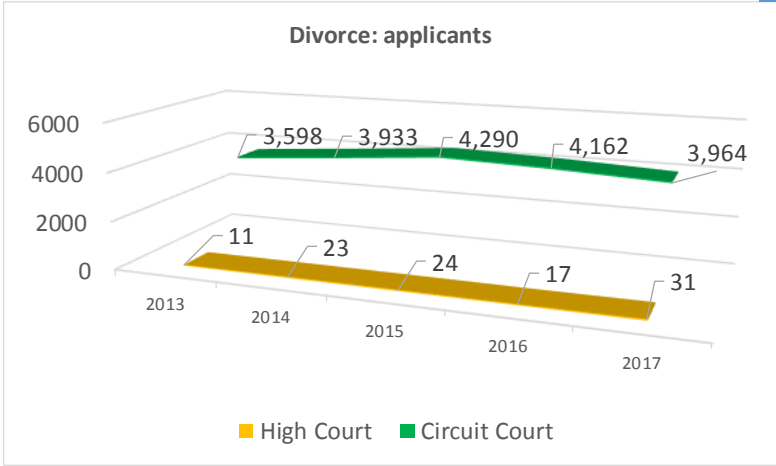
A decree of divorce dissolves a marriage and allows each party to remarry. Before a court can grant a divorce, the parties must have been married and living apart for a period amounting to four out of the previous five years before the application is made; there must be no reasonable prospect of reconciliation;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

There was a 4% decrease in the number of applications for divorce in 2017– 3,995 as compared to 4,179 in 2016. There were 31 applications in the High Court and 3,964 in the Circuit Court - the majority were by husbands in the High Court (55%) and wives in the Circuit Court (56%). There were 3,412 divorce orders made – 24 in the High Court and 3,388 in the Circuit Court.

DIVORCE:						
	Incoming		Resolved			
	2017	2016	2017		2016	
			By court	Out of court	By court	Out of court
High Court	31	17	45	0	36	3
Circuit Court	3,964	4,162	3,389	0	3,238	0
<b>Total</b>	<b>3,995</b>	<b>4,179</b>	<b>3,434</b>	<b>0</b>	<b>3,274</b>	<b>3</b>

	2017			2016		
	Granted	Refused	Other	Granted	Refused	Other
High Court	24	0	21	19	0	17
Circuit Court	3,388	1	0	3,236	2	0
<b>Total</b>	<b>3,412</b>	<b>1</b>	<b>21</b>	<b>3,255</b>	<b>2</b>	<b>17</b>

TRENDS: DIVORCE: APPLICANTS				
Year	Wife		Husband	
	High Court	Circuit Court	High Court	Circuit Court
2017	14	2,219	17	1,745
2016	10	2,374	7	1,788
2015	14	2,333	10	1,957
2014	10	2,202	13	1,731
2013	6	1,979	5	1,619



## 2. Judicial separation

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

There were 1,294 applications for judicial separation in 2017 – 23 in the High Court and 1,271 in the Circuit Court – a 4% decrease on the 1,353 applications in 2016. The majority of applications in both jurisdictions (78% in High Court, 67% in Circuit Court) were by wives. There were 751 orders granting judicial separations made – 18 in the High Court and 733 in the Circuit Court with two applications refused.

JUDICIAL SEPARATION						
	Incoming		Resolved			
	2017	2016	2017		2016	
			By court	Out of court	By court	Out of court
High Court	23	29	53	2	34	1
Circuit Court	1,271	1,324	735	0	702	0
<b>Total</b>	<b>1,294</b>	<b>1,353</b>	<b>788</b>	<b>2</b>	<b>736</b>	<b>1</b>

JUDICIAL SEPARATION						
	2017			2016		
	Granted	Refused	Other	Granted	Refused	Other
High Court	18	0	37	8	0	26
Circuit Court	733	2	0	701	1	0
<b>Total</b>	<b>751</b>	<b>2</b>	<b>37</b>	<b>709</b>	<b>1</b>	<b>26</b>

TRENDS: JUDICIAL SEPARATION: APPLICANTS				
Year	Wife		Husband	
	High Court	Circuit Court	High Court	Circuit Court
<b>2017</b>	<b>18</b>	<b>889</b>	<b>5</b>	<b>382</b>
2016	24	971	5	353
2015	32	977	3	407
2014	19	943	6	333
2013	20	918	5	374

## 3. Dissolution of partnership

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

There were 57 applications to dissolve partnerships in 2017 – 1 in the High Court and 56 in the Circuit Court – a slight decrease on 2016. The High Court application was by a female and the majority of applications (70%) in the Circuit Court were by females.

DISSOLUTION OF PARTNERSHIP						
	Incoming		Resolved			
	2017	2016	2017		2016	
			By court	Out of court	By court	Out of court
High Court	1	1	0	0	0	1
Circuit Court	56	61	23	0	30	0
<b>Total</b>	<b>57</b>	<b>62</b>	<b>23</b>	<b>0</b>	<b>30</b>	<b>1</b>

DISSOLUTION OF PARTNERSHIP						
	2017			2016		
	Granted	Refused	Other	Granted	Refused	Other
High Court	0	0	0	0	0	0
Circuit Court	22	1	0	23	7	0
<b>Total</b>	<b>22</b>	<b>1</b>	<b>0</b>	<b>23</b>	<b>7</b>	<b>0</b>

DISSOLUTION OF PARTNERSHIP: APPLICANTS		FEMALE		MALE	
		2017	2016	2017	2016
High Court		1	0	0	1
Circuit Court		39	40	17	21

#### 4. Cohabitation

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

HIGH COURT					
Incoming		Resolved			
2017	2016	2017		2016	
		By court	Out of court	By court	Out of court
6	0	2	0	4	0

#### 5. Nullity

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

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

NULLITY						
	Incoming		Resolved			
	2017	2016	2017		2016	
			By court	Out of court	By court	Out of court
High Court	1	1	3	0	1	0
Circuit Court	23	32	19	0	14	0
<b>Total</b>	<b>24</b>	<b>33</b>	<b>22</b>	<b>0</b>	<b>15</b>	<b>0</b>

NULLITY						
	2017			2016		
	Granted	Refused	Other	Granted	Refused	Other
High Court	2	0	1	0	0	1
Circuit Court	18	1	0	13	1	0
<b>Total</b>	<b>20</b>	<b>1</b>	<b>1</b>	<b>13</b>	<b>1</b>	<b>1</b>

TRENDS: NULLITY: APPLICANTS				
Year	Wife		Husband	
	High Court	Circuit Court	High Court	Circuit Court
<b>2017</b>	<b>0</b>	<b>13</b>	<b>1</b>	<b>10</b>
2016	1	17	0	15
2015	1	12	1	21
2014	1	18	1	18
2013	1	19	1	27

6. Guardianship, custody, access

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

GUARDIANSHIP, CUSTODY, ACCESS: DISTRICT COURT					
Incoming		Resolved			
2017	2016	2017		2016	
		By court	Out of court	By court	Out of court
12,442	12,488	13,728	0	12,128	0

CUSTODY AND ACCESS: CIRCUIT COURT - OUTCOMES									
	Judicial separation			Dissolution			Divorce		
	2017	2016	2015	2017	2016	2015	2017	2016	2015
Orders made	<b>447</b>	348	322	<b>4</b>	4	4	<b>976</b>	757	719

7. Maintenance

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

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

MAINTENANCE						
	Incoming		Resolved			
	2017	2016	2017		2016	
			By court	Out of court	By court	Out of court
High Court	1	1	2	0	2	0
District Court *	9,234**	8,788**	11,936	0	7,959	0

\* excludes foreign maintenance – see page 74.  
 \*\* includes applications subsequent to initial application including applications to vary and applications to recover arrears

8. Domestic violence

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

Safety order

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

Barring order

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

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

Protection order

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

Interim barring order

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

Applications to the District Court under the domestic violence legislation increased by 5% to 15,962 from 15,227 in 2016. There was a 5% increase in applications for safety orders (6,368 as compared to 6,069 in 2016) and a 9% increase in applications for protection orders (5,869 as compared to 5,365

in 2016). Applications for interim barring orders showed a 4% increase (917 as compared to 880 in 2016) while applications for barring orders showed a slight decrease.

DOMESTIC VIOLENCE: DISTRICT COURT					
Incoming		Resolved			
2017	2016	2017		2016	
		By court	Out of court	By court	Out of court
15,962	15,227	16,314	0	10,055*	0

\*figure understated in Annual Report 2016

DOMESTIC VIOLENCE: CIRCUIT COURT - OUTCOMES			
	2017	2016	2015
Orders made	51	40	50

DISTRICT COURT: DOMESTIC VIOLENCE - TRENDS						
	2017	2016	2015	2014	2013	2012
Barring order applications	2,613	2,658	2,638	2,671	2,738	2,789
Barring orders granted	822	1,329	859	877	1,167	1,165
Protection order applications	5,869	5,365	5,108	4,406	4,529	4,192
Protection orders granted*	5,006	4,627	4,225	4,024	4,142	3,849
Safety order applications	6,368	6,069	5,626	5,499	5,334	5,026
Safety orders granted	2,255	3,316	1,917	2,029	2,381	2,255
Interim barring order applications	917	880	731	699	674	648
Interim barring orders granted	693	676	563	569	522	520
Other applications	195	255	271	12	-	-
Orders granted	151	107	263	0	-	-

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

## 9. Adoption

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

ADOPTION: HIGH COURT					
Incoming		Resolved			
2017	2016	2017		2016	
		By court	Out of court	By court	Out of court
37	31	44	0	36	0

10. Child abduction: Hague Luxembourg Convention

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

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

CHILD ABDUCTION: HIGH COURT					
Incoming		Resolved			
2017	2016	2017		2016	
		By court	Out of court	By court	Out of court
36	47	44	0	52	0

CHILD ABDUCTION: HIGH COURT - ANALYSIS			
	2017	2016	2015
Incoming	36	47	41
Orders made			
Assess child	14	9	19
Interim order*	126	130	91
Child returned (on consent)	8	8	8
Child returned (court order)	10	10	7
Child remain (on consent)	10	14	8
Child remain (court order)	6	8	1
Other	0	12	-
<b>Total</b>	<b>174</b>	<b>191</b>	<b>134</b>

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

11. Child care - Supervision and care orders

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

Emergency care orders

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

Care orders and interim care orders

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

be given notice of an interim care order application or the extension of the order unless exceptional circumstances exist making this impossible.

☐ Supervision orders

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

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

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

**SUPERVISION AND CARE ORDERS**

	Incoming		Resolved			
	2017	2016	2017		2016	
			By court	Out of court	By court	Out of court
High Court	32	27	21	0	4	0
District Court	11,931	9,964	10,635	0	6,494	0
<b>Total</b>	<b>11,963</b>	<b>9,991</b>	<b>10,656</b>	<b>0</b>	<b>6,498</b>	<b>0</b>

**CHILD CARE: HIGH COURT - ANALYSIS**

	2017	2016	2015
Received	32	27	32
Orders made	313	323	531

**CHILD CARE: DISTRICT COURT - OVERALL ANALYSIS**

	Incoming			Resolved		
	2017	2016	2015	2017	2016	2015
Supervision order	548	626	720	538	569	679
Care order	934	1,142	1,230	903	886	1,052
Extension of care order	434	483	481	453	449	545
Interim care order	1,100	1,257	1,556	969	1,004	1,442
Extension of interim care order	3,590	3,841	3,148	4,621	2,255	3,148
Emergency care order	309	325	357	289	758	349
Review of care order	1,056	1,371	1,360	484	402	381
Re-entry of case	574	391	303	303	157	147
<b>Other*</b>	<b>3,386</b>	<b>528**</b>	<b>1,441</b>	<b>2,075</b>	<b>463</b>	<b>600</b>
<b>Total</b>	<b>11,931</b>	<b>9,964</b>	<b>10,596</b>	<b>10,635</b>	<b>6,943</b>	<b>8,343</b>

\* includes applications for adjournments, costs, production orders and vacation of hearing dates; and applications under:

s.23 Children Act, 1997 (to allow admission of hearsay evidence)

s.37 Child Care Act 1991 (access to children in care)

s.47 Child Care Act 1991 (applications for directions) which may include applications by parents or interested relatives where children are in voluntary care.

\*\* figure understated in Annual Report 2016

CHILD CARE: DISTRICT COURT - ANALYSIS OF APPLICATIONS RESOLVED		
2017	Application granted	Application not granted
Supervision order	418	120
Care order	630	273
Extension of care order	434	19
Interim care order	748	221
Extension of interim care order	3,508	1,113
Emergency care order	213	76
Review of care order	326	158
Re-entry of case	200	103
Other	1,187	888
<b>Total</b>	<b>7,664</b>	<b>2,971</b>

12. Family - other

FAMILY LAW: OTHER						
	Incoming		Resolved			
	2017	2016	2017		2016	
			By court	Out of court	By court	Out of court
High Court	116	137	89	0	152	0
Circuit Court	207	300	19	0	37	0
District Court	1,290	1,160	1,707	0	1,077	0
<b>Total</b>	<b>1,613</b>	<b>1,597</b>	<b>1,815</b>	<b>0</b>	<b>1,266</b>	<b>0</b>

B. European Payment Order applications

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

EUROPEAN PAYMENT ORDER: HIGH COURT			
Incoming		Resolved	
2017	2016	2017	2016
110	175	28	25

EUROPEAN PAYMENT ORDER: HIGH COURT		
Resolved: outcome	2017	2016
Declared enforceable	10	22
Terminated by claimant	11	1
Remitted for hearing	7	2
Other	0	0

## C. Corporate insolvency

### 1. Examinership

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

EXAMINERSHIP: HIGH COURT															
Incoming		Resolved													
		Out of court		By court											
		Petition withdrawn		Appoint interim examiner*		Appoint examiner*		Extend time		Order reports		Wind up company		Misc.	
2017	2016	2017	2016	2017	2016	2017	2016	2017	2016	2017	2016	2017	2016	2017	2016
14	16	0	2	13	12	13	8	10	17	6	7	5	4	25	22

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

EXAMINERSHIP: CIRCUIT COURT					
Incoming		Resolved			
2017	2016	2017		2016	
		By court	Out of court	By court	Out of court
5	5	4	0	2	0

### 2. Liquidation

The High Court may direct, following the making of an order to wind up a company and the appointment of a liquidator, that the liquidation continue using the rules relating to a creditor's voluntary winding up.

The Examiner of the High Court continues to have a role in respect of court liquidation cases where the winding up order was made prior to the enactment of the Companies Act 2014. At the end of 2017 the Examiner had approximately two hundred such cases on hand. In recent years the Examiner's Office has disposed of an average of one hundred cases per year. If this continues all cases would be disposed of within two years. However, a number of cases will not be disposed of in that timeframe due to ongoing litigation, appeals to the Court of Appeal or asset realisations.

WIND UP COMPANY ORDERS: HIGH COURT					
Incoming		Resolved			
2017	2016	2017		2016	
		Settled/struck out/withdrawn	Orders made	Settled/struck out/withdrawn	Orders made
95	89	18	50	30	50

### 3. Restrict Directors

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

RESTRICT DIRECTORS: HIGH COURT					
Incoming		Resolved			
2017	2016	2017		2016	
		By court		By court	
		Order made	Order refused	Order made	Order refused
14	29	15	1	19	2

#### 4. Disqualify Directors

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

DISQUALIFY DIRECTORS: HIGH COURT					
Incoming		Resolved			
2017	2016	2017		2016	
		By court		By court	
		Order made	Order refused	Order made	Order refused
0	47	2	0	48	12

#### D. Personal insolvency

Personal insolvency (creditors' applications) (see also page 72)

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

Bankruptcy applications may be made by creditors or by debtors in person. See below for details of pre-bankruptcy applications by creditors (bankruptcy summonses) and applications by creditors to have debtors adjudicated bankrupt. For details of applications by debtors to be adjudicated bankrupt (self adjudications) and information about debt settlement procedures introduced under the Personal Insolvency Act, 2012 see page 72.

