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Version finale

**Answer to the
REVISED SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS
2004 Data**

**Réponse à la
GRILLE REVISEE
POUR
L'ÉVALUATION DES SYSTÈMES JUDICIAIRES
Données 2004**

IRELAND/IRLANDE



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 23 June 2005

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**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)**

DRAFT REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

**adopted by the CEPEJ at its 5th Plenary Meeting
(Strasbourg, 15 – 17 June 2005)**

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DRAFT REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

COUNTRY:

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I. Demographic and economic data

I. A. General information

1. **Number of inhabitants** 4.04 million 30 April 2004 [redacted]
Source Central Statistics Office www.cso.ie [redacted]
2. **Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level**
State level €41.23 billion [redacted]
Regional / entity level €----- [redacted]
Source Department of Finance [redacted]
3. **Per capita GDP** €36,737 [redacted]
Source Central Statistics Office [redacted]
4. **Average gross annual salary** €27,780 [redacted]
Source Central Statistics Office [redacted]

I. B. Budgetary data concerning judicial system

5. **Total annual budget allocated to all courts** €97.991 million [redacted]
Source Courts Service [redacted]

Please specify:

6. Within this budget, can you isolate the following budgets and specify, if appropriate, their amount:

	Yes	Amount
▪ Salaries?		€43.75m
▪ IT?		€8.225m
▪ Justice expenses borne by the State?		€19.37m(judicial salaries/expenses)

Source Department of Justice, Equality and Law Reform / Courts Service

7. Annual public budget spent on legal aid €47.649 million

Source Department of Justice, Equality and Law Reform

8. If possible, please specify:

▪ the annual public budget spent on legal aid in criminal cases	€34.139 million
▪ the annual public budget spent on legal aid in other court cases	€13.51 million

Source Department of Justice, Equality and Law Reform and Legal Aid Board

9. Annual public budget spent on prosecution system €28.661million

Source Office of the Director of Public Prosecutions

10. Bodies formally responsible for budgets allocated to the courts:

	Preparation of the budget (Yes/No)	Adoption of the budget (Yes/No)	Management and allocation of the budget among courts (Yes/No)	Evaluation of the use of the budget (Yes/No)
Ministry of Justice	YES	YES	NO	YES
Other ministry. Please specify	YES Department of Finance	YES	NO	YES
Parliament	NO	YES	NO	YES
Supreme Court	NO	NO	NO	NO
Judicial Council	NO	NO	NO	NO
Courts	YES	YES	YES	YES
Inspection body. Please specify.	NO	NO	NO	NO
Other. Please specify	NO	NO	NO	NO

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your budgetary system

The budget is prepared by the Courts Service and presented to the Department of Justice. The Chief Executive Officer of the Courts Service is the Accounting Officer who must appear before the parliamentary committee to answer questions arising out of the application of the budget.

II. Access to Justice and to all courts

II. A. Legal aid

11. Does legal aid concern:

	Criminal cases	Other than criminal cases
Representation in court (Yes/No)	YES	YES
Legal advice (Yes/No)	YES	YES
Other (Yes/No). Please specify		

12. Number of legal aid cases:

- total 39,965
 - criminal cases 31,820
 - other than criminal cases 8,145
- Legal Aid Board – 4,620 Refugee Legal Service – 3,525
- Source Courts Service and Legal Aid Board

13. In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

Yes No

14. Does your country have an income and asset test for granting legal aid:

- | | No | Yes/Amount |
|----------------------------------|--------------------------|--|
| ▪ for criminal cases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> – no amount specified, very rarely used |
| ▪ for other than criminal cases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> - €13,000 p.a. disposable income
• €320,000 p.a. disposable capital |

Source Department of Justice, Equality and Law Reform and Legal Aid Board

15. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

Yes No

16. If yes, is the decision taken by:

- | | Yes |
|--|-------------------------------------|
| ▪ the court? | <input type="checkbox"/> |
| ▪ a body external to the court? | <input checked="" type="checkbox"/> |
| ▪ a mixed decision-making body (court and external)? | <input type="checkbox"/> |

17. In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

- | | | |
|----------------------------------|-------------------------------------|-------------------------------------|
| | Yes | No |
| ▪ for criminal cases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ for other than criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If yes, are there exceptions? Please specify:

- Proceedings under Article 40.4 of the Constitution
- ❖ Proceedings under the Extradition Acts 1965 to 2001
- ❖ Proceedings under the European Arrest Warrant Act 2003 (No. 45 of 2003)
- ❖ Bail Proceedings, or
- ❖ An application, in proceedings for a criminal offence, for judicial review under Order 84 rule 18 of the Rules of the Superior Courts.
- ❖ Any family law proceedings
- ❖ Any matrimonial cause or matter, or
- ❖ Proceedings brought by a health board or the Eastern Regional Health Authority under –
 - i. The Children Acts 1908 to 1989
 - ii. The Guardianship of Children Acts 1964 to 1997, or
 - iii. The Child Care Acts 1991 and 2001
- ❖ Motions under paragraph 3 of Article 5 of the Luxembourg Convention (within the meaning of the Child Abduction and Enforcement of Custody Orders Act 1991 (No. 6 of 1991))
- ❖ In respect of proceedings to which section 5(5) of the Immigration Act 1999 (No.22 of 1999) applies.

18. Is there a private system of legal expense insurance for individuals in order to finance legal proceedings to court?

- No
- Yes **Please specify:**

19. Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

- | | | |
|------------------------------|-------------------------------------|-------------------------------------|
| | Yes | No |
| ▪ criminal cases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ other than criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system

Re Criminal Legal aid; although statistics are not available it is known that approximately 95% of cases are granted legal aid. Legal aid is granted readily in most criminal cases where the accused cannot afford representation. There is no strict limit of income below which legal aid is granted- the court has a wide discretion. Lawyers appointed will be in private practice and will be paid according a fixed scale.

Civil legal aid is provided through the state financed Free Legal Aid Board.

Costs; In General in Civil cases the Court will order the losing party to pay the costs of the other side.

II. B. Users of the courts and victims
II. B. 1. Rights of the users and victims

20. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:

- | | Yes | No |
|--|---|--------------------------|
| ▪ legal texts (e.g. codes, laws, regulations, etc.)? | X <input type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): | <input type="checkbox"/> www.irlgov.ie/ag | |
| ▪ case-law of the higher court/s? | X <input type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): | <input type="checkbox"/> www.courts.ie | |
| ▪ other documents (for examples legal forms)? | X <input type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): | <input type="checkbox"/> www.justice.ie | |

21. Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

Yes No X

If yes, please specify:

22. Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

Yes X No

In general, the rights and entitlements of victims in the criminal justice system are set out in the Victims Charter, first published in 1997 and updated in 1999 (www.justice.ie). The EU Framework Decision on the Standing of Victims in Criminal Proceedings (2000) also applies. Specific legislative measures also make provision for victims.

The Victims Charter, published by the Department of Justice, Equality and Law Reform, sets out the rights and entitlements of victims in Ireland in their interactions with the criminal justice system. The Charter is a public declaration of the State's commitment to the victim and provides information to all those concerned about what is expected and what to expect.

For example, in the Garda Síochána (Police) element of the Charter, there is a commitment to keep the victim informed of the progress of the investigation etc., as well as to notify the victim of the impending release from custody of an offender.

A new National Crime Victims Helpline was launched recently which, at one freefone number, provides information to victims on their rights and entitlements and the supports available to them, as well as emotional support if required. This helpline is staffed by trained volunteers with financial assistance from the Commission for the Support of Victims of Crime. The Commission was established in March 2005 by the Minister for Justice, Equality and Law Reform and is tasked to devise a national framework of services for crime victims into the future, as well as to disburse funding for victim support measures.

23. Are there special arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism (Yes/No)	Hearing modalities (Yes/No)	Procedural rights (Yes/No)	Other (Yes/No). Please specify
Victims of rape	Yes	Yes	See note	
Victims of terrorism	No	No	No	
Child/Witness/Victim	Yes	Yes	No	
Victims of domestic violence	Yes	No	No	
Ethnic minorities	Yes	Yes	No	
Disabled persons	Yes	Yes	No	
Juvenile offenders	Yes	Yes	No	
Other				

See the Victims Charter for specific special arrangements in place for the categories ticked. We are not aware of specific provision for victims of terrorism, outside of the general provision for victims that would apply. In some cases provision for victims is made by administrative measures. Other elements are included in specific legislative provision.