Under the provisions of the Bankruptcy (Amendment) Act 2015 a person is automatically discharged from bankruptcy one year after the order of adjudication unless the period is extended by the High Court upon application by the Official Assignee in Bankruptcy. There were 522 bankruptcies discharged in 2017 and two bankruptcies annulled.

PERSONAL INSOLVENCY: HIGH COURT				
	Incoming		Resolved	
	2017	2016	2017	2016
			Issued/adjudicated / granted/ approved	Issued/adjudicated / granted/ approved
Bankruptcy summonses	68	91	66	98
Bankruptcy petitions (creditors)	47	69	41	28

## E. Appeals to District Court

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

APPEALS TO THE DISTRICT COURT					
Incoming		Resolved			
		By court		Out of court	
2017	2016	2017	2016	2017	2016
111	86	57	32	0	0

## F. Litigious enforcement

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

There were 2,692 summonses for the attendance of debtors before the District Court for non-payment of debts, a 27% decrease on the 3,695 in 2016 and a 45% decrease on the 4,893 summonses in 2015. There were 2,254 instalment orders made, a 25% decrease on the 3,015 made in 2016. Proceedings for committal resulted in the issue of 14 orders. There were 262 orders made varying previous orders.

SUMMONS FOR ATTENDANCE OF DEBTOR: DISTRICT COURT	
Incoming	
2017	2016
2,692	3,695

LITIGIOUS ENFORCEMENT	OUTCOME	
	2017	2016
Instalment orders issued	2,254	3,015
Variation orders issued	262	327
Committal orders issued	14	33

## 2. CIVIL AND COMMERCIAL NON-LITIGIOUS CASES

CIVIL AND COMMERCIAL NON-LITIGIOUS CASES			
		Incoming	Resolved
A	Proceedings in Ireland	53,330	53,848
B	Foreign proceedings	238	188
	<b>Total</b>	<b>53,568</b>	<b>54,036</b>

### A. Proceedings in Ireland

#### 1. Judgment marked in the office

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

JUDGMENT MARKED IN THE OFFICE				
	Incoming		Resolved	
	2017	2016	2017	2016
High Court	844	684	844	684
Circuit Court	1,911	2,144	1,775	1,985
District Court	6,882	7,647	7,400	7,299
<b>Total</b>	<b>9,637</b>	<b>10,475</b>	<b>10,019</b>	<b>9,968</b>

#### 2. Deed poll

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

DEED POLL: HIGH COURT			
Incoming		Resolved	
2017	2016	2017	2016
826	747	826	746

#### 3. Probate

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

PROBATE				
	Incoming		Resolved	
	2017	2016	2017	2016
Principal Registry	8,231	8,705	8,287	8,098
Local registries	8,373	8,407	7,793	7,854
<b>Total</b>	<b>16,604</b>	<b>17,112</b>	<b>16,080</b>	<b>15,952</b>

PROBATE (AND ADMINISTRATIONS WITH WILLS ANNEXED): RESOLVED		
	2017	2016
Principal Registry	6,643	6,417
Local registries	6,230	6,247
<b>Total</b>	<b>12,873</b>	<b>12,664</b>

INTESTACIES: NO VALID WILLS: RESOLVED		
	2017	2016
Principal Registry	1,644	1,681
Local registries	1,563	1,607
<b>Total</b>	<b>3,207</b>	<b>3,288</b>

#### 4. Wards of court

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

WARDS OF COURT: HIGH COURT			
Incoming		Resolved	
2017	2016	2017	2016
425	368	357**	325*

\* 311 declaration orders and 14 applications dealt with by way of 'undertaking'  
 \*\* 350 declaration orders and 7 applications dealt with by way of 'undertaking'

WARDS OF COURT: HIGH COURT		
	2017	2016
Wardship cases	2,639*	2,626
Applications awaiting hearing**	138	196
Adults and minors taken into wardship (declaratory orders)	350	311
Dismissed/discharged	271	220
Orders signed	1,767	1,553

\* number of adult and minor cases with a status of declared or deceased at 31st December 2017  
 \*\* cases pending with inquiry order signed at 31st December

WARDS OF COURT: ACTIVE CASES:		
Reason admitted to wardship	2017	2016
Brain injury	16	20
Dementia and age related illness	250	234
Learning/intellectual disability	30	18
Minors (under 18 years of age)	26	22
Psychiatric illness	19	7
Other	9	10
<b>Total</b>	<b>350</b>	<b>311</b>

5. General Solicitor for Minors and Wards of Court

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

GENERAL SOLICITOR FOR MINORS AND WARDS OF COURT		
	2017	2016
Active (yearly average)	455	422
Pending	9	7
Dismissal	231	194
Sub cases	319	281

GENERAL SOLICITOR FOR MINORS AND WARDS OF COURT: ACTIVE CASES		
Reason admitted to wardship	2017	2016
Brain injury	68	64
Dementia and age related illness	141	142
Learning/intellectual disability	152	123
Minors (under 18 years of age)	10	3
Psychiatric illness	106	93
Other	2	2
<b>Total</b>	<b>479</b>	<b>427</b>

6. Enduring Powers of Attorney (registered)

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

ENDURING POWERS OF ATTORNEY (REGISTERED) : HIGH COURT			
Incoming		Resolved	
2017	2016	2017	2016
928	766	750	738

7. Care representatives

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

CARE REPRESENTATIVES : CIRCUIT COURT			
Incoming		Resolved	
2017	2016	2017	2016
607	1,139	571	485

## 8. Mental Health Act applications

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

MENTAL HEALTH ACT APPLICATIONS: CIRCUIT COURT			
Incoming		Resolved	
2017	2016	2017	2016
82	109	81	103

## 9. Personal insolvency (self) (see also page 67)

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

A Debt Relief Notice allows for the write-off of qualifying debt up to €20,000, subject to a 3-year supervision period. A Debt Settlement Arrangement applies to the agreed settlement of unsecured debts, usually over a period of 5 years. A Personal Insolvency Arrangement applies to the agreed settlement and/or restructuring of secured debts up to a total of €3 million (as well as unsecured debts) over a period of 6 years.

- Debt relief notices

Circuit Court has exclusive jurisdiction to hear applications.

- Debt settlement arrangements:

Circuit Court has exclusive jurisdiction to hear applications where the total value of unsecured debts does not exceed €2.5m. Where qualifying debts exceed €2.5m but do not exceed €3m, jurisdiction is vested in the High Court. For debts above €3m, the Act does not apply and people are expected in the main to consider applying for bankruptcy.

- Personal insolvency arrangements:

Circuit Court has exclusive jurisdiction to hear applications where the total value of qualifying debts does not exceed €2.5m. Where qualifying debts exceed €2.5m but do not exceed €3m, jurisdiction is vested in the High Court.

- Bankruptcy applications

may be made to the High Court by creditors or by debtors in person (self adjudications). See below for details of applications by debtors to be adjudicated bankrupt. For details of pre-bankruptcy applications by creditors (bankruptcy summonses) and details of applications by creditors to have debtors adjudicated bankrupt see page 67.

There were 2,385 applications to the Circuit Court in respect of debt settlement procedures, a 13% increase on the 2,114 in 2016 and a 37% increase on the 1,735 in 2015. There was a slight increase in applications to the High Court.

There were 454 applications to the High Court by debtors to be adjudicated bankrupt (self adjudications) in 2017 – a 19% decrease on the 559 in 2016.

PERSONAL INSOLVENCY: HIGH COURT										
	Incoming		Resolved – by court							
			Approve request		Refused		Struck out		Withdrawn	
	2017	2016	2017	2016	2017	2016	2017	2016	2017	2016
Debt relief notices	n/a	n/a	n/a	-	-	-	-	-	-	-
Debt settlement arrangements	6	7	2	1	0	0	0	0	0	0
Personal insolvency arrangements	54	50	8	7	0	0	0	0	0	1
<b>Total</b>	<b>60</b>	<b>57</b>	<b>10</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>

PERSONAL INSOLVENCY: CIRCUIT COURT										
	Incoming		Resolved – by court							
			Approve request		Refused		Struck out		Withdrawn	
	2017	2016	2017	2016	2017	2016	2017	2016	2017	2016
Debt relief notices	229	355	226	359	1	0	0	0	3	1
Debt settlement arrangements	273	313	162	230	0	0	0	1	0	1
Personal insolvency arrangements	1,883	1,446	776	720	0	35	0	7	0	6
<b>Total</b>	<b>2,385</b>	<b>2,114</b>	<b>1,164</b>	<b>1,309</b>	<b>1</b>	<b>35</b>	<b>0</b>	<b>8</b>	<b>3</b>	<b>8</b>

BANKRUPTCY PETITIONS (SELF): HIGH COURT				
Incoming		Resolved		
2017	2016	2017		2016
		Adjudicated / granted/ approved		Adjudicated / granted/ approved
454	559	432		498

10. Licensing

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

LICENSING				
	Incoming		Resolved	
	2017	2016	2017	2016
Circuit Court	298	305	298	305
District Court	46,448	47,251	46,448	47,251
<b>Total</b>	<b>46,746</b>	<b>47,556</b>	<b>46,746</b>	<b>47,556</b>

### 11. Marriage exemption

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

MARRIAGE EXEMPTION: SHORT NOTICE: CIRCUIT COURT			
Incoming		Resolved	
2017	2016	2017	2016
523	622	452	506

MARRIAGE EXEMPTION: UNDER AGE: CIRCUIT COURT			
Incoming		Resolved	
2017	2016	2017	2016
45	24	55	37

## B. Foreign proceedings

### 1. Service of documents

SERVICE OF DOCUMENTS				
	Incoming requests		Outgoing requests	
	2017	2016	2017	2016
High Court*	107	89	No requests	No requests
Circuit Court	4,528	1,930	213	392

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

### 2. Maintenance (foreign)

MAINTENANCE (FOREIGN)				
	Incoming		Resolved	
	2017	2016	2017	2016
High Court*	45	62	15	11
District Court	122	183	72	38

\* applications under Regulation (EC) 4/2009

### 3. Other

TAKING OF EVIDENCE: DISTRICT COURT			
Incoming		Resolved	
2017	2016	2017	2016
116	119	116	119

### 3. NON-LITIGIOUS ENFORCEMENT CASES

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

Execution orders

The courts issued 4,610 execution orders in 2017, a 2% decrease on the 4,711 in 2016. In the High Court there were 1,165 execution orders for the recovery of money, an 8% increase on the 1,082 in 2016 and a 28% decrease on the 1,607 in 2015. There were 36 execution orders for possession of property, a 37% decrease on the 57 issued in 2016 and a 57% decrease on the 83 issued in 2015. In the Circuit Court there were 2,817 execution orders to recover money, a slight decrease on the 2,831 in 2016 and a 32% decrease on the 4,139 in 2015. There were 587 execution orders for possession, a 17% increase on the 500 in 2016 and a 26% decrease on the 795 in 2015.

Registration of judgments

Judgments obtained in the District Court, Circuit Court and High Court can be registered in the High Court. There were 2,904 judgments registered in 2017, a 10% decrease on the 3,239 in 2016. Judgments registers are open for public inspection in the Central Office of the High Court.

Judgment mortgage certificates

There were 1,118 judgment mortgage certificates signed in the High Court, a 38% decrease on the 1,790 certificates signed in 2016. There were 1,216 certificates signed in the Circuit Court, a 4% decrease on the 1,265 certificates signed in 2016 and 1,029 certificates signed in the District Court, an 18% increase on the 875 signed in 2016.

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

	Incoming		Resolved	
	2017	2016	2017	2016
High Court*	1,165	1,165	1,082	1,082
Circuit Court	1,911	2,144	1,775	1,985
<b>Total</b>	<b>3,076</b>	<b>3,309</b>	<b>2,940</b>	<b>3,067</b>

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

2. Execution orders issued – on foot of court orders

	Incoming		Resolved	
	2017	2016	2017	2016
Circuit Court	<b>906</b>	<b>845</b>	<b>896</b>	<b>846</b>

3. Execution orders issued – possession cases

	Incoming		Resolved	
	2017	2016	2017	2016
High Court	36	57	36	57
Circuit Court	592	500	587	500
<b>Total</b>	<b>628</b>	<b>557</b>	<b>623</b>	<b>557</b>

4. Judgments registered

JUDGMENTS REGISTERED *				
	Incoming		Resolved	
	2017	2016	2017	2016
High Court; Circuit Court; District Court	2,904	3,239	2,904	3,239
<i>* judgments of High Court, Circuit Court and District Court are registered in High Court Central Office</i>				

5. Judgment mortgage certificates issued

JUDGMENT MORTGAGE CERTIFICATES ISSUED				
	Incoming		Resolved	
	2017	2016	2017	2016
High Court	1,118	1,790	1,118	1,790
Circuit Court	1,216	1,265	1,216	1,265
District Court	1,029	875	1,029	875
<b>Total</b>	<b>3,363</b>	<b>3,930</b>	<b>3,363</b>	<b>3,930</b>

6. Satisfaction piece issued

SATISFACTION PIECE ISSUED				
	Incoming		Resolved	
	2017	2016	2017	2016
High Court	33	35	33	35
Circuit Court	99	75	99	75
District Court	159	58	159	58
<b>Total</b>	<b>291</b>	<b>168</b>	<b>291</b>	<b>168</b>

## 4. APPEALS

APPEALS				
	Incoming		Resolved	
	2017	2016	2017	2016
Circuit Court to High Court	645	425	339	315
District Court to Circuit Court	1,386	1,641	934	1,275
<b>Total</b>	<b>2,031</b>	<b>2,066</b>	<b>1,273</b>	<b>1,590</b>

## 5. CASES STATED

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

	2017		2016	
	Received	Orders made	Received	Orders made
District Court to High Court	25	8	17	18
Revenue (District Court) to High Court	6	4	2	9

## 6. MISCELLANEOUS

### 1. Written judgments

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

WRITTEN JUDGMENTS DELIVERED: HIGH COURT		
	2017	2016
Reserved at 1 January	99	69
Delivered	880	796
Reserved at 31 December	89	99

### 2. Taxation of costs

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

TAXATION OF COSTS		
	2017	2016
High Court		
Summons issued	1,032	815

### 3. Notices of motion

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

NOTICES OF MOTION		
	Issued/dealt with	
	2017	2016
High Court	13,258	12,219
Circuit Court	40,480*	42,719*
<i>* includes adjournments</i>		

### 4. Case progression (family law)

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

Case progression: family law		
	Number of hearings	
	2017	2016
Circuit Court	7,198	4,138

## CRIMINAL BUSINESS

CRIMINAL BUSINESS: BY OFFENCE				
	Incoming		Resolved (orders made)*	
	2017	2016	2017	2016
Serious criminal offences: Central Criminal Court; Special Criminal Court; Circuit Criminal Court	15,789	16,261	16,454	10,040
Misdemeanour and/or minor criminal offences: District Court	391,207	382,325	290,567	284,678
Appeals: Supreme Court; Court of Appeal; Circuit Court	20,094	15,231	34,488	17,215
<b>Total</b>	<b>427,090</b>	<b>413,817</b>	<b>341,509</b>	<b>311,933</b>

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

## DISTRICT COURT

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

The District Court received 391,207 new offences in 2017. Not all offences were proceeded with by the prosecutor. The court made 290,567 orders in respect of the offences that did proceed. It is important to note that there can be more than one order made in respect of an offence. For example, in respect of a road traffic offence a person may receive a fine, an imprisonment and a disqualification.

There were 15,798 offences sent forward for trial to higher courts (the Circuit Court and the Central Criminal Court).

CRIMINAL BUSINESS: DISTRICT COURT					
Categories	Incoming		Resolved: offences: orders made		
	Offences	Defendants	Summary	Indictable dealt with summarily	Sent forward for trial*
Road traffic	233,018	143,198	169,275	976	196
Drugs	23,216	14,692	503	14,233	1,968
Sexual	2,828	498	34	289	2,645
Larceny/fraud/robbery	32,018	14,037	1	22,231	4,975
Public order/assault	38,710	21,954	27,983	1,955	1,789
Other	61,417	42,839	46,364	6,723	4,225
<b>Total</b>	<b>391,207</b>	<b>237,218</b>	<b>244,160</b>	<b>46,407</b>	<b>15,798</b>

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

SUMMARY OFFENCES: OUTCOMES: ORDERS MADE : DISTRICT COURT												
	Dis	S/O	TIC	Fine	Bond	Disq	C/S	Prob	Imp	Susp	Other	Total
Road traffic	4,265	74,948	20,405	39,458	33	11,414	646	1,442	1,370	1,048	14,246	<b>169,275</b>
Drugs	20	163	75	71	13	1	11	41	29	24	55	<b>503</b>
Sexual	5	6	2	7	-	-	1	1	3	6	1	<b>32</b>
Larceny/fraud/robbery	0	0	1	0	0	0	0	0	0	0	0	<b>1</b>
Public order/assault	833	7,637	5,299	5,168	621	2	585	3,017	1,015	653	3,153	<b>27,983</b>
Other	873	17,018	4,701	16,981	178	97	160	2,000	648	393	3,315	<b>46,364</b>
<b>Total</b>	<b>5,996</b>	<b>99,772</b>	<b>30,483</b>	<b>61,685</b>	<b>845</b>	<b>11,514</b>	<b>1,403</b>	<b>6,501</b>	<b>3,065</b>	<b>2,124</b>	<b>20,770</b>	<b>244,158</b>

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

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

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

INDICTABLE OFFENCES DEALT WITH SUMMARILY: OUTCOMES: ORDERS MADE: DISTRICT COURT												
	Dis	S/O	TIC	Fine	Bond	Disq	C/O	Prob	Imp	Susp	Other	Total
Road traffic	24	260	149	66	6	113	25	48	131	53	101	976
Drugs	196	3,301	1,426	2,747	173	8	337	2,015	345	371	3,314	14,233
Sexual	9	197	2	12	2		3	15	5	14	30	289
Larceny/fraud/robbery	502	5,689	3,958	2,059	306	52	628	3,049	2,660	1,474	1,854	22,231
Public order/assault	137	575	51	127	89	3	110	239	135	167	322	1,955
Other	246	2,152	1,087	594	88	5	149	735	601	287	779	6,723
<b>Total</b>	<b>1,114</b>	<b>12,174</b>	<b>6,673</b>	<b>5,605</b>	<b>664</b>	<b>181</b>	<b>1,252</b>	<b>6,101</b>	<b>3,877</b>	<b>2,366</b>	<b>6,400</b>	<b>46,407</b>

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

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

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

SPECIFIC ROAD TRAFFIC OFFENCES: ORDERS MADE : DISTRICT COURT												
	Dis	S/O	TIC	Fine	Bond	Disq	C/S	Prob	Imp	Susp	Other	Total
Dangerous driving	144	1,219	546	455	2	839	42	30	220	90	1,086	4,673
Drink driving	573	1,023	88	2,927	2	3,327	94	23	129	146	340	8,672
Offences attracting penalty points	2,429	23,461	2,517	21,799	10	6,612	424	698	802	686	4,628	64,066
<b>Total</b>	<b>3,146</b>	<b>25,703</b>	<b>3,151</b>	<b>25,181</b>	<b>14</b>	<b>10,778</b>	<b>560</b>	<b>751</b>	<b>1,151</b>	<b>922</b>	<b>6,054</b>	<b>77,411</b>

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

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

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

## Juvenile crime

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

JUVENILE CRIME: ORDERS MADE : DISTRICT COURT												
	Dis	S/O	TIC	Fine	Bond	Disq	C/S	Prob	Imp	Susp	Other	Total
Road traffic	29	206	226	64	2	82	0	99	20	8	37	773
Drugs	5	77	44	13	5	0	0	66	1	1	12	224
Sexual	1	2	0	0	0	0	0	3	0	0	0	6
Larceny/fraud/ robbery	40	216	232	30	25	0	15	150	50	36	74	868
Public order/ assault	39	240	226	41	15	0	8	184	38	25	86	902
Other	28	122	169	20	4	0	2	106	20	21	38	530
<b>Total</b>	<b>142</b>	<b>863</b>	<b>897</b>	<b>168</b>	<b>51</b>	<b>82</b>	<b>25</b>	<b>608</b>	<b>129</b>	<b>91</b>	<b>247</b>	<b>3,303</b>

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

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

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

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

## CIRCUIT COURT

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

### OFFENCES: CIRCUIT COURT

	Incoming		Resolved: offences						
	Offences	Defendants*	Guilty	Trials		N/P	TIC	Quash	Dec
				Convicted	Acquitted				
Road traffic	196	179	520	48	37	177	188	0	2
Drugs	1,955	557	1,158	16	22	620	174	0	2
Sexual	1,440	245	377	131	111	268	111	0	2
Firearms	689	522	415	52	38	198	103	0	1
Larceny/fraud/robbery	4,972	1,107	3,579	106	94	1,204	527	0	0
Assault	1,441	1,000	975	80	107	174	73	0	0
Child abuse	0	0	12	0	1	3	1	0	1
Manslaughter	4	4	0	0	0	2	0	0	0
Other	3,277	1,031	1,424	146	161	424	409	1	31
<b>Total</b>	<b>13,974</b>	<b>4,645</b>	<b>8,460</b>	<b>579</b>	<b>571</b>	<b>3,070</b>	<b>1,586</b>	<b>1</b>	<b>39</b>

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

### OFFENCES: OUTCOMES (FOLLOWING CONVICTIONS) : CIRCUIT COURT

	TIC	Fine	Bond	Disq	C/S	Prob	Imp	Susp	Other	Total
Road traffic	93	15	55	138	8	4	153	53	64	583
Drugs	79	6	318	1	22	32	204	229	298	1,189
Sexual	95	2	108	0	1	21	212	52	18	509
Firearms	57	1	115	1	6	21	108	80	92	481
Larceny/fraud/robbery	362	3	1,141	3	70	76	1,115	628	165	3,653
Assault	41	1	347	4	29	35	284	242	101	1,084
Child abuse	1	0	1	0	0	1	1	4	5	13
Manslaughter	0	0	0	0	0	0	2	0	0	2
Other	217	25	393	7	42	46	445	266	210	1,651
<b>Total</b>	<b>945</b>	<b>53</b>	<b>2,478</b>	<b>154</b>	<b>178</b>	<b>236</b>	<b>2,524</b>	<b>1,554</b>	<b>953</b>	<b>9,075</b>

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

APPEALS (FROM DISTRICT COURT) : CIRCUIT COURT							
Categories	Incoming		Resolved: offences				
	Off	Def	Aff	Var	Rev	S/O	S/O N/A
Road traffic	12,748	8,224	3,258	7,430	6,921	1,345	1,606
Drugs	548	288	192	636	97	166	100
Sexual	23	20	5	9	10	1	1
Larceny/fraud/robbery	1,993	722	845	1,856	191	622	563
Public order/assault	1,456	809	629	1,795	309	383	286
Other	2,045	1,180	781	1,718	846	427	382
<b>Total</b>	<b>18,813</b>	<b>11,243</b>	<b>5,710</b>	<b>13,444</b>	<b>8,374</b>	<b>2,944</b>	<b>2,938</b>

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

### SPECIAL CRIMINAL COURT

The Offences Against the State Act 1939 provides for the establishment of Special Criminal Courts. The Special Criminal Court sits with three judges and no jury. The rules of evidence that apply in proceedings before the court are the same as those applicable to trials in the Central Criminal Court. The Court is authorised by the 1939 Act to make rules governing its own practice and procedure. The second Special Criminal Court commenced sitting in 2016. There were 12 trials in the Special Criminal Court involving 27 defendants in 2017 - an increase on the 8 trials involving 23 defendants in 2016.

SPECIAL CRIMINAL COURT						
Categories	Incoming		Resolved: offences			
	Offences	Defendants	Guilty pleas	Trials		Nolle prosequi
				Convicted	Acquitted	
Membership of illegal organisation	9	9	2	7	0	5
Possession of firearms/ammunition/explosive substance	24	13	13	3	0	1
Murder	10	10	0	2	0	0
Threaten to kill	0	0	2	0	1	0
Other	11	3	4	3	3	4
<b>Total</b>	<b>54</b>	<b>35</b>	<b>21</b>	<b>15</b>	<b>4</b>	<b>10</b>

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

## HIGH COURT: CENTRAL CRIMINAL COURT

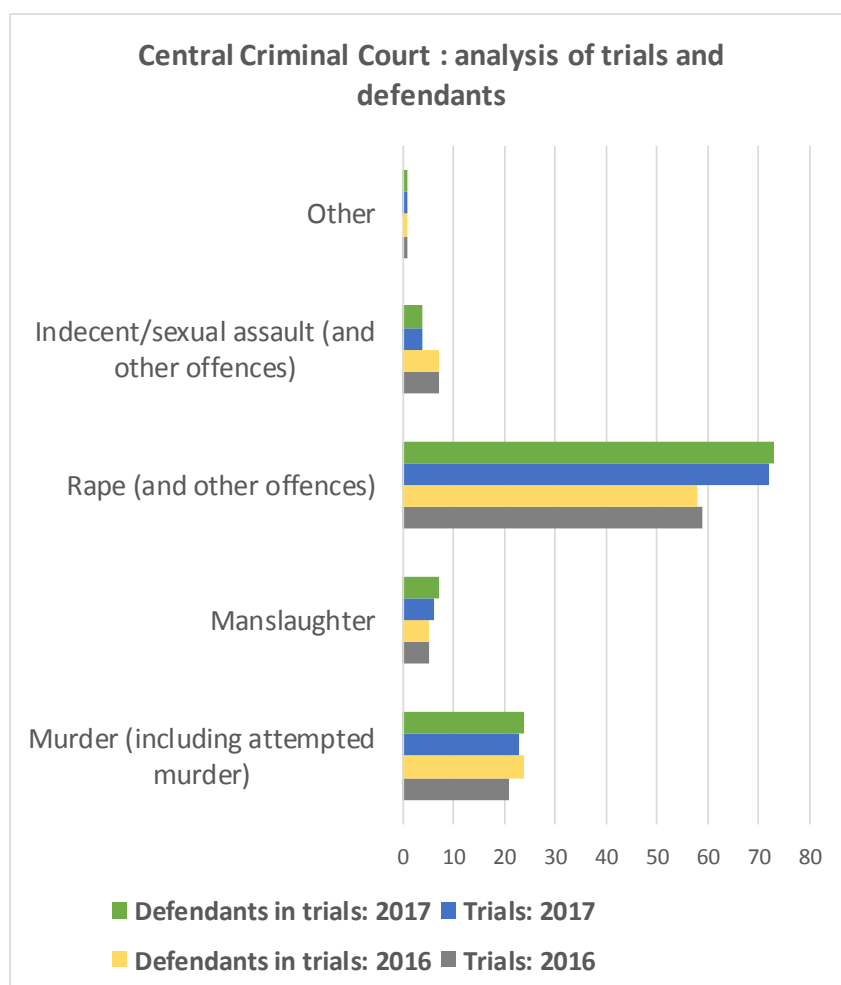
The High Court exercising its criminal jurisdiction is known as the Central Criminal Court. It consists of a judge or judges of the High Court. The court sits at such time and in such places as the President of the High Court may direct and tries criminal cases which are outside the jurisdiction of the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

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

There were 106 trials in the Central Criminal Court involving 109 defendants in 2017 – a 14% increase on the 93 trials in 2016 and a 41% increase on the 73 trials 2015.

### ANALYSIS OF TRIALS AND DEFENDANTS : CENTRAL CRIMINAL COURT

Offence type	Trials	Defendants (in trials)
Murder (including attempted murder)	23	24
Manslaughter	6	7
Rape (and other offences)	72	73
Indecent/sexual assault (and other offences)	4	4
Other	1	1
<b>Total</b>	<b>106</b>	<b>109</b>



CENTRAL CRIMINAL COURT								
Offence type	Incoming		Resolved					
	Off	Def	G/P	Trials	N/P	TIC *	Quash	Dec
Murder (including attempted murder)	41	38	1	26	7	0	0	0
Manslaughter	0	0	10	7	0	0	0	0
Rape (including attempted rape)	755	109	85	536	178	89	0	55
Indecent/ sexual assault	875	54	170	443	234	137	0	53
Assault	19	13	8	9	0	0	0	0
Other **	71	24	15	17	14	3	0	1
<b>Total</b>	<b>1,761</b>	<b>238</b>	<b>289</b>	<b>1,038</b>	<b>433</b>	<b>229</b>	<b>0</b>	<b>109</b>

\* TIC – ‘taken into consideration’ - offences may be taken into consideration where an offender is sentenced on other multiple offences.  
 \*\* includes impeding a prosecution, accessory to manslaughter, false imprisonment, criminal damage, possession of a knife, burglary  
 Key: Off = offences Def = defendants G/P = guilty pleas N/P = nolle prosequi Dec = accused deceased

OFFENCES: RESOLVED: OUTCOME OF TRIALS : CENTRAL CRIMINAL COURT						
Offence type	Convicted	Acquitted	Disagreed	Committal: not guilty by reason of insanity	Taken into consideration/ permanent stay	Total
Murder (including attempted murder)	19	-	4	3	-	<b>26</b>
Manslaughter	7	-	-	-	-	<b>7</b>
Rape (including attempted rape)	241	180	113	-	2	<b>536</b>
Indecent/ sexual assault	153	165	123	-	2	<b>443</b>
Assault	4	4	-	1	-	<b>9</b>
Other	4	12	-	1	-	<b>17</b>
<b>Total</b>	<b>428</b>	<b>361</b>	<b>240</b>	<b>5</b>	<b>4</b>	<b>1,038</b>

OFFENCES: RESOLVED: PENALTIES IMPOSED ON CONVICTION : CENTRAL CRIMINAL COURT				
	Sent F/S	Imp P/S	Imp	Total
Murder	0	0	20	<b>20</b>
Manslaughter	0	11	6	<b>17</b>
Rape	0	163	163	<b>326</b>
Indecent/sexual assault	1	12	307	<b>320</b>
Assault	2	6	4	<b>12</b>
Other	2	5	10	<b>17</b>
<b>Total</b>	<b>5</b>	<b>197</b>	<b>510</b>	<b>712</b>

Key: Sent F/S = sentence fully suspended Imp P/S = imprisonment/detention\* part suspended  
 \* refers to detention of a person under 18 in a detention centre

OFFENCES: RESOLVED: LENGTH OF SENTENCES IMPOSED ON CONVICTION : CENTRAL CRIMINAL COURT					
	Up to 2 years	Over 2 years to 5 years	Over 5 years to 10 years	Over 10 years	Life
Murder	0	0	0	0	20
Manslaughter	0	8	8	1	0
Rape	0	28	155	143	0
Indecent/sexual assault	59	113	148	0	0
Assault	5	7	0	0	0
Other	3	7	5	2	0

Criminal Justice (Victims of Crime) Act, 2017

The Criminal Justice (Victims of Crime) Act, 2017 gives effect to provisions of Directive 2012/29/EU of the European Parliament and of the Council of 25th October 2012 establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA. The sections of the Act commenced on 27th November 2017 included section 36 which requires the Service to (a) compile and store statistical information relating to the operation of the Act and (b) provide that statistical information to the Minister, in such manner as may be specified by the Minister. The Service will compile statistical information on the operation of the Act during 2018.

## COURT OF APPEAL

## Court of Appeal: Civil

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

The court operates a weekly directions list for new appeals which allows the court to case-manage every new appeal lodged. Article 64 appeals are also case-managed, by way of periodic call-over of groups of such cases. Pending inclusion on one of the call-over lists, any party to an Article 64 appeal may apply to have an appeal included in one of the weekly directions lists for the allocation of a hearing date.