Information Mechanisms

The Court Witness Service provides information to witnesses attending court in relation to the court proceedings, layout of the court, respective roles in the process, etc. The service is provided by volunteers with financial support from the Commission for the Support of Victims of Crime. A number of voluntary groups also provide information as part of their service.

Victims of crime from other countries are referred to Tourist Victim Assistance Service by the Gardaí (Police). They provide emotional and practical support to victims such as accommodation, transport, credit card cancellation, medical assistance and interpretation.

In cases of a sexual offence or an offence involving violence or the threat of violence to a person, Section 13 of the Criminal Evidence Act, 1992 provides for the giving of evidence, whether from within or outside the State, through a live television link with the leave of the Court.

The Gardaí provide free translation services to all victims of crime.

In the Victims' Charter the Prison Service states that it is extremely conscious of a person's plight as a victim and the potentially devastating consequences of some offences. The Service acknowledges that for every offender there is a victim and that for them the prevention of re-

victimisation is a priority. They have stated that in cases of serious sexual assault or violent offence where a victim requests it, they will notify the Gardaí prior to the release of the offender.

The Sex Offender's Act, 2001 provides that a convicted sex offender must notify his/her name(s) and current home address to the Garda Síochána within 7 days of the conviction for the sexual offence concerned or, where the offender is sentenced to imprisonment, from the date of full release from prison. Thereafter, the offender must notify the Gardaí of any change of name or address within 7 days of that change.

Hearing modalities and procedural rights

Hearing of Evidence

Under the Irish criminal justice system victims are not treated as a party to the proceedings but as a witness on behalf of the prosecuting State.

Section 5 of the Criminal Justice Act 1993 provides that in determining sentence for a sexual offence or an offence involving violence or threat of violence a Court shall take into account, and may, where necessary receive evidence or submissions concerning, any effect (whether long-term or otherwise) of the offence on the person in respect of whom the offence was committed and shall, upon application by that person, hear their evidence as to the effect of the offence on them.

Section 28 of the Sex Offenders Act 2001 provides that in determining the sentence to be imposed on a sex offender in respect of the sexual offence concerned the Court shall consider whether to impose a sentence involving post release supervision. For this purpose the Court may receive evidence or submissions from any person concerned.

Part III of the Criminal Evidence Act 1992 provides for the giving of evidence by live television link in proceedings for sexual offences or offences involving violence or the threat of violence to a person.

A person under 18 or a person with a mental handicap may give evidence by live television link unless the Court sees a good reason to the contrary. This may also be done through an intermediary. In other cases the giving of evidence by live television may be done with the leave of the Court.

The Domestic Violence Act, 1996 provides that the Gardaí have the power to arrest and prosecute a violent family member. There are two main kinds of protection available to victims of domestic violence a - Safety Order and a Barring Order.

The Safety Order prohibits a violent person from further violence or threat of violence. It does not oblige the person to leave the family home. If the person lives apart from the victim it prohibits them from watching or being near the home. The Barring Order requires the person to leave the family home.

Both the Safety Order and the Barring Order require attendance at a Court hearing. However, while the victim is waiting for the Court to hear her/his application it may issue an immediate order called a Protection Order. This has the same effect as a Safety Order. In exceptional circumstances the Court may grant an Interim Barring Order which takes immediate effect.

Section 10 of the Non-fatal Offences Against the Person Act, 1997 provides for the offence of harassment (aimed at 'stalking') and empowers the Court, in addition to imposing a penalty or, even where the Court decides not to convict, to order the 'stalker' not to communicate in any way with the victim for such period as may be specified by the Court or not to approach within a specified distance of the victim's residence or place of employment. The offence is committed where any person without lawful authority or reasonable excuse, by any means, including the use of the telephone, harasses another by persistently following, watching, pestering, besetting or

communicating with him or her.

Legal representation/witness expenses

Ireland's common law system does not consider the victim to be a party to the proceedings. Our one exception is in the case of a victim of rape or serious sexual assault whereby a complainant can be legally represented in the hearing of an application by the accused in the course of a trial to adduce evidence or cross-examine about the complainant's past sexual history. In this case Section 26(3) of the Civil Legal Aid Act, 1995 provides that the complainant is allowed consult a free legal aid solicitor who may accompany them to Court.

Where victims are witnesses in the criminal proceedings the payment of these expenses is covered by Statute.