Despite the best endeavours of the court to manage the list of new appeals and utilise all available time the figures for 2017 reflect the fact that the number of new appeals lodged (611) exceeds the number of new appeals disposed of (470).

In 2017 a review was undertaken of all pending Article 64 appeals in an effort to ascertain a definitive list of all such appeals which were still 'live' and which required case-management leading to the allocation of a hearing date. Of the 1,355 Article 64 appeals transferred from the Supreme Court, 256 appeals were certified ready to proceed prior to transfer from the Supreme Court. All pending appeals (90) were included in a call-over and hearing dates were allocated to all appeals requiring a date. In addition, and as part of an initiative in December 2017 agreed between the Chief Justice and the President of the Court of Appeal, parties in Article 64 appeals (both certified and uncertified) which had been allocated hearing dates were invited to apply to the Supreme Court to have the transfer order cancelled. Of the 1,355 appeals transferred from the Supreme Court in October 2014 there were 706 pending at 31st December.

## 1. New appeals

## NEW APPEALS : COURT OF APPEAL

Pending at 01/01	Incoming	Resolved	Pending at 31/12
520	611	470	661

## NEW APPEALS: COURT OF APPEAL

Case type	Pending at 01/01	Incoming	Resolved			Pending at 31/12
			In court		Out of court	
			Determined	Withdrawn	Withdrawn	
Article 40/Habeas Corpus	12	10	14	0	0	8
Bail	12	12	19	3	0	2
Chancery	115	119	67	11	12	144
Commercial	44	42	35	2	2	47
Company	10	12	6	0	2	14
Contract	9	19	7	2	0	19
Criminal	21	22	20	1	0	22
Extradition	6	3	3	1	0	5
Family	8	10	4	3	0	11
Insolvency (Corporate)	6	1	2	3	0	2
Insolvency (Personal)	3	11	2	1	0	11
Judicial Review (asylum related)	21	32	25	0	2	26
Judicial review (other)	48	62	29	5	1	75
Personal injury	51	65	31	26	2	57

Plenary	32	40	19	8	2	43
Proceeds of Crime Act	2	3	1	0	1	3
Security for costs	5	4	2	1	0	6
Summary judgment	65	89	36	11	5	102
Other	50	55	35	5	1	64
<b>Total</b>	<b>520</b>	<b>611</b>	<b>357</b>	<b>83</b>	<b>30</b>	<b>661</b>

NEW APPEALS: NATURE OF APPEAL : COURT OF APPEAL	
Expedited	341
Ordinary	270
<b>Total</b>	<b>611</b>

2. Article 64 appeals

ARTICLE 64 APPEALS (APPEALS TRANSFERRED FROM SUPREME COURT)		
Pending at 01/01	Resolved	Pending at 31/12
769	63	706

ARTICLE 64 APPEALS: COURT OF APPEAL						
Case type	Pending at 01/01	Incoming	Resolved			Pending at 31/12
			In court		Out of court	
			Determined	Withdrawn	Withdrawn	
Article 40/Habeas Corpus	6	-	0	0	0	6
Bail	10	-	0	4	0	6
Chancery	142	-	13	5	2	122
Commercial	45	-	0	0	0	45
Company	16	-	0	0	1	15
Contract	1	-	0	0	0	1
Criminal	3	-	1	0	0	2
Extradition	0	-	0	0	0	0
Family	15	-	0	0	0	15
Insolvency (Corporate)	5	-	0	0	1	4
Insolvency (Personal)	17	-	0	0	0	17
Judicial Review (asylum related)	34	-	0	1	1	32
Judicial review (other)	97	-	1	2	4	90
Personal injury	53	-	1	0	4	48
Plenary	92	-	3	0	1	88
Proceeds of Crime Act	8	-	0	0	0	8
Security for costs	2	-	0	0	0	2
Summary judgment	70	-	4	1	2	63
Other	153	-	2	3	6	142
<b>Total</b>	<b>769</b>		<b>25</b>	<b>16</b>	<b>22</b>	<b>706</b>

3. Cases stated

CASES STATED : COURT OF APPEAL		
	Received	Orders made
Circuit Court to Court of Appeal	2	3
High Court to Court of Appeal	1	2
Military Judge to Court of Appeal	0	0
<b>Total</b>	<b>3</b>	<b>5</b>

4. Additional matters

ADDITIONAL MATTERS : COURT OF APPEAL		
	2017	2016
Motions listed before the Court	247	229
Appeals from appellants in person	170 (28%)	162 (27%)
Applications for directions in Article 64 appeals	17	50
Written judgments delivered	181	221
<b>Length of appeal hearing:</b>		
One day or less	461	516
Greater than one day but less than two days	1	2
Two days or more	19	15

Court of Appeal: Criminal

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

In 2017 the process for criminal appeals remained unchanged from previous years. Civil appeals with a custody/criminal element (bail, Article 40/habeas corpus, judicial review and extradition) were accommodated as required without impacting on the waiting time for criminal appeals. Following a review of dormant appeals during the year the waiting time of 666 days from date of issue to date of disposal for 2017 shows a significant reduction from the 2016 figure of 1,582.

There were 282 appeals in respect of 1,281 offences lodged in the Court of Appeal Criminal section in 2017. Comparable figures in 2016 were 333 appeals in respect of 1,099 offences. The Court disposed of 283 appeals in respect of 1,078 offences (329 appeals in respect of 1,109 offences in 2016).

APPEALS: CRIMINAL					
Pending at 01/01	Incoming	Resolved			Pending at 31/12
		In court		Out of court	
		Determined	Withdrawn	Withdrawn	
532	282	216	37	30	531

Court of origin	Appeals		Percentage of appeals	
	2017	2016	2017	2016
Central Criminal Court	62	69	22%	21%
Circuit Criminal Court	202	258	72%	77%
Special Criminal Court	18	6	6%	2%
<b>Total</b>	<b>282</b>	<b>333</b>	<b>100%</b>	<b>100%</b>

APPEALS: OUTCOMES : COURT OF APPEAL					
Court of origin	Conviction	Sentence (severity)	Sentence (leniency)	Other	Total
Central Criminal Court	30	8	3	1	42
Circuit Criminal Court	52	127	49	6	234
Special Criminal Court	5	-	2	-	7
<b>Total</b>	<b>87</b>	<b>135</b>	<b>54</b>	<b>7</b>	<b>283</b>

APPEALS - INCOMING (BY COURT OF ORIGIN) : COURT OF APPEAL				
Categories (by offence)	Incoming			Total
	Central Criminal Court	Circuit Criminal Court	Special Criminal Court	
Assault	5	96	1	102
Drugs/Misuse of Drugs	-	32	-	32
Firearms/weapon/possession of explosives/ammunition	2	24	13	39
Manslaughter	2	-	-	2
Murder	16	-	2	18
Public Order	-	-	1	1
Rape	214	-	-	214
Road Traffic	-	28	-	28
Sexual Offences	163	337	-	500
Theft/Fraud/Robbery	2	285	-	287
Other	5	39	14	58
<b>Total</b>	<b>409</b>	<b>841</b>	<b>31</b>	<b>1,281</b>

APPEALS - RESOLVED (BY COURT OF ORIGIN) : COURT OF APPEAL				
Categories (by offence)	Resolved			Total
	Central Criminal Court	Circuit Criminal Court	Special Criminal Court	
Assault	2	74	-	76
Drugs/Misuse of Drugs	-	36	-	36
Firearms/weapon/possession of explosives/ammunition	2	23	5	30
Manslaughter	2	1	-	3
Murder	18	-	2	20
Public Order	-	11	-	11
Rape	95	-	-	95
Road Traffic	-	52	-	52
Sexual Offences	274	209	-	483
Theft/Fraud/Robbery	7	143	-	150
Other	8	104	10	122
<b>Total</b>	<b>408</b>	<b>653</b>	<b>17</b>	<b>1,078</b>

APPEALS - RESOLVED (BY OFFENCE) : COURT OF APPEAL								
Categories (by offence)	Resolved							
	Conviction	Sentence (severity)	Conviction & sentence	Sentence (leniency)	DPP (dismissal)	MC*	Other	Total
Assault	5	38	8	18	-	-	7	76
Drugs/Misuse of Drugs	1	23	1	7	-	-	4	36
Firearms/weapon/possession of explosives/ ammunition	2	9	3	16	-	-	-	30
Manslaughter	-	2	-	-	-	1	-	3
Murder	16	1	-	1	-	1	1	20
Public Order	1	5	-	5	-	-	-	11
Rape	34	28	27	6	-	-	-	95
Road Traffic	1	38	1	11	-	-	1	52
Sexual Offences	83	55	298	45	-	1	1	483
Theft/Fraud/Robbery	16	91	4	31	-	-	8	150
Other	12	40	32	28	-	-	10	122
<b>Total</b>	<b>171</b>	<b>330</b>	<b>374</b>	<b>168</b>	<b>-</b>	<b>3</b>	<b>32</b>	<b>1,078</b>

\* miscarriage of justice

## SUPREME COURT

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

There was a 16% increase in applications to the Supreme Court for leave to appeal when compared to 2016. There was a doubling of new jurisdiction appeals disposed of but a similar reduction in legacy appeals disposed of. The court operated for half of the year with a reduced complement of six judges (from nine). The court, supported by the Supreme Court Office, endeavoured to maintain average waiting times at a reasonable level but given the nature of its work the court is required to prioritise particular classes of case in particularly urgent circumstances.

The court, under the direction of the Chief Justice, has substantially resolved its legacy backlog of appeals filed prior to the passing of the 33rd Amendment to the Constitution. The small remaining number of old jurisdiction appeals have all been subject to a case management process which will ensure their speedy resolution having regard to the particular circumstances of each case.

The Chief Justice and the court have established detailed case management procedures applicable in court and in the office to ensure that applications and appeals are made ready for determination and/or hearing as efficiently as possible consonant with the requirements of justice in the individual case. These procedures seek to ensure that a significant backlog of applications or appeals does not reoccur.

During 2017 the court delivered judgments on important questions including ones as diverse as the absolute prohibition on an asylum seeker's right to work being inconsistent with the Constitution; the legal consequences of a polygamous marriage entered into in a foreign State; the liability for compensation claims arising from the collapse of Setanta Insurance; whether an estate agent had an assumed liability for an error in a property brochure; and a convicted person's entitlement to the State contributory pension while in prison.

### INCOMING: ORIGIN OF APPLICATIONS FOR LEAVE TO APPEAL

	2017	2016
High Court to Supreme Court	61	28
Court of Appeal to Supreme Court	115	124
<b>Total</b>	<b>176</b>	<b>152</b>

### OVERVIEW : SUPREME COURT

Pending 01/01			Incoming			Resolved			Pending 31/12		
Applications for leave			Applications for leave			Applications for leave			Applications for leave		
Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total
11	33	44	33	143	176	33	127	160	11	49	60
Appeals (legacy)			Appeals (legacy)			Appeals (legacy)			Appeals (legacy)		
Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total
20	107	127	n/a	n/a	n/a	5	75	80	15	32	47
Appeals (current)			Appeals (current)			Appeals (current)			Appeals (current)		
Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total
9	47	56	11	47	58	4	31	35	16	63	79
Total cases			Total cases			Total cases			Total cases		
Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total
40	187	227	44	190	234	42	233	275	42	144	186

OTHER MATTERS : SUPREME COURT			
Matters	2017	2016	2015
Motions listed before the court	30	39	77
Reserved judgments delivered	120	99	155
Applications for leave to appeal from appellants in person	52	52	48
<i>Length of appeal hearing:</i>			
<input type="checkbox"/> One day or less	80	149	141
<input type="checkbox"/> Two days or more	8	25	25
Commissioners for Oaths appointed	13	27	24
Notaries Public appointed	16	26	16

## CASE ANALYSIS

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

CIVIL : CASES APPEALED (FROM FIRST INSTANCE COURTS)							
High Court to Supreme Court		High Court to Court of Appeal		Circuit Court to High Court		District Court to Circuit Court	
2017	2016	2017	2016	2017	2016	2017	2016
0.17%	0.11%	2.3%	2.4%	3.4%	2.4%	2%	2.7%

CRIMINAL: APPEALS (FROM FIRST INSTANCE COURTS) (BY OFFENCE)		
	2017	2016
Special Criminal Court, Central Criminal Court and Circuit Court to Court of Appeal	8%	11%
District Court to Circuit Court	6%	5%

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

CIVIL: COURT OF APPEAL TO SUPREME COURT		
	2017	2016
Applications for leave to appeal	37%	37%
Appeals after leave granted	12%	14%

CRIMINAL : COURT OF APPEAL TO SUPREME COURT		
	2017	2016
Applications for leave to appeal	15%	-
Appeals after leave granted	5%	3%

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

CIVIL : IN DAYS - FROM ISSUE TO DISPOSAL						
	High Court		Circuit Court		District Court	
	2017	2016	2017	2016	2017	2016
All	753	772	534	532	120*	514*
Employment (dismissal)	None	none	333	166	N/A	N/A
Divorce	629	1,176	375	327	N/A	N/A
Commercial	287	-	N/A	N/A	N/A	N/A
Personal Injury	994	-	-	-	-	-
Judicial review	376	-	N/A	N/A	N/A	N/A

\* excludes licensing  
N/A = not applicable

CRIMINAL: IN DAYS - FROM ISSUE TO DISPOSAL - BY OFFENCE : DISTRICT COURT					
Summary		Indictable dealt with summarily		Return for trial	
2017	2016	2017	2016	2017	2016
260	243	366	302	100	86

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

CRIMINAL: CIRCUIT COURT - AVERAGE LENGTH IN DAYS *		
	2017	2016
All	404	413

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

CRIMINAL: CENTRAL CRIMINAL COURT - AVERAGE LENGTH IN DAYS *		
	2017	2016
All	542	865

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

CRIMINAL: SPECIAL CRIMINAL COURT - AVERAGE LENGTH IN DAYS *		
	2017	2016
All	1,039	827

*\* time from receipt of charge sheet to final order*

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

CIVIL: COURT OF APPEAL –APPEALS*		
	2017	2016
All (new appeals and Article 64 appeals)	556	585

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

CRIMINAL : COURT OF APPEAL - APPEALS*		
	2017	2016
All	666	1,582

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

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

SUPREME COURT			
		2017	2016
Legacy	All (issue to disposal)	2,175	1,969
	Certified (from certification date to disposal)	1,472	1,247
	Priority (from priority date to disposal)	1,344	926
Application for Leave Determined (issue to determination date)		127	105
Application for Leave Determined (from papers being ready to determination)		41	20

## WAITING TIMES

### DISTRICT COURT – criminal, civil and family

#### CRIMINAL: WAITING TIME

Summons:

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

Charge sheets:

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

#### CIVIL: WAITING TIME

Applications:

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

#### FAMILY : WAITING TIME

Applications:

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

DISTRICT COURT: WAITING TIMES SHOWN IN WEEKS (UNLESS OTHERWISE STATED) AS AT 31 DECEMBER					
Office	Criminal		Civil	Family Law	
	Summonses	Charge sheets	Applications	Domestic violence applications *	Maintenance /guardianship applications
Athlone	15	N.S.	4-8	N.S.	N.S.
Ballina	15-20	N.S.	6-8	N.S.	N.S.
Bray	20-24	N.S.	8	1-3	3-6
Carlow	20-28	N.S.	14	12	12
Carrick-on-Shannon	12-15	N.S.	4-8	N.S.	N.S.
Castlebar	12	N.S.	12	N.S.	6
Cavan	20	N.S.	8	N.S.	10-12
Clonakilty	15	N.S.	2-4	2-4	2-4
Clonmel	14	N.S.	4-6	2-5	4-12
Cork	15	N.S.	6	10	10
Donegal	12-15	N.S.	4-6	N.S.	N.S.
Dublin	s. 49: 22 ** other: 22	N.S.	12	6	6
Dundalk	14-18	N.S.	8-12	N.S.	4-6
Ennis	12-15	N.S.	8-12	N.S.	4
Galway	16	N.S.	16	4	4-8
Kilkenny	14-18	N.S.	4-6	2-4	4-8
Letterkenny	20-24	N.S.	12-16	N.S.	13
Limerick	19	N.S.	N.S.	9	10
Longford	12-15	N.S.	8	1	4
Loughrea	12	N.S.	10	N.S.	4
Mallow	12-15	N.S.	8	N.S.	N.S.
Monaghan	16	N.S.	8-10	N.S.	N.S.
Mullingar	12-16	N.S.	2-4	N.S.	4
Naas	28	N.S.	8-10	2-4	12-14
Nenagh	22	N.S.	12-16	2-4	16
Portlaoise	12-16	N.S.	12-16	N.S.	8-10
Roscommon	12-15	N.S.	4	N.S.	N.S.
Sligo	12-15	N.S.	8-16	N.S.	N.S.
Tralee	8-12	N.S.	8	4	4
Trim	20-24	N.S.	8-10	10-12	12
Tullamore	16-18	N.S.	8	N.S.	12
Waterford	12	N.S.	4	8	12
Wexford	16	N.S.	6-10	N.S.	6-8
Youghal	12-14	N.S.	8	N.S.	N.S.