Protection of identity

Section 39 of the Criminal Justice Act provides that where a Court is satisfied that a person is likely to be in fear or subject to intimidation in giving evidence, a person other than the accused may give evidence through a live television link. Section 39 also provides that where the accused was known to a witness before the date of an alleged offence the witness shall not be required to identify the accused in open Court. Section 39 further provides that in any other case evidence by a third party that the witness identified the accused at an identification parade or by other means is admissible.

Section 40 of the Criminal Justice Act makes it an offence to try to identify a witness who has been relocated for his or her own protection or to disclose information which would lead to the whereabouts or new identity. Section 41 of the Criminal Justice Act makes it an offence to intimidate a witness, potential witness, juror or potential juror or a member of his or her family.

Section 7 of the Criminal Law Rape Act, 1981 makes it an offence to publish any matter which would be likely to lead members of the public to identify the complainant (victim). This includes newspapers, broadcasts, film and visual images. Section 11 of the Criminal Law Rape Act, 1981 provides for the exclusion of the public from hearings in cases of rape or aggravated sexual assault. This provision is without prejudice to the right of a parent, relative or friend of the complainant (victim) to remain in Court.

Section 2 of the Criminal Law (Incest Proceedings) Act, 1995 provides for the exclusion of the public from hearings and Section 3 makes it an offence to publish any matter which would be likely to lead members of the public to identify the victim. This includes newspapers, broadcasts, film and visual images.

Section 251 of the Children Act, 2001 provides that in any proceedings for an offence it shall not be necessary for the child in respect of whom an offence is alleged to have been committed to be brought before a Court or to be present for all or any part of the proceedings.

Section 252 of the Children Act, 2001 provides that in relation to any proceedings for an offence against a child or where a child is a witness in any such proceedings nothing which would reveal the identity of the child shall be published or broadcast including pictures. Section 257 of the Children Act, 2001 provides for the exclusion of the public from hearings in cases where a person called as a witness is, in the opinion of the Court, a child.

Cases involving juvenile offenders are generally dealt with in special courts from which the public, other than bona fide representatives of the media, are excluded.

Separate waiting areas

The designation of separate waiting areas forms part of the Courts Service building and refurbishment plans and one such designated waiting area exists in one of the Dublin Courts where suitable Court space was identified and accommodated.

Compensation

Section 9 of the Criminal Damage Act, 1991 provides that the Court may make an order for compensation on conviction (i.e. there is no time lapse between conviction and the making of the order). Section 9 further provides that a compensation order shall not be made unless both the injured party concerned and the approximate cost of making good are readily ascertainable at the time of the conviction or within a reasonable period thereafter. Section 9 also provides for the payment of compensation by instalments at such times as the Court considers reasonable.

The following acts contain provisions for compensation of the victim:

The Malicious Injuries Acts, 1981 and 1986

Section 9 of the Criminal Damage Act, 1991

The Children Act, 2001

Scheme of Compensation for Injuries Criminally Inflicted

Restorative Justice

Provisions in Parts 4 and 8 of The Children Act, 2001 introduced into the Irish Criminal Justice System the concept of 'restorative justice' where the offender is a child. The Act provided that a victim has the option to attend at a Family Conference where the possibility to formulate an action plan for the offending child exists. The plan may provide for matters such as an apology and reparation to the victim. (Part 4, the conference which forms part of the Garda Diversion Programme, has been in operation since 1 May, 2002).

24. Does your country have compensation procedure for victims of crimes?

Yes X No

25. If yes, does this compensation procedure consist in:

- a public fund? Yes
- a court order?
- private fund?

26. If yes, which kind of cases does this procedure concern?

The Scheme of Compensation for Personal Injuries Criminally Inflicted provides for ex-gratia compensation in respect of expenses and losses incurred as a result of personal injuries, including fatal injuries, which are directly attributable to a crime of violence or which were sustained while helping or trying to help prevent a crime or save a human life. Compensation in respect of "pain and suffering" is excluded.

27. For victims, are there studies to evaluate the recovery rate of the compensation awarded by courts?

No Yes Please specify:

II. B.2. Confidence of citizens in their justice system

28. Is there a system for compensating users in the following circumstances:

- | | | |
|------------------------------------|-------------------------------------|-------------------------------------|
| | Yes | No |
| ▪ excessive length of proceedings? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ wrongful arrest? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ wrongful condemnation? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If yes, please specify (fund, daily tariff):

Wrongful arrest and false imprisonment give rise to a civil action against the offending party and the state where the offending party is a servant or agent of the state.

29. Does your country have surveys on users or legal professionals (judges, lawyers, officials, etc.) to measure public trust and satisfaction with the services delivered by the judiciary system?

Yes No

If possible, please specify their titles, how to find these surveys, etc:

30. If yes, please specify:

	Trough systematic surveys (Yes/No)	Through ad hoc surveys (Yes/No)
Surveys at national level		
Surveys at court level		

31. Is there a national or local procedure for making complaints about the performance of the judicial system?

Yes No

32. If yes, please specify:

	Time limit to respond (Yes/No)	Time limit for dealing with the complaint (Yes/No)
Court concerned		
Higher court Yes	No	No
Ministry of Justice		
High Council of Justice		
Other external organisations (e.g. Ombudsman)		

Can you give information elements concerning the efficiency of this complaint procedure?

Dissatisfaction with a judicial decision is dealt with by appeal to a Higher Court or in some cases by Judicial Review.

III. Organisation of the court system

III. A. Functioning

33. Total number of courts (administrative structure): 6
- first instance courts of general jurisdiction 4

Source Courts Service

- specialised first instance courts 3

Source Courts Service

Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

There are four levels of courts: Supreme, High, Circuit and District. All but the District are appellate courts and all but the Supreme are first instance. There is also the Special Criminal Court dealing mostly with terrorist offences and the Court of Criminal Appeal which hears appeals from the Special Criminal Court, The Circuit (criminal) Court and the Central Criminal Court (which is the High Court sitting in criminal matters).

34. Total number of courts (geographic locations) 187

Note re number of Courts

Supreme Court 1
 High Court 26 at any one time –most sitting in Dublin
 Circuit Court 26 locations
 District Court 187 locations

Source Courts Service

35. Number of first instance courts competent for a case concerning:

- a debt collection for small claims 44

Please specify what is meant by small claims in your country:

Claims not exceeding €1,269.70 (2004 limit) brought by an individual who has purchased goods or services for private use from someone selling them in the course of a business.

- a dismissal n/a
- a robbery 187

36. Number of professional judges sitting in courts 130
 (present the information in full time equivalent and for permanent posts)

Source Department of Justice, Equality and Law Reform 31/12/2004

37. Number of professional judges sitting in courts on an occasional basis and who are paid as such None

Source Department of Justice, Equality and Law Reform

Please specify:

38. Number of non-professional judges (including lay judges) who are not remunerated but

who can possibly receive a simple defrayal of costs None

Source Department of Justice, Equality and Law Reform

Please specify:

39. Does your judicial system include trial by jury with the participation of citizens?

No

Yes For which type of case(s)?

For criminal cases where the penalty is a sentence of imprisonment of more than two years i.e. in all trials in the Circuit and Central Criminal Courts.
In civil cases in the High Court in defamation, assault and false imprisonment.

If possible, number of citizens who were involved in such juries for the year 2004?

5,184

40. Number of non-judge staff who are working in courts 1,084
(present the information in full time equivalent and for permanent posts)

Source Courts Service

41. If possible, could you distribute this staff according to the 3 following categories:

- non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars: 200
- staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management): 865
- technical staff: 19

42. In courts, do you have non-judge staff entrusted with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal (such as German and Austrian Rechtspfleger):

No

Yes Number of staff 27 (Master of the High Court and 26 County Registrars)

43. Number of public prosecutors 66
(present the information in full time equivalent and for permanent posts)

There are 66 full time lawyers in the prosecution system. In addition, there is a State Solicitor in each county (more than one in some counties) that on a contractual basis discharge the functions of prosecutors in those areas on a part time basis. There are 34 State Solicitors.

Source Office of the Director of Public Prosecutions

44. Do you have persons who have similar duties as public prosecutors?

No
 Yes

Please specify:

There are 16 legal executives employed in the prosecution service that would perform similar duties to prosecutors in particular areas.

45. Is the status of prosecutors:

- independent within the judiciary?
- independent from the judiciary?
- under the authority of the Ministry of Justice?

The prosecution service is independent of both the judiciary and the Department of Justice.