\* urgent interim applications are dealt with immediately (that is on next sitting day in every district)  
 \*\* drink driving prosecutions  
 NS = Next sitting of the court  
 Note: details of the sittings of the District Court are available on the website of the Service ([www.courts.ie](http://www.courts.ie))

CIRCUIT COURT – criminal, civil and family

CRIMINAL

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

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

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

CIVIL

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

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

FAMILY

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

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

## CIRCUIT COURT: WAITING TIMES SHOWN IN MONTHS (UNLESS OTHERWISE STATED) AS AT 31 DECEMBER

Office	Criminal			Civil		Family law		
	Trials	Sentences	Appeals	Trials	Appeals	Contested cases	Non-contested cases	Appeals
<b>Carlow</b>	N.S.	6	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.
<b>Carrick on Shannon</b>	6	N.S.	N.S.	3-6	3-6	6	N.S.	N.S.
<b>Castlebar</b>	3-6	N.S.	9	6	N.S.	N.S.	N.S.	N.S.
<b>Cavan</b>	9-12	N.S.	12	18	9	6	N.S.	N.S.
<b>Clonmel</b>	3-6	N.S.	3-6	N.S.	N.S.	N.S.	N.S.	N.S.
<b>Cork</b>	N.S.	N.S.	2	6	6	6-9	N.S.	N.S.
<b>Dublin</b>	14	2	1	4	4	3-5*	2	4
<b>Dundalk</b>	12-18	N.S.	12-18	9-12	N.S.	6-12	N.S.	6-12
<b>Ennis</b>	6	3	3	5	3	6	N.S.	6
<b>Galway</b>	8-10	3	2	N.S.	N.S.	N.S.	N.S.	N.S.
<b>Kilkenny</b>	6-9	N.S.	N.S.	N.S.	N.S.	6	N.S.	N.S.
<b>Letterkenny</b>	6-9	3-6	N.S.	12-18	12	6-9	N.S.	6-9
<b>Limerick</b>	15-18	3-6	N.S.	15-18	3-6	N.S.	N.S.	3-6
<b>Longford</b>	3-6	N.S.	N.S.	3-6	N.S.	N.S.	N.S.	N.S.
<b>Monaghan</b>	9-12	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.
<b>Mullingar</b>	9-12	N.S.	N.S.	6-8	N.S.	6	N.S.	N.S.
<b>Naas</b>	12	N.S.	N.S.	9	N.S.	6	N.S.	6
<b>Portlaoise</b>	3-6	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.
<b>Roscommon</b>	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.
<b>Sligo</b>	6-9	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.
<b>Tralee</b>	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.
<b>Trim</b>	9-12	N.S.	6-9	6-9	6-9	6-9	N.S.	6-9
<b>Tullamore</b>	3-6	N.S.	N.S.	6	N.S.	6	N.S.	N.S.
<b>Waterford</b>	6	9	N.S.	3-6	N.S.	3-6	N.S.	N.S.
<b>Wexford</b>	12	N.S.	6-12	6-12	N.S.	6-12	N.S.	3-6
<b>Wicklow</b>	12	N.S.	12-18	6-9	3-6	6-9	3-6	6

\* 3 months for a guaranteed priority hearing; 5 weeks for a possible hearing (if priority case settles or does not proceed)

NS = Next Sitting of the Court

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

HIGH COURT – civil and family

HIGH COURT: PERSONAL INJURY		
<input type="checkbox"/> Waiting time: Dublin The High Court tries personal injury cases in Dublin every week during court sittings. Cases that are ready for hearing can obtain a date within four weeks		
<input type="checkbox"/> Waiting time in other venues (Note: The High Court tries personal injury cases for a limited number of weeks in each of the venues below): The time from when a case is set down for trial to the date on which it is listed in the selected venue is shown below in months for each venue		
Venue	2017	2016
Cork	14 months	15 months
Dundalk	9 months	6 months
Galway	2 months	2 months
Kilkenny/Waterford	5 months	7 months
Limerick	10 months	6 months
Sligo	4 months	4 months

HIGH COURT: INSOLVENCY (CORPORATE)			
Nature of application	Waiting time	2017	2016
Applications to appoint examiner	The time from the issue of a petition to the allocation of the first return date before the High Court	Date immediately available	Date immediately available
Applications to wind up company	The time from the issue of a petition to the allocation of the first return date before the High Court	3 weeks	3 weeks

HIGH COURT: OTHER CORPORATE APPLICATIONS			
Nature of application	Waiting time	2017	2016
Restrict directors	The time from the issue of a notice of motion to the first return date before the High Court	4 weeks	4 weeks

HIGH COURT: INSOLVENCY (PERSONAL)			
Nature of application	Waiting time	2017	2016
Applications to issue summons	The time from the issue of a summons/petition to the first return date before the High Court	Date immediately available	Date immediately available
Applications for adjudication	The time from the issue of a summons/petition to the first return date before the High Court	Date immediately available	Date immediately available

HIGH COURT: COMMERCIAL LIST (PROCEEDINGS DEFINED IN ORDER 63A RULE 1 RULES OF THE SUPERIOR COURTS)			
Nature of application	Waiting time	2017	2016
Liberty to enter list (motion)	The time from the issue of a summons to the first return date before the High Court	Date immediately available	Date immediately available
Full hearing	The time from the first return date to the date of the full hearing	1 week to 6 months depending on time required for a hearing	1 week to 4 months depending on time required for hearing

HIGH COURT: COMPETITION LIST			
Nature of application	Waiting time	2017	2016
Monday motion list	The time from the issue of a notice of motion to the first return date before the High Court	3 weeks	3 weeks

HIGH COURT: CHANCERY MATTERS COMMENCED BY PLENARY SUMMONS OR SPECIAL SUMMONS (INCLUDING INJUNCTION APPLICATIONS, COMPANY LAW MATTERS, SPECIFIC PERFORMANCE / RESCISSION OF CONTRACTS, ADMINISTRATION OF ESTATES OF DECEASED PERSONS, TRUST ACTIONS)			
Nature of application	Waiting time	2017	2016
Monday motion list	The time from the issue of a notice of motion to the first return date before the High Court	3 weeks	4 weeks
Hearing of certified cases	The time from when a case is certified ready for hearing to the allocation of the first date for hearing before the High Court	4 months	4 months
Special summonses (Master's Court)	The time from the issue of a summons to the first return date before the Master of the High Court	4 weeks	4 weeks
Special summonses (High Court)	The time from the date of transfer from the Master's Court to the first return date before the High Court	3 weeks	3 weeks

HIGH COURT: POSSESSION			
Nature of application	Waiting time	2017	2016
Special summons for possession	The time from the issue of a summons to the first return date before the Master of the High Court	4 weeks	4 weeks
Full hearing	The time from the date of transfer from the Master's Court to the first return date before the High Court	3 weeks	3 weeks

HIGH COURT: MORTGAGE SUITS			
Nature of application	Waiting time	2017	2016
Special summons for well charging order	The time from the issue of a summons to the first return date before the Master of the High Court	4 weeks	4 weeks
Full hearing	The time from the date of transfer from the Master's Court to the first return date before the High Court	3 weeks	3 weeks

HIGH COURT: NON-JURY (BREACH OF CONTRACT, PROFESSIONAL NEGLIGENCE, DEBT COLLECTION)			
Nature of application	Waiting time	2017	2016
		Miscellaneous (motions that require more time than they can be given in the Monday list)	The time between listing in the common law list and hearing in the non-jury List
Full hearing – cases less than one week in duration	The time from when a case is certified ready for hearing to the allocation of the first date for hearing before the High Court	11 months	10 months
Full hearing – cases more than one week in duration	As above	11 months (2 months for parties willing to travel to Cork)	10 months (3 months for parties willing to travel to Cork)

HIGH COURT: JUDICIAL REVIEW: ASYLUM RELATED		
Nature of application	Waiting time	
	2017	2016
Pre-leave	1 week	4 months
Post leave	4 months	4 months

HIGH COURT: JUDICIAL REVIEW: OTHER		
Nature of application	Waiting time	
	2017	2016
Pre-leave	Application made ex parte on any Monday	Application made ex parte on any Monday
Post leave	6 months	5 months

HIGH COURT: JURY (DEFAMATION; FALSE IMPRISONMENT; ASSAULT)		
Waiting time	2017	2016
The time from when a case is certified ready for hearing to the allocation of the first date for hearing before the High Court	7 months	2 months

HIGH COURT: GARDA COMPENSATION ACT			
Nature of application	Waiting time	2017	2016
		Special summons	The time from the issue of a summons to the first return date before the Master of the High Court
Full hearing	The time from the date of transfer from the Master's Court to the first return date before the High Court	5 weeks	5 weeks

HIGH COURT: PROCEEDS OF CRIME ACT		
Waiting time	2017	2016
The time from receipt of application to hearing	Date immediately available	Date immediately available

HIGH COURT: MASTER'S COURT			
Nature of application	Waiting time	2017	2016
		Motions	The time from the issue of a notice of motion to the first return date before the Master

HIGH COURT: COMMON LAW MOTIONS		
<b>Waiting time</b>	<b>2017</b>	2016
The time from the issue of a notice of motion to the first return date before the High Court	5 weeks	4 weeks

HIGH COURT: FAMILY		
Nature of application	Waiting time	
	2017	2016
Urgent applications	Within 3 weeks	Within 3 weeks
Non-contested cases	Within 3 months	Within 3 months
Contested cases	Within 3 months	Within 3 months
Applications under Hague Luxembourg Convention	Case must be dealt with within 6 weeks	Case must be dealt with within 6 weeks
Appeals from Circuit Court	Within 3 months	Within 3 months

HIGH COURT – criminal

HIGH COURT – CENTRAL CRIMINAL COURT		
Murder and rape trials (Central Criminal Court)	The time from the first listing of a case before the Central Criminal Court on return for trial from the District Court, to the trial date	
Bail applications	The date from the issue of a notice of motion to the date the matter is first listed before the High Court	
	<b>2017</b>	2016
Murder and rape trials	11.5 months	13 months
Bail	Date immediately available	Date immediately available

SPECIAL CRIMINAL COURT

<b>Waiting time:</b>	<b>2017</b>	2016
The time from when a charge sheet is received to the trial date	11 months	15 months

COURT OF APPEAL - civil

<b>Waiting time:</b>		
The time from when an appeal is entered into the court list to the date of hearing		
	<b>2017</b>	2015
Appeals	20 months	18 months*
Fast tracked short appeals	10 months	9 months**
<i>* appeals requiring more than two hours    **depends on time available</i>		

COURT OF APPEAL - criminal

<b>Waiting time:</b>		
The time from when an appeal is entered into the court list to the date of hearing		
	<b>2017</b>	2016
Appeals	21 weeks	16 weeks
Article 40/habeas corpus appeals	4 weeks (or less)	4 weeks (or less)
European Arrest Warrant / Judicial Review appeals	During the subsequent legal term (if no time available within the current legal term)	Within the current legal term

SUPREME COURT

<b>Nature of application</b>	<b>Waiting time</b>	<b>2017</b>	2016
Applications for leave to appeal	The time from the filing of complete documentation to the determination of the application	6 weeks	3 weeks
Appeals	The time from the determination of the leave application to the hearing of the appeal	54 weeks	38 weeks
Remaining legacy appeals	The time from the filing of complete documentation to the hearing of the appeal	48 months	41 months

## CHAPTER 4 | CORPORATE GOVERNANCE

High standards of governance in State bodies contribute to the overall economic efficiency of the State. The Service has strong governance arrangements in place at organisational and Board level providing a framework of rules and practices to ensure accountability, fairness and transparency across organisational activities. These arrangements evolve, in accordance with best practice, as the needs of the organisation and the needs of those who use the courts develop.

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

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

### *Corporate Governance Standard for the Civil Service*

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

#### *Framework Document*

The Service published a framework document in April 2016 which reflects the responsibilities, structure and governance of the organisation in line with the Corporate Governance Standard. It sets out the statutory framework for the Service as set out in the Courts Service Act 1998, the structure of the organisation, the role of the Board, Committees of the Board, the Chief Executive and Senior Management Team and the governance and accountability/assurance arrangements already in place.

It is accepted good practice that the framework document be reviewed periodically. The establishment of the new Board in November afforded the Service an appropriate opportunity to review the framework document. A full review was carried out and it was considered that the provisions of the document comply with best practice and the Corporate Governance Standard.

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

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

The Board considered a number of reports on the implementation of the revised code and received a presentation on the code and the key provisions in relation to the governance of the Service at a special governance meeting in January. The Board reviewed the compliance level of the organisation with reference to the provisions of the code and considered additional measures which would enhance the governance arrangements in place. A subsequent gap analysis found that the Board and the Service already

have strong governance arrangements in place and was substantially compliant with the main provisions of the code. It also identified a number of measures which would enhance the governance of the organisation, both in relation to the Board and the Audit and Risk Committee.

The Board approved the following additional governance arrangements during 2017:

- Terms of reference for the Board
- Outlines of the roles of chairperson, board member, chief executive and secretary
- Annual self evaluation by board members with an external review every three years
- Periodic disclosure of interests by board members and the establishment and maintenance of a confidential register of interests
- Formal induction training and ongoing training to be provided to board members
- Publication of the code of conduct for board members on the website of the Service
- Revised letter of appointment to issue to new board members.

The Board also approved a number of revised governance arrangements for the Audit and Risk Committee including revised terms of reference and a revised work plan to take account of the provisions of the code.

The Chief Executive provides an annual report on behalf of the Board for the Minister for Justice and Equality providing assurance on compliance with the code. This report was amended to take account of the provisions of the revised code and submitted to the Minister in June 2017.

#### *Oversight Agreement between the Service and the Department of Justice and Equality*

The CPGSB requires that government departments should have oversight agreements in place with State bodies under their aegis. An oversight agreement for 2017 was in place between the Service and the Department of Justice and Equality. The agreement clearly defines the relationship between the Service and the Department. Its objective is to enhance the working relationship between the Service and the Department and support the Service in carrying out its functions. The agreement also contains a Performance Delivery Agreement which sets out agreed high level goals and objectives and allows for assessment of performance through review of agreed mutual commitments, annual targets and output and outcome indicators.

## Organisation overview

### *Courts Service Board*

The Service is governed by a Board consisting of a chairperson and 17 other members. The Board is responsible for determining policies for the Service and for overseeing their implementation. It performs these functions directly and through the committees of the Board.

In accordance with the Courts Service Act, 1998 the term of office of the Board is three years. The membership of the Board expired on 8th November 2017 with the current Board established on 9th November. The Service sought nominations to the Board from the Minister for Justice and Equality, the judiciary, the Bar of Ireland, the Law Society and the Irish Congress of Trade Unions. Arrangements were also made for the election of a staff member to the new Board in accordance with the regulations put in place by the Minister. At year end arrangements to fill two outstanding vacancies were being made by the Public Appointments Service.

The Service prepares a strategic plan which is submitted to the Minister for approval. The plan sets out the strategic direction for the Service and places continuing emphasis on the implementation of the transformation programme and ensuring value for money. It is translated into detailed business work programmes through annual corporate business plans and unit business plans. This in turn is supported by corporate and business unit risk registers. The Strategic Plan for the period 2014-2017 was approved by the

Board in October 2014 and subsequently approved by the Minister. The Strategic Plan for the period 2017-2020 was approved by the Board in October. It was awaiting approval by the Minister at 31st December 2017.

The Board reviews and monitors the implementation of the strategic plan and approves an annual corporate business plan to ensure a focussed approach to achieving the goals and objectives set out in the strategic plan. The corporate business plan is reviewed twice yearly by the Board with performance assessed by reference to the plan. The Board approves the annual budget for the Service and considers reports on budget and expenditure at each meeting. The Board also considers reviews of expenditure carried out throughout the year.

THE BOARD APPROVED THE FOLLOWING ANNUAL CORPORATE DOCUMENTS:	APPROVED BY THE BOARD
Corporate Business Plan 2017	February 2017
Annual Report 2016	June 2017
Corporate Risk Register 2017	February 2017
Annual return to Minister for Justice and Equality under the CPGSB	June 2017
Strategic Plan 2017-2020	October 2017

The Board may appoint committees to advise it in relation to the performance of its functions as it thinks fit. The composition and membership of committees is kept under review by the Board. Following the establishment of the Board on 9th November, the following committees were re-established: Finance Committee, Audit and Risk Committee, Building Committee and Family Law Court Development Committee.

The Board is responsible for the engagement of legal advisors, investment advisors and fund managers. It approves proposals for contracts and arrangements including the acquisition or disposal of any interest in land or property with a value in excess of €5m, proposals for leases for periods in excess of four years and nine months irrespective of value and proposals for contracts for consultancy in excess of €500,000. During 2017 the Board approved the award of contracts for the lease of Dolphin House Family Law Court building, the procurement of cleaning and caretaking services and an extension of the managed ICT infrastructure support service. Prior to the consideration of any procurement proposals by the Board or committees of the Board, the chairperson, as a matter of good governance, requests that any member who considers that they have an interest which might represent a conflict in their consideration of the proposal, absent themselves from discussion on the matter. The minutes record any such declarations or abstentions.

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

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

In the development of the policies of the Service and oversight of the implementation of those policies, the Board also considered, approved or noted reports on the courthouse building projects and the proposed development of a family law and children court complex in Dublin. The Board also approved the Workforce Plan for the Courts Service 2017-2019, the Courts Service Information Security Policy, the Review of Judicial Assistants and a Review of the Methodology for the Proposed Closure of Court Venues.

The Board also considered a report on the review of the operation of the Board and its committees during 2017 and kept its operating procedures and those of the committees under review.

The Board held meetings on 6th February, 3rd April, 26th June, 9th October and 11th December with an overall attendance rate of 82%.

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

MEETINGS OF COMMITTEES OF THE BOARD	
Finance Committee	30 January, 27 March, 19 June, 3 October, 4 December
Audit Committee	20 February, 27 March, 19 June, 2 October
Building Committee	26 January, 28 March, 15 June, 3 October
Family Law Court Development Committee	16 January, 27 February, 15 May, 24 July

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

## Roles and responsibilities

### *Chief Executive Officer*

The Chief Executive Officer is responsible for the implementation of policies approved by the Board and the day-to-day management of the staff, administration and business of the Service. He prepares an annual budget for approval by both the Finance Committee and the Board with support from the Senior Management Team. He provides regular updates to the Board, the Finance Committee and other Committees of the Board, in regard to the management of the Service, implementation of policy, progress on the strategic plan and the modernisation agenda of the Service.

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

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

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

### *Appropriation Account*

The Appropriation Account is the annual financial account of the Service and is furnished to the Comptroller and Auditor General on or before 31st March each year. It is compiled on foot of approved estimates by the Oireachtas and is prepared by the Chief Executive. An extract from the Appropriation Account 2017 submitted to the Comptroller and Auditor General is on page 116.

### *Internal Financial Control*

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

The Statement of Internal Financial Control (SIFC) signed by the Chief Executive Officer for the purpose of the Appropriation Account addresses the internal control environment within the Service with particular regard to the financial control environment, the framework of administration, management reporting and internal control. It includes a statement of compliance with procurement guidelines and confirmation that the Service has an audit committee and internal audit function. In keeping with Government policy, a number of administrative functions of the Service, such as payroll and human resources, are now performed by the National Shared Service Office (NSSO). As part of the Appropriation Account process and for the signing of the SIFC by the Chief Executive, the accounting officer for the NSSO provides a letter of assurance as to the adequacy of controls systems in place within the NSSO for the provision of shared services to the Service.

In the case of internal controls, systems can provide only reasonable and not absolute assurance against material misstatement or loss. Breaches of controls, in particular instances of fraud or irregularity, must be brought to the attention of the Comptroller and Auditor General in accordance with public financial procedures. The Service made a nil return in respect of such incidences in 2017. The Service has a policy statement on the prevention and detection of fraud with all cases irrespective of value being reported to the Resource Management Directorate, the Senior Management Team and the Audit and Risk Committee.

### *Budget Management*

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

### *Performance budgeting*

The Service complies with the performance budgeting format which identifies key outputs, context and impact indicators for the Service. The performance budgeting targets for the Service for 2017 were set out in the Revised Estimates Volume. The key outputs highlighted the work to be undertaken to deliver on the goals set out in the Strategic Plan of the Service, the progress in respect of which is referred to in chapter 2.

## Audit and Assurance arrangements

### *Audit and Risk Committee*

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

The committee held four meetings in 2017 at which it reviewed and considered a wide range of reports. The Head of Internal Audit and the Head of Resource Management and Chief Risk Officer attend all meetings of the committee. Other Heads of Directorates and senior managers attend meetings of the Committee in relation to matters within their remit. The Chief Executive also meets with the committee to discuss issues of interest and concern and deal with any queries the committee might have.

In accordance with best practice, as part of the Board oversight of the Audit and Risk Committee, the Chief Justice, in her capacity as chairperson of the Board, carried out an appraisal of the chairperson of the Audit and Risk Committee in 2017. The appraisal reviewed the role of the Chairperson in relation to the operation, structure and effectiveness of the committee. It found that the chairperson was fulfilling his role in an effective and appropriate manner resulting in a high functioning committee.

The Board considered the annual report of the Audit and Risk Committee 2016 at its meeting in April 2017.

#### *Internal Audit Function*

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

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

All audit reports are submitted directly to the Chief Executive and to the Audit and Risk Committee who also receive periodic reports showing progress against the plan. The unit completed 12 audits during the year.

The Internal Audit Charter of the Service was reviewed during the year. The revised charter was considered by the Audit and Risk Committee and approved by the Board in April.

#### *External audit*

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

#### *Risk Management*

Risk management is an essential element of governance in the Service. Risk is defined as any threat to the achievement of objectives. The Service further recognises that the level of risk that is tolerable is dynamic and depends upon many factors including external factors, potential benefits, the nature of operations and the appetite of the Service for risk – any of which may vary over time. Therefore, the risks facing the Service are kept constantly under review.

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

The key principals of the CPGSB and the Risk Management Guidance for Government Departments and Offices (2016) have been adopted by the Service. A risk management policy is in place and approved by the Board with guidelines in place to support the policy.

The risk management framework and policy provides for a planned and systematic approach to identifying and managing a range of risk categories: financial, service delivery, infrastructure (buildings and ICT),

people, compliance and governance and projects. The Chief Risk Officer is a member of the Senior Management Team and reports directly to the Audit and Risk Committee and the Board. Risks are identified at corporate and business unit level and managed accordingly by assigning responsibility to the relevant directorate and office manager.

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

A comprehensive review of existing risks and actions was undertaken during the year in line with the risk management policy and by way of refreshing the corporate risk register.

#### *Protected Disclosures Act 2014*

The Board maintains a role in relation to oversight of the operation of the policy of the Service under the Protected Disclosures Act 2014. (see page 32)

#### *Procurement*

The Service is obliged to comply with the principle of competitive tendering in respect of its expenditure for works, supplies and service contracts. A competitive procurement process is required to be carried out in an open, objective and transparent manner which achieves value for money.

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

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

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

During 2017, the Service entered into 17 new contacts. They include: Bord Gais Energy Limited (supply of electricity); Datapac (ICT consumables); Wordwave (DAR transcription services); Topaz Energy (bulk liquid fuels); Energia (supply of electricity); Club Travel Limited (foreign travel management fee); and Accent (cleaning and caretaking). In addition, training for staff on procurement was arranged on three occasions.

*The Service continues to ensure, in so far as possible, compliance with EU and national guidelines in the area of procurement.*



## CHAPTER 5 | ANNUAL FINANCIAL STATEMENTS

### FINANCIAL HIGHLIGHTS

EXPENDITURE & INCOME	2017 €'000	2016 €'000
Current expenditure:		
Pay	50,052	48,998
Non-Pay	28,611	26,936
<b>Total Current</b>	<b>78,663</b>	<b>75,934</b>
Capital expenditure	54,452	36,431
<b>Total gross expenditure</b>	<b>133,115</b>	<b>112,365</b>
<b>Total Income</b>	<b>48,061</b>	<b>47,780</b>
<b>Expenditure net of income</b>	<b>85,054</b>	<b>64,585</b>

COURT FUNDS	2017	2016
Funds managed on behalf of court, minors and other beneficiaries at 30th September	€1.842 billion	€1.676 billion

FINANCIAL OPERATIONS	2017 €'000	2016 €'000
Fines collected	10,470	10,405
Family law receipts	17,236	17,630
Bail receipts	2,962	2,510
Court fees collected (and retained)*	44,806	44,336
Poor box receipts	2,007	1,720
Civil court and small claims receipts	1,564	688
<b>Total</b>	<b>79,045</b>	<b>77,289</b>

\* excludes miscellaneous income and the pension levy

### FINANCIAL OVERVIEW

For 2017 total funding net of receipts was €92.252m. This reflects a gross allocation of €140.080m combined with total receipts of €47.828m. Operating within the funding parameters and the achievement of a balanced budget is a requirement under Government accounting guidelines.

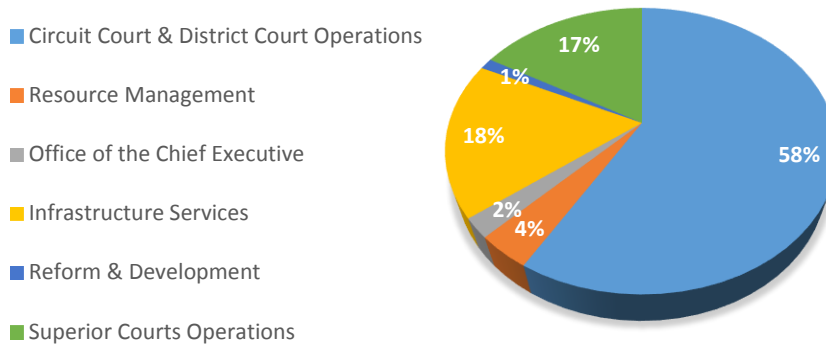
The composition of funding, reflects that 36% is attributable to pay, with 20% relating to the day-to-day operation of the Service, 32% to the Unitary Charges including the upfront construction VAT on the Public Private Partnership (PPP) bundle of the provincial building projects and the balance of 12% for both ICT and courthouse capital.

The outturn for 2017 saw the achievement of a balanced budget, with total gross expenditure of running the Service of €133.115m. This compares with €112.365m in 2016. Expenditure for 2017 compared with that of 2016 can be broken down between total current expenditure, totalling €78.663m (€75.935m for 2016) and total capital expenditure, including PPP of €54.452m (€36.431m in 2016).

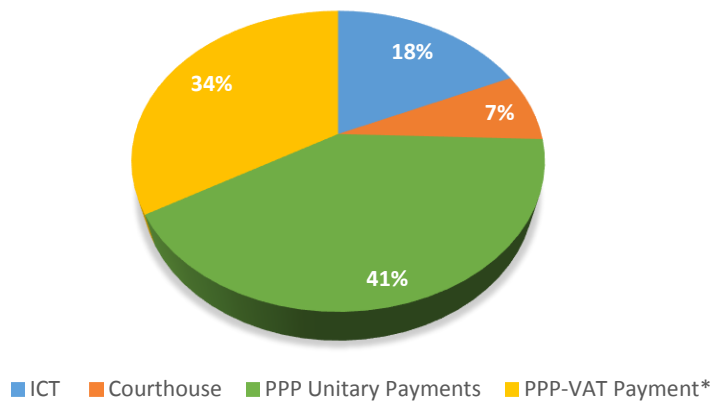
The funding of the Service is supplemented by court fee income which represents the main source of receipts for the Service. In 2017 this amounted to €44.806m (€44.336m in 2016). In addition to court fee income, the Service receipts include miscellaneous income and a pension levy.

Court fee income relates to the administrative charge for the processing of civil claims. It represents 34% of the total cost of running the Service in 2017.

Current Expenditure by Directorates - 2017 - total spend €78.6m



Capital Expenditure 2017 - total spend €54.4m

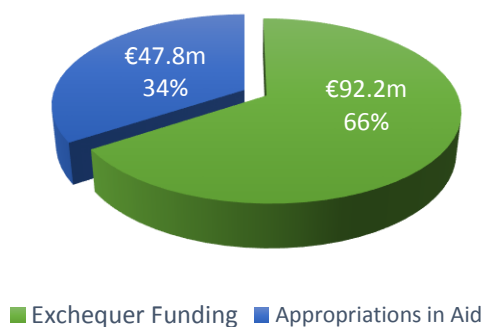


\* This represents the upfront VAT payment on the construction of the PPP Bundle projects which was a once off item in 2017

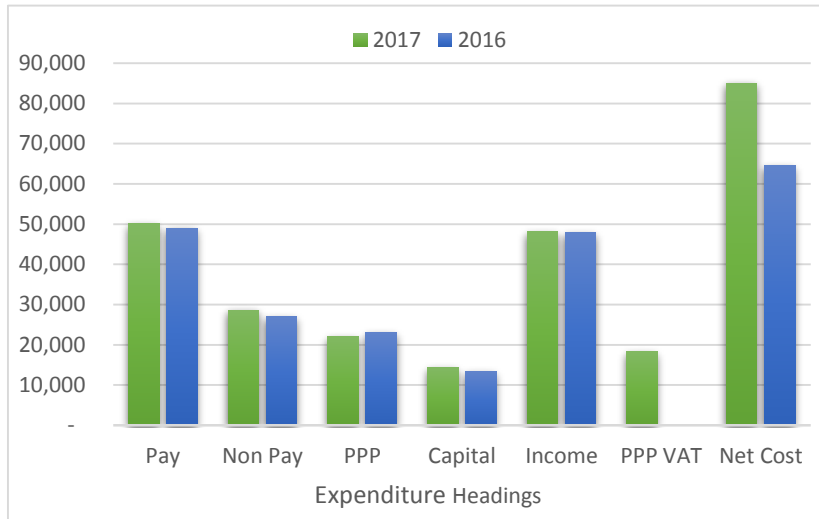
## SOURCES OF FUNDING

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

Sources of funding 2017 - total funding €140,080m



Expenditure / Income Analysis 2017 v 2016



Court fees

Court fees are charged in respect of legal documents lodged and services provided in court offices.

The Service also collects fees on behalf of the Revenue Commissioners and the Property Registration Authority. The fees collected on behalf of the Revenue Commissioners include excise duties on certain licensing applications.