46. Number of staff (non prosecutors) attached to the public prosecution service **102**
 (present the information in full time equivalent and for permanent posts)

Source Office of the Director of Public Prosecutions

47. Who is entrusted with the individual court budget?

	Preparation of the budget (Yes/No)	Arbitration and allocation (Yes/No)	Day to day management of the budget (Yes/No)	Evaluation and control of the use of the budget (Yes/No)
Management Board	YES	YES	NO	YES
Court President	NO	NO	NO	NO
Court administrative director	YES	YES	YES	YES
Head of the court clerk office	NO	NO	NO	NO
Other. Please specify	NA	NA	NA	NA

48. In general, do the courts in your country have computer facilities?

Yes No

49. What are the computer facilities used within the courts?

Functions	Facilities	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
-----------	------------	----------------	----------------	----------------	------------------

Direct assistance to the judge/court clerk	Word processing	X			
	Electronic data base of jurisprudence	X			
	Electronic files	X			
	E-mail	X			
	Internet connection	X			
Administration and management	Case registration system		X		
	Court management information system		X		
	Financial information system	X			
Communication between the court and the parties	Electronic forms			X	
	Special Website	X			
	Other electronic communication facilities				

Source Courts Service [redacted]

50. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

No [redacted]
Yes X [redacted]

Please specify the name and the address of this institution:

Courts Service, Phoenix House, Smithfield, Dublin 7 – www.courts.ie

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system

Please see www.courts.ie

III. B. Monitoring and evaluation

51. Are the courts required to prepare an annual activity report?

Yes X No [redacted]

52. Do you have a regular monitoring system of court activities concerning the:

- | | Yes | No |
|------------------------------|--------------|------------|
| ▪ number of incoming cases? | X [redacted] | [redacted] |
| ▪ number of decisions? | X [redacted] | [redacted] |
| ▪ number of postponed cases? | X [redacted] | [redacted] |
| ▪ length of proceedings? | X [redacted] | [redacted] |
| ▪ other? | [redacted] | [redacted] |
- Please specify:

53. Do you have a regular evaluation system of the performance of the court?

No
Yes

Please specify:

54. Concerning court activities, have you defined:

▪ performance indicators? Yes No

Please specify the 4 main indicators for a proper functioning of justice:

▪ targets? Yes No

Please specify who is responsible for setting the targets:

Yes
- executive power?
- legislative power?
- judicial power?
- other? Please specify:

Please specify the main objectives applied:

Source Courts Service

55. Which authority is responsible for the evaluation of the performances of the courts:

Yes
▪ the High Council of judiciary?
▪ the Ministry of justice?
▪ an Inspection body?
▪ the Supreme Court?
▪ an external audit body?
▪ other? Please specify:

The Courts Service Board has overall authority in the management of the courts.

56. Does the evaluation system include quality standards concerning judicial decisions?

No
Yes

Please specify:

Source Courts Service

57. Is there a system enabling to measure the backlogs and to detect the cases which are not processed within an acceptable timeframe for:

	Yes	No
▪ civil cases?	 	X
▪ criminal cases?	X	
▪ administrative cases?	 	X

58. Do you have a way of analysing queuing time during court procedures?

No
Yes X

Please specify:

Lists of cases maintained by registrars and analysis of available court statistics.

59. Do you monitor and evaluate the performance of the prosecution services?

No
Yes X

Please specify: Office of the Director of Public Prosecutions (DPP)

(As it applies to Question 52) The Office of the Director of Public Prosecutions (DPP) computer systems record the number of files as they are received, the decision made, whether further information is sought and highlights cases where a decision is not made within three months.

(As it applies to Question 53) Unit heads in the DPP's Office would monitor and evaluate the work of those prosecutors in their units.

(As it applies to Question 54) Critically assessing the efficiency and consistency of the office (DPP) and it's decision making procedures by reference to computer systems and feedback from stakeholders.

Critically assessing the efficiency of the prosecutor's role in the criminal justice system with reference to the progression of cases from charging to final conviction or termination.

Reviewing relationships with our stakeholders on a continuing basis.

Developing the Office's designated function as a centre of information for the criminal justice system.

Targets: To issue final directions on 40% of files within 2 weeks of the date of receipt
To issue final directions on 50% of files within 4 weeks of the date of receipt.
To issue final directions on 75% of files within 3 months of the date of receipt.