COURT FEES	2017 € '000	2016 € '000
Retained by the Courts Service *	44,806	44,336
Revenue Commissioners	4,934	4,935
Property Registration Authority	0	1 **
<b>Total</b>	<b>49,740</b>	<b>49,272</b>
* court fees only		
** understated in Annual Report 2016		

## Extract from Appropriation Account

EXPENDITURE AND INCOME	2017 €'000	2016 €'000
<b>Current Expenditure</b>		
Salaries and wages	50,052	48,998
Travel and subsistence	3,072	2,768
Staff and judicial training	684	594
Digital audio recording and other fees	2,354	2,622
Legal services	773	696
Postal services	1,187	1,100
Telecommunications	1,650	935
Office equipment and materials	982	643
Courthouse maintenance	7,626	7,321
Heat, light and fuel costs	2,523	2,529
Furniture and fittings	296	260
Leases	4,806	5,173
Consultancy ( non-I.T related)	93	84
Incidental/ miscellaneous costs	2,565	2,210
<b>Total Current Expenditure</b>	<b>78,663</b>	<b>75,934</b>
<b>Capital Expenditure</b>		
Computer and telecommunications systems	9,933	9,123
Courthouses and other buildings	3,992	4,223
PPP – Unitary payment	22,338	23,085
PPP – VAT payment	18,189	-
<b>Total Capital Expenditure</b>	<b>54,452</b>	<b>36,431</b>
Total Gross Expenditure	133,115	112,365
<b>Income (Appropriations - in - Aid)</b>		
Fees	44,806	44,336
Miscellaneous	1,478	1,497
Pension levy	1,777	1,947
<b>Total Income</b>	<b>48,061</b>	<b>47,780</b>
<b>Total Net Expenditure</b>	<b>85,054</b>	<b>64,585</b>

Note: The figures are provisional and subject to audit by the Comptroller and Auditor General.

## Prompt Payment of Accounts Act, 1997

*Payment practices*

Prompt payment interest provides for the payment of interest to suppliers for invoices not paid within 30 days. The Service has procedures in place to ensure that all invoices are paid within the time limits identified on the invoices or, if no time limit is specified, within the statutory time limit. While the procedures have been designed to ensure compliance with the act, they only provide reasonable and not absolute assurance against material non-compliance with the act.

*Prompt payment interest*

Prompt payment interest and compensation is paid to suppliers in respect of invoices not paid within 30 days of receipt. In 2017, the total amount paid out in respect of late payments was €4,907.15

LATE PAYMENTS			
Year	Interest amount	Compensation amount	Total
2017	€397.15	€4,510.00	<b>€4,907.15</b>
2016	€1,428.58	€4,780.00	<b>€6,208.58</b>

#### 15-day payment requirement

The Service makes every effort, consistent with proper financial procedures, to ensure that all suppliers are paid within 15 days.

PROMPT PAYMENT QUARTERLY RETURNS BY GOVERNMENT DEPARTMENTS				
Agency: Courts Service				
Year	% of overall total value paid within 15 days	Value of payments within 15 days	% no. of payments within 15 days	No. of payments within 15 days
2017	77%	€39,338,571	72%	6,840
2016	89%	€47,609,245	76%	7,376

#### Court funds office – court funds

The Courts Service, in accordance with the Courts Service Act 1998, is responsible for the management and administration of the courts and the provision of support services for judges. It is in this capacity that the Service has a role in the management and investment of court funds, which are held in trust by the courts. These funds are invested in line with the provisions of the Trustee (Authorised Investments) Act, 1958 and subsequent orders.

At the 30th September 2017 the Accountant's Office was managing €1.842 billion (€1.675 billion at 30th September 2016) in a fiduciary capacity on behalf of more than 20,800 beneficiaries. 2,909 of these beneficiaries are persons who have been declared wards of court (2016: 2,850) with funds valued at €1.271 billion as at 30th September 2017 (2016: €1.142 billion). A further 16,200 (2016: 15,394) are minors with funds valued at €323 million (2016: €299 million). The remainder mostly consist of cases pending further court orders, Residential Redress Board cases, lodgements with defence case types and the Insurance Compensation Fund.

This is further analysed between the three court jurisdictions in table 1. The increase in the total value of funds by €166 million (9.9%) is attributable to a net increase from investment performance of €54 million for the year (€37 million in 2016) and an increase in net capital transactions of €112 million (€105 million in 2016) (i.e. net excess receipts over disbursements).

*Table 1: Total net assets under management - by jurisdiction*

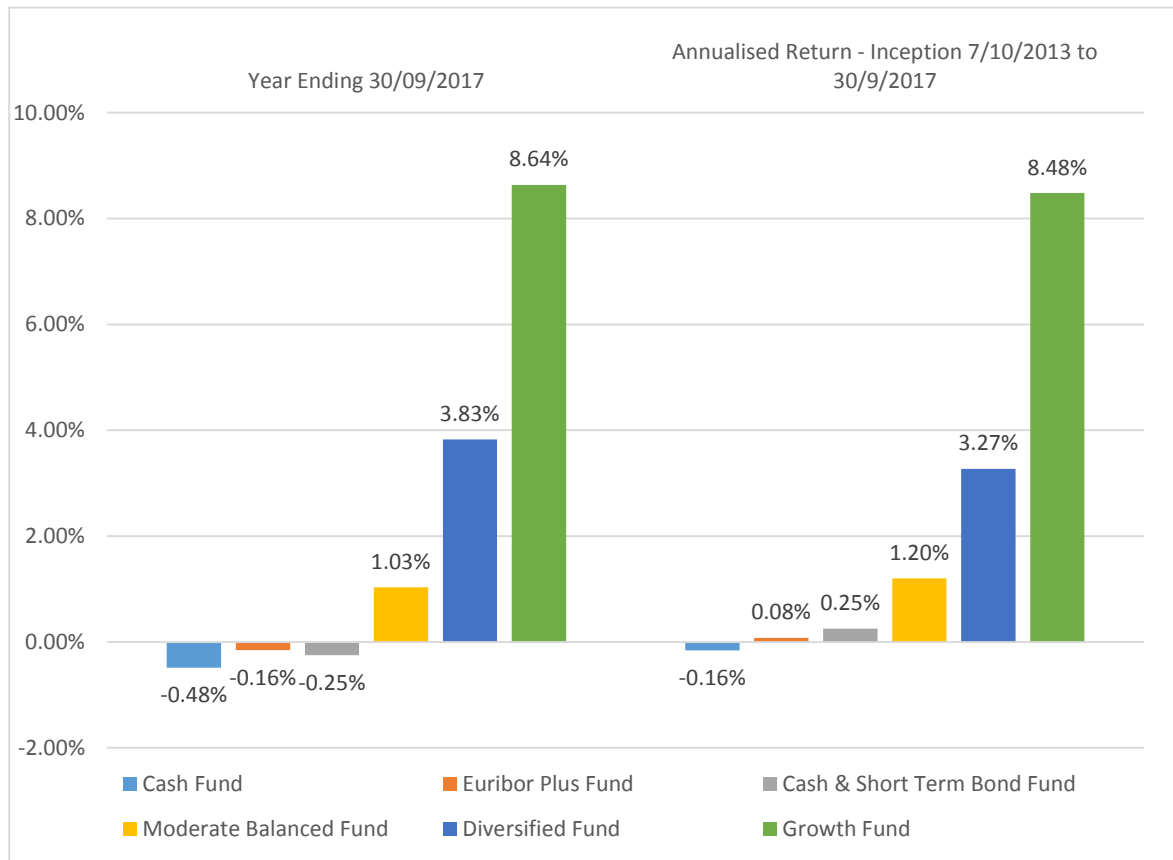
	NET ASSETS € AT 30/09/2016	%	NET ASSETS € AT 30/09/2017	%	% INCREASE IN NET ASSETS
High Court	1,520,000,522	90.7%	1,668,618,164	90.6	+9.8%
Circuit Court	142,448,850	8.5%	155,389,485	8.4%	+9.1%
District Court	13,310,912	0.8%	17,892,357	1.0%	+34.4%
<b>Total</b>	<b>€1,675,760,284</b>	<b>100%</b>	<b>€1,841,900,006</b>	<b>100%</b>	<b>+9.9%</b>

#### Investment performance

Table 2 shows the investment performance, net of fees, for all existing strategies for the financial year from 1st October 2016 to 30th September 2017. It also shows the annualised performance since inception of the current range of funds in October 2013. The net returns, after management fees and custodian and

administration fees, were as follows: Cash Fund (-0.48%), Euribor Fund (-0.16%), Cash & Short Bond Fund (-0.25%), Moderate Balanced Fund (+1.03%) and Growth Fund (+8.64%).

Table 2: Spectrum Funds Investment Performance (Net of Fees)



Note: Full details are contained in the annual report of the Financial Statements of the Accountant of the Courts of Justice for the year ending 30th September 2017 available on [www.courts.ie](http://www.courts.ie).

## The Office of the Accountant of the Courts of Justice

Extract from the audited financial statements as at 30th September 2017

## STATEMENT OF FINANCIAL POSITION AT 30 SEPTEMBER 2017

	30/9/2017	30/9/2016
	€	€
Financial assets at fair value through profit or loss	1,799,990,726	1,628,406,846
<b>CURRENT ASSETS</b>		
Debtors	23,866,214	24,405,953
Cash and cash equivalents	19,456,978	24,165,674
<b>TOTAL CURRENT ASSETS</b>	43,323,192	48,571,627
<b>CURRENT LIABILITIES</b>		
Creditors	(1,413,912)	(1,218,189)
<b>TOTAL CURRENT LIABILITIES</b>	(1,413,912)	(1,218,189)
<b>NET CURRENT ASSETS</b>	41,909,280	47,353,438
<b>TOTAL NET ASSETS</b>	1,841,900,006	1,675,760,284
<b>Represented by:</b>		
Funds held for beneficiaries	1,841,900,006	1,675,760,284

The financial statements were approved by the Accountant on 26th March 2018.

Extract from the audited financial statements as at 30th September 2017

## STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 SEPTEMBER 2017

	30/9/2017	30/9/2016
	€	€
<b>NET REALISED AND UNREALISED GAINS</b>		
Net realised gains on financial assets at fair value through profit or loss	11,884,573	10,029,664
Net change in unrealised gains on financial Assets at fair value through profit or loss	44,851,940	29,059,344
Net losses realised on transfers of assets	(11,551)	-
<b>NET REALISED AND CHANGE IN UNREALISED GAINS</b>	56,724,962	39,089,008
Investment income	69,552	156,267
Expenses	(2,430,613)	(2,216,571)
<b>INCREASE IN NET ASSETS FROM OPERATIONS</b>	56,363,901	37,028,704

The financial statements were approved by the Accountant on 26th March 2018.

Extract from the audited financial statements as at 30th September 2017

STATEMENT OF CHANGES IN NET ASSETS FOR THE YEAR ENDED 30 SEPTEMBER 2017		
	30/9/2017	30/9/2016
	€	€
<b>INCREASE IN NET ASSETS RESULTING FROM OPERATIONS</b>		
Investment income less expenses	(2,361,061)	(2,060,304)
Net realised gains on financial assets at fair value through profit or loss	11,884,573	10,029,664
Net change in unrealised gains on financial assets at fair value through profit or loss	44,851,940	29,059,344
Net losses realised on transfers out during year	(11,551)	-
<b>INCREASE IN NET ASSETS FROM OPERATIONS</b>	<b>54,363,901</b>	<b>37,028,704</b>
<b>CAPITAL TRANSACTIONS</b>		
Receipts	370,690,387	494,247,084
Disbursements	(258,914,566)	(389,206,852)
<b>INCREASE IN NET ASSETS FROM CAPITAL TRANSACTIONS</b>	<b>111,775,821</b>	<b>105,040,232</b>
Total Increase in net assets for the year	166,139,722	142,068,936
Net assets at beginning of year	1,675,760,284	1,533,691,348
<b>NET ASSETS AT END OF YEAR</b>	<b>1,841,900,006</b>	<b>1,675,760,284</b>

The financial statements were approved by the Accountant on 26th March 2018.

### Courts Funds Office – Courts Accounts Section

The Court Accounts Section of the Courts Funds Office operates as a shared services centre for the offices dealing with financial transactions generated by the work of the Circuit Court and District Court. The total volume of transactions – both receipts and payments – for 2017 was 543,849 (550,246 in 2016) with a monetary value of €144.7m (€165.8m in 2016).

### Fines

The Service manages and receipts fines imposed by the courts. Court fines received are transferred to the Exchequer and a number of other government departments and agencies.

COURT FINES COLLECTED AND TRANSFERRED	2017 (€'000s)	2016 (€'000s)
Exchequer (motor fines)	4,811	5,606
Exchequer (general) *	4,573	3,307
Revenue Commissioners	955	1,421
Department of Communications, Energy and Natural Resources	10	19
Department of Agriculture, Fisheries and Food	86	187
<b>Total</b>	<b>10,435</b>	<b>10,540</b>
* Includes monies transferred to the Exchequer in relation to unclaimed bail monies over 3 years old of €742,000 for 2017		

## Fines (Payments and Recovery) Act 2014

The Fines (Payments and Recovery) Act 2014, which came into operation on 11th January 2016, introduced fundamental changes to the administration of court imposed fines. A primary focus of this Act is to reduce the number of people being imprisoned for the non-payment of court imposed fines.

The Act introduces, for the first time, the facility to pay fines by instalment over a twelve-month period, subject to certain conditions. Where a person defaults in making payment the matter will be brought back to court. This may result in the making of an attachment of earnings order or a community service order. Where the unpaid fine is in excess of €500, the court may appoint a receiver. An Post has been selected, following public procurement, as the service provider to provide new and additional channels for the payment of fines.

Prior to the introduction of the new Act, the compliance rate for the payment of fines had reached an annual level of 85%. Given the significantly different arrangements for the collection of fines under the Act, it is not possible to do a like-for-like comparison. It will be approximately two years before a proper assessment of the compliance rate under the new legislation can be made.

FINES	2017	2016
Fines imposed	67,343	67,193
Transactions in respect of fines*	85,106	83,930
Value of transactions	€26,461	€26,332
* includes estreatments and fines appealed transactions.		

## Family law

The Service processes family law payment for both maintenance debtors and creditors.

FAMILY LAW: RECEIPTS AND PAYMENTS				
	2017		2016	
	€'000	Volume	€'000	Volume
Receipts	€17,902	213,778	€18,322*	218,320
Payments	€17,206	207,227	€17,678*	213,684
* figures understated in Annual Report 2016				

The Service continues to encourage users to avail of electronic funds transfer (EFT) as the preferred method of payment with 93% of family law maintenance creditors paid by EFT in 2017 and 75% of debtors making payment by standing order.

FAMILY LAW: ELECTRONIC FUNDS TRANSFER	2017	2016
% family law paid <i>via</i> electronic funds transfer (% volume)	93%	94%

## Poor Box

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

The primary responsibility of the Service in relation to the Poor Box is to ensure that:

- That all monies paid into and payments made from the Poor Box are carried out in accordance with the direction of the judge and
- That there are adequate and effective systems and procedures in place for recording court orders and accounting for poor box receipts and payments.

	BALANCE AT 01/01/2017	RECEIPTS	PAYMENTS	BALANCE AT 31/12/2017
District Court	€783,488.66	€2,007,140.30	€1,796,446.60	€994,182.36

## CHAPTER 6 | REPORTS OF THE COURTS RULES COMMITTEES

### SUPERIOR COURTS RULES COMMITTEE

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

#### Membership of the committee at year ending 31st. December 2017

The Chief Justice, the Hon. Mr. Justice Frank Clarke (Chairperson)

The President of the Court of Appeal, the Hon. Mr. Justice Sean Ryan (Vice Chairperson)

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

The Hon. Mr Justice William McKechnie, Judge of the Supreme Court

The Hon. Ms Justice Elizabeth Dunne, Judge of the Supreme Court

The Hon. Mr Justice Michael Peart, Judge of the Court of Appeal

The Hon. Mr Justice Gerard Hogan, Judge of the Court of Appeal

The Hon. Mr Justice Anthony Barr, Judge of the High Court

The Hon. Ms Justice Deirdre Murphy, Judge of the High Court

The Master of the High Court, Mr. Edmund W. Honohan S.C.