These targets are self-imposed.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your court monitoring and evaluation system

IV. Fair trial

IV. A. Fundamental principles

60. Is there in your judicial system:
- a right for an interpreter for all those within your jurisdiction who cannot understand or speak the language used in court?
Yes X No
 - the right to have reasons given for all prisons sentences?
Yes X No
 - for all cases, an effective remedy to a superior jurisdiction?
Yes X No

61. Which is the percentage of judgements in first instance criminal cases in which the suspect is not actually present or represented? Not available

Source

62. Is there a procedure to effectively challenge a judge if a party consider he/she is not impartial?

No
 Yes X If possible, number of successful challenges (in a year): number not available but known to be very small

63. Please give the following data 2003 and 2004 concerning the number of cases regarding the violation of Article 6 of the European Convention of Human Rights:

		Cases communicated by the Court		Cases declared inadmissible by the Court		Friendly settlements		Judgements establishing a violation		Judgements establishing a non violation	
		2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Criminal proceedings	Article 6§1 (equity)										
	Article 6§1 (duration)										
	Article 6§2										
	Article 6§3a										
	Article 6§3b										
	Article 6§3c										
	Article 6§3d										
	Article 6§3e										
Civil proceedings	Article 6§1 (equity)	1			1						
	Article 6§1 (duration)	1			1			1	2		
	Article 6§1 (non execution only)										

Source Department of Foreign Affairs

IV.B. Timeframes of proceedings
IV. B. 1. General

64. Are there specific procedures for urgent matters in:

- civil cases? Yes No
- criminal cases? Yes No
- administrative cases? Yes No

65. Are there simplified procedures for:

- civil cases (small claims)? Yes No
- criminal cases (petty offences)? Yes No
- administrative cases? Yes No

66. Is it possible for a second instance court to send back a case to a first instance court for a new examination?

Yes No

67. Do courts and lawyers have the possibility to conclude agreements on modalities for processing cases (presentation of files, binding timeframes for lawyers to submit their conclusions and dates of hearings)?

No
Yes Please specify:

Such timeframes are usually covered by the rules of Court which may be invoked by the parties. The court has discretion to manage cases and direct time scales. Parties may also agree such matters between themselves.

IV. B. 2. Civil and administrative cases

68. Total number of civil cases in courts (litigious and not litigious): **135,510**

Please specify the main types of cases:

Source Courts Service

69. Litigious administrative and civil cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Civil cases	Administrative cases	Divorce	Employment dismissal
Total number (1st instance)	Incoming cases	130,391	1,205	3,914	Not available
	Decisions on the merits	7,716	790	3,410	As above
	Percentage of decisions subject to appeal in a higher court	----- 19%	-----	-----	As above
	Pending cases by 1 January	Not available			As above

	2005				
	Percentage of pending cases of more than 3 years	Not available			As above
Average length (from date of lodging of court proceedings*)	1st instance decisions	Not available			As above
	2nd instance decisions	Not available			As above
	Total procedure				

* If you cannot calculate the average length from the date of lodging of court proceedings, how do you calculate length of proceedings?

Source **Courts Service Annual Report 2004**

Note to Q 69 Most civil proceedings (in excess of 90%) settle after issue of the proceedings without the matter coming before the Court. Cases only come before the Court on the motion of one of the parties to the action and can be settled at any stage of the process through the courts, in which case the Court will have no further regard to it. The Court when considering delays looks to the various lists of cases seeking a judicial decision and will arrange to have these matters dealt with. The delays in the various lists are usually reckoned from the time the case is placed in the list to the time the date of hearing. (details of the various court lists will be found in the Courts Service Annual Report 2004 on the web site www.courts.ie)

All divorce cases are processed through the Courts and statistics on the degree of contentiousness are not collected.