Mr. Conor Dignam S.C., nominated by the Council of the Bar of Ireland

Ms. Grainne Larkin B.L., nominated by the Council of the Bar of Ireland

Mr. Stuart Gilhooly, Solicitor, nominated by the Council of the Law Society of Ireland

Mr. Michael Kavanagh, Solicitor, nominated by the Council of the Law Society of Ireland

Mr. Noel Rubotham, Director of Reform and Development, Courts Service, to whom membership has been delegated by the Chief Executive Officer of the Courts Service under Section 30(2) of the Courts Service Act 1998

Ms. Mary Cummins, Office of the Chief State Solicitor – appointed to act in place of the Attorney General under Section 36(4) of the Courts and Court Officers Act 2002

Mr. John Mahon, Registrar of the Supreme Court

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

Drafting services: Mr. Sean Barton of McCann FitzGerald Solicitors

The committee met on 4 occasions during 2017. The following Rules of the Superior Courts were signed by the Minister for Justice and Equality between 1st January 2017 and 31st December 2017:-

S.I. NO.	TITLE	SIGNED BY COMMITTEE	OPERATIVE DATE
156 of 2017	Rules of the Superior Courts (European Account Preservation Order) 2017	23 February 2017	15 May 2017
186 of 2017	Rules of the Superior Courts (Personal Injuries Assessment Board Act 2003) 2017	23 February 2017	1 June 2017
403 of 2017	Rules of the Superior Courts (Order 121B)(Amendment)) 2017	20 July 2017	2 October 2017
404 of 2017	Rules of the Superior Courts (Order 5 and 84) (Amendment)) 2017	20 July 2017	2 October 2017
457 of 2017	Rules of the Superior Courts (Jurisdiction, Recognition and Enforcement of Judgments) 2017	20 July 2017	1 November 2017
475 of 2017	Rules of the Superior Courts (Service) 2017	20 July 2017	27 November 2017

At year end the following rules signed by the committee were awaiting the concurrence of the minister:-

TITLE	DATE SIGNED BY COMMITTEE
Rules of the Superior Courts (Order 42) 2017	16 November 2017
Rules of the Superior Courts (Review of the Award of Public Contracts) 2017	16 November 2017
Rules of the Superior Courts (Order 95) 2017	16 November 2017
Rules of the Superior Courts (Order 61A) 2017	1 November 2017
Rules of the Superior Courts (Proceeds of Crime and Financing of Terrorism) 2017	14 December 2017

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

- Draft Rules of the Superior Courts (Costs)
- Draft Rules of the Superior Courts (Mediation)
- Draft Rules of the Superior Courts (Special Care of Children)
- Draft Rules of the Superior Courts (Order 85)
- Draft Rules of the Superior Courts (Renewal of Summons)
- Draft Rules of the Superior Courts (Personal Injuries: Periodic Payments)

Noel Doherty  
Acting Secretary

## CIRCUIT COURT RULES COMMITTEE

The rule-making authority for the Circuit Court is the Circuit Court Rules Committee established under section 69 of the Courts of Justice Act 1936. The remit of the committee is fixed partly by section 66 of The Courts of Justice Act 1924 which empowers it to annul or alter rules and make new rules with the concurrence of the Minister for Justice and Equality, including rules for regulating the sessions, vacations and circuits of the Circuit Judges and the practice, pleading and procedure generally (including liability of parties as to costs and also the entering-up of judgement and granting of summary judgement in appropriate cases) of the Circuit Court and the use of the national language therein amongst other things.

### Membership of the committee at year ending 31st. December 2017

The Hon. Mr. Justice Raymond Groarke President of the Circuit Court (Chairman)  
Her Honour Judge Jacqueline Linnane, Judge of the Circuit Court  
Her Honour Judge Sarah Berkeley, Judge of the Circuit Court  
Ms Roisin Lacey S.C., nominated by the Council of the Bar of Ireland  
Mr. Jack Nicholas B.L., nominated by the Council of the Bar of Ireland  
Ms. Fiona Duffy, Solicitor, nominated by the Law Society of Ireland  
Mr. Keith Walsh, Solicitor, nominated by the Law Society of Ireland  
Mr. Ronan Boylan, Office of the Chief State Solicitor – appointed to act in place of the Attorney General under Section 36(4) of the Courts and Court Officers Act 2002  
Mr. Noel Rubotham, Director of Reform and Development, Courts Service, to whom membership has been delegated by the Chief Executive Officer of the Courts Service under Section 30(2) of the Courts Service Act 1998  
Ms. Rita Considine, County Registrar, Dublin  
Ms. Mairead Ahern, County Registrar, Louth, nominated by the Chief Executive Officer of the Courts Service under Section 69(4)(d) of the Courts of Justice Act 1936 as amended.

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

Drafting services: Mr. Sean Barton of McCann FitzGerald Solicitors

The committee met on 2 occasions in 2017. The following rules of the Circuit Court were signed by the Minister for Justice and Equality between the 1st January 2017 and the 31st December 2017:

S.I. NO.	TITLE	SIGNED BY COMMITTEE	OPERATIVE DATE
201 of 2017	Circuit Court Rules (Personal Injuries Assessment Board Act 2003) 2017	28 February 2017	31 May 2017
202 of 2017	Circuit Court Rules (European Account Preservation Order) 2017	28 February 2017	31 May 2017
207 of 2017	Circuit Court Rules (Family Law) 2017	28 February 2017	14 June 2017
499 of 2017	Circuit Court Rules (Jurisdiction) 2017	28 February 2017	8 December 2017

At year end the following rules signed by the committee were awaiting the concurrence of the minister:

TITLE	DATE SIGNED BY COMMITTEE
Circuit Court Rules (Fines (Payment and Recovery)) 2017	28 November 2017
Circuit Court Rules (Order 65) 2017	28 November 2017

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

- Circuit Court Rules (Donor Assisted Human Reproduction)
- Circuit Court (Mediation)
- Circuit Court Rules (Family Law: Mediation)
- Circuit Court Rules (Family Law) (No. 2)
- Circuit Court Rules (order 68)

Noel Doherty  
Acting Secretary

## DISTRICT COURT RULES COMMITTEE

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

### Membership of the committee at year ending 31st. December 2017

The President of the District Court, Her Honour Judge Rosemary Horgan (Chairperson)

Judge Mary Devins, Judge of the District Court

Judge Brian Sheridan, Judge of the District Court

Judge Conal Gibbons, Judge of the District Court

Vacancy, Judge of the District Court

Mr. Shane McCarthy, Solicitor, nominated by the Law Society of Ireland

Mr. Riobard Peirse, Solicitor, nominated by the Law Society of Ireland

Mr. Dean Kelly, B.L., nominated by the Council of the Bar of Ireland

Mr. Hugh Dockry, Chief State Solicitor's Office, appointed to act in place of the Attorney General under section 36(4) of the Courts and Court Officers Act, 2002

Mr. Noel A. Doherty, Directorate of Reform and Development, Courts Service, to whom membership has been delegated by the Chief Executive Officer under Section 30(2) of the Courts Service Act, 1998  
 Ms. Michelle Johnston, Deputy Chief Clerk, Dublin Metropolitan District Court

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

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

The Committee met on 5 occasions during 2017. The following rules of the District Court were signed by the Minister for Justice and Equality between the 1st January 2017 and the 31st December 2017:

S.I. NO.	TITLE	SIGNED BY COMMITTEE	OPERATIVE DATE
77 of 2017	District Court (Judges' Robes) Rules 2017	30 January 2017	15 March 2017
102 of 2017	District Court (Order 40A) Rules 2017	30 January 2017	24 April 2017
405 of 2017	District Court (European Account Preservation Order) Rules 2017	29 May 2017	2 October 2017

At year end the following rules signed by the committee were awaiting the concurrence of the minister:

- District Court (International Protection Act 2015) Rules 2017
- District Court (Extension of Time) Rules 2017
- District Court (Bail) Rules 2017
- District Court (Residential Tenancies) Rules 2017
- District Court (Road Traffic Act 2016) Rules 2017

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

- District Court (European Small Claims Procedure) Rules
- District Court (European Arrest Warrant) Rules
- District Court (Mediation) Rules
- District Court (Criminal Law (Sexual Offences) Act 2017) Rules
- District Court (Suspended Sentences of Imprisonment) Rules
- District Court (Donor Assisted Human Reproduction) Rules

Noel Doherty  
 Acting Secretary

## CHAPTER 7 | LEGISLATIVE PROVISIONS

The implementation of new legislation impacting on criminal proceedings and civil actions can place significant demands on the resources of the Service. The Service continues to review the content of and provide input into, proposed legislation to ascertain whether provisions affect court operations or impact or require new court procedures. Legislation in this context includes schemes of bills, bills, draft statutory instruments and draft EU legal instruments.

The following are examples of legislation, or proposed legislation, which impacted on the work of the Service or into which the Service provided input in 2017:

### ADOPTION (AMENDMENT) ACT 2017

This act amends and extends the law in relation to the adoption of children; and, for that purpose, amends the Adoption Act 2010 and provides for the repeal of Part 11 of the Children and Family Relationships Act 2015. Some sections of this act commenced on 19th October 2017.

### CIVIL LIABILITY (AMENDMENT) ACT 2017

This act amends the Civil Liability Act 1961 to provide for the award of damages by way of a periodic payments order in certain circumstances where a plaintiff has suffered catastrophic injuries. It amends the Insurance Act 1964, the Bankruptcy Act 1988, the Taxes Consolidation Act 1997 and the Civil Liability and Courts Act 2004. The act also establishes a statutory framework for the treatment of open disclosure of patient safety incidents by health services providers. The act had not commenced as of 31st December 2017.

### COURTS ACT 2017

This act amends the Courts (No. 3) Act 1986 in respect of the issue of summonses in relation to offences and provides for the issuing of summonses under that act in respect of certain offences alleged to have been committed by members of An Garda Síochána. The act commenced on 1st June 2017

### CRIMINAL JUSTICE (SUSPENDED SENTENCES OF IMPRISONMENT) ACT 2017

This act amends section 99 of the Criminal Justice Act 2006 to make provision, among other things, for a court to adjourn consideration of the revocation of a suspended sentence pending an appeal of the conviction giving rise to the need to consider such revocation. The act had not been commenced as of 31st December 2017.

### CRIMINAL JUSTICE (VICTIMS OF CRIME) ACT 2017

This act gives effect to provisions of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 OJ No. L315, 14. 11. 2012, p.57 establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA.

Acts amended under this act are the Criminal Justice Act 1951, the Criminal Procedure Act 1967, the Criminal Law (Rape) Act 1981, the Criminal Evidence Act 1992, the Criminal Justice Act 1993, the Bail Act 1997, the Courts Service Act 1998, the Children Act 2001, the Criminal Justice (Female Genital Mutilation) Act 2012 and the Criminal Law (Sexual Offences) Act 2017. Some sections of this act commenced on 27th November 2017.

## CRIMINAL JUSTICE ACT 2017

This act amends certain enactments, including the Criminal Justice Act 1984, the Criminal Justice (Public Order) Act 1994, the Criminal Justice (Drug Trafficking) Act 1996, the Bail Act 1997, the Criminal Justice Act 2007 and the Criminal Justice Act 2011. Some sections of this act commenced on 14th August 2017.

## CRIMINAL LAW (SEXUAL OFFENCES) ACT 2017

This act gives effect to Directive No. 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography and replaces Council Framework Decision 2004/68/JHA.

Enactments amended under this act are the Punishment of Incest Act 1908, the Criminal Evidence Act 1992, repeal of certain provisions of the Criminal Law (Sexual Offences) Act 1993, repeal of the Criminal Law (Incest Proceedings) Act 1995 and amendment of the Criminal Law (Sexual Offences) Act 2006. Some sections of this act were commenced on 27th March 2017.

## IRISH SIGN LANGUAGE ACT 2017

This act provides for the recognition of Irish sign language (defined as 'the sign language used by the majority of the deaf community in the State'). Section 4 of the act makes provision for the use of Irish sign language in legal proceedings. The act was not commenced as of the 31st December 2017.

## MEDIATION ACT 2017

This act facilitates the settlement of disputes by mediation and specifies the principles applicable and the arrangements for mediation as an alternative to civil proceedings. It provides for a body to be known as the Mediation Council of Ireland who will report to the Minister for Justice and Equality as regards mediation in the State. It provides an opportunity for parties to family law proceedings or proceedings under section 67A(3) or 117 of the Succession Act 1965 to attend mediation information sessions.

Acts amended under this act are the Guardianship of Infants Act 1964, the Judicial Separation and Family Law Reform Act 1989 and the Family Law (Divorce) Act 1996. The act will commence on 1st January 2018.

## ASSISTED DECISION-MAKING (CAPACITY) ACT 2015

The Service continues to make preparations for the commencement of the main provisions of this act. Some sections commenced on 17th October 2016.

This act will make significant changes to the law relating to capacity and decision-making arrangements. It provides for the repeal of the legislation regulating wardship and the replacement of wardship with a new regime of decision-making assistance, support and representation. Jurisdiction under the act will be exercised primarily by the Circuit Court, with certain jurisdiction being reserved to the High Court.

## LEGAL SERVICES REGULATION ACT 2015

The Service continued to plan for the commencement of the main provisions of this act. It will replace the system of taxation of costs and the function of the Taxing Master with a regime for legal costs adjudication operated by legal costs adjudicators.

Some sections of this act were commenced on 19th July 2016 with others commenced on 5th December 2016.

## CHILDREN FIRST ACT 2015

This act makes further and better provision for the care and protection of children. It requires the preparation of child safeguarding statements by certain providers of services to children. It requires certain persons to make reports to and assist the Child and Family Agency in respect of, children in certain

circumstances. It provides for the establishment of the Children First Inter-Departmental Implementation Group and the preparation of implementation plans by departments of State. It abolishes the common law defence of reasonable chastisement. The final sections of the act were commenced on 11th December 2017.

#### DOMESTIC VIOLENCE BILL 2017

This bill updates and consolidates the existing law in relation to domestic violence in Ireland. It integrates the changes to the Domestic Violence Act 1996 resulting from subsequent legislation, including the changes made in the Domestic Violence (Amendment) Act 2002, the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, the Civil Law (Miscellaneous Provisions) Act 2011, the Courts and Civil Law (Miscellaneous Provisions) Act 2013 and the Children and Family Relationships Act 2015. The bill will also enable Ireland to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence, more commonly known as the Istanbul Convention.

The bill was at the Committee Stage of the legislative process at 31st December 2017.

#### GENERAL SCHEME OF A COURTS AND CIVIL LAW (MISCELLANEOUS PROVISIONS) BILL

The General Scheme is published on the Department of Justice and Equality website. Part 1 contains a number of Heads of Bill to facilitate e-filing of civil claims as well as centralised provision of automated court services across all jurisdictions.

#### COURT FEES

The Service developed and submitted to the Department a draft amendment to section 65 of the Courts of Justice Act 1936 to facilitate recovery of unpaid court fees.

## Additional Information

### CONTACTING OFFICES OF THE SERVICE

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

### EIRCOM TELEPHONE DIRECTORIES

Telephone numbers for the main offices of the Service are in the green pages section of the Eircom telephone directories and on-line in eir PhonebookOnline ([www.eirphonebook.ie](http://www.eirphonebook.ie)) and [www.goldenpages.ie](http://www.goldenpages.ie).

### OTHER INFORMATION

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

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

### WEBSITE

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

### SOLICITORS

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### AUDITORS

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*(Appropriation Accounts)*

Grant Thornton  
Chartered Accountants  
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*(Financial Statements of the Office of the Accountant of the Courts of Justice).*





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Courts Service

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