IV. B. 3. Criminal cases

70. Please describe the role and powers of the prosecutor in the criminal procedure:

	Yes	No
▪ to conduct or supervise police investigation?	<input type="checkbox"/>	<input type="checkbox"/>
▪ to conduct investigation?	<input type="checkbox"/>	<input type="checkbox"/>
▪ when necessary, to demand investigation measures from the judge?	<input type="checkbox"/>	<input type="checkbox"/>
▪ to charge?	<input type="checkbox"/>	<input type="checkbox"/>
▪ to present the case in the court?	<input type="checkbox"/>	<input type="checkbox"/>
▪ to propose a sentence to the judge?	<input type="checkbox"/>	<input type="checkbox"/>
▪ to appeal?	<input type="checkbox"/>	<input type="checkbox"/>
▪ to supervise enforcement procedure?	<input type="checkbox"/>	<input type="checkbox"/>
▪ to end the case by dropping it without the need for a judicial decision?	<input type="checkbox"/>	<input type="checkbox"/>
▪ to end the case by imposing or negotiating a penalty without a judicial decision?	<input type="checkbox"/>	<input type="checkbox"/>
▪ other significant powers?	<input type="checkbox"/>	<input type="checkbox"/>

Please specify:

The Prosecutor has no investigative function or role. The Prosecutor determines the appropriate charge and has charge of the presentation of the case in court. Where there is a prosecution right of appeal on a point of law or in relation to the leniency of a sentence then such decision is taken by the prosecutor. The prosecutor can end the case by dropping it without a judicial decision.

71. Does the prosecutor also have a role in civil and/or administrative cases?

No
 Yes **Please specify:**

--

72. Functions of the public prosecutor in relation to criminal cases– please complete this table:

		Total number of 1st instance criminal cases
Received by the public prosecutor		
Discontinued by the public prosecutor	In general	
	Because the offender could not be identified	
Concluded by a penalty, imposed or negotiated by the public prosecutor		
Charged by the public prosecutor before the courts		

The Office of the Director of Public Prosecutions can only direct you to page 36 of the Annual Report 2004 (www.dppireland.ie) in relation to the disposal of files received. If an offender could not be identified, as opposed to an issue as to whether the evidence was sufficient to identify the offender, then it is unlikely that a file would be submitted to the Prosecutor since there would be no identifiable suspect against whom the question of a prosecution could be considered. Irish law does not provide for the Prosecutor imposing or negotiating a penalty.

Source Office of the Director of Public Prosecutions

73. Criminal cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Criminal cases	Robbery cases	Intentional homicides
Total number (1st instance)	Incoming cases	360,334	not available	28
	Judicial decisions			59
	Convicted persons			47
	Acquitted persons			12
	Percentage of decisions subject to appeal in a higher court			50
	Pending cases by 1 January 2005			
	Percentage of pending cases of more than 3 years			
Average length*(from the date of official charging)	1st instance decision			
	2nd instance decision			
	Total procedure			

* If you cannot calculate the average length from the date of official charging, how do you calculate length of proceedings?

Source Courts Service

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning timeframes of proceedings
-

Note Criminal statistics are not collected in a manner which would enable this question to be answered in the manner set out above.

V. Career of judges and prosecutors

V. A. Appointment and training

74. Are judges initially/at the beginning of their career recruited and nominated by:
- | | | | |
|--|---|-----|--------------------------|
| | <input type="checkbox"/> a body composed of members of the judiciary? | Yes | |
| | <input type="checkbox"/> a body composed of members external to the judiciary? | No | <input type="checkbox"/> |
| | <input type="checkbox"/> a body composed of members of the judiciary and external to the judiciary? | No | <input type="checkbox"/> |
| | | Yes | <input type="checkbox"/> |

75. Are prosecutors initially/at the beginning of their carrier recruited and nominated by:
- | | | | |
|--|---|-----|--------------------------|
| | <input type="checkbox"/> a body composed of members of the prosecution system? | Yes | |
| | <input type="checkbox"/> a body composed of members external to the prosecution system? | | <input type="checkbox"/> |
| | <input type="checkbox"/> a body composed of members of the prosecution system and external to the prosecution system? | X | <input type="checkbox"/> |

76. Is the mandate given for an undetermined period for:

- | | | | | |
|--------------------------|--------------|-----|--------------------------|--|
| | | Yes | No | |
| <input type="checkbox"/> | judges? | X | <input type="checkbox"/> | |
| <input type="checkbox"/> | prosecutors? | X | <input type="checkbox"/> | |

Are there exceptions ? Please specify:

Judges may serve up to seventy years of age.

Prosecutors are civil servants and their initial appointment would be subject to the normal probationary period of 12 months applicable generally. Having successfully completed that probationary period the appointment is confirmed and is for an undetermined period.

If no, what is the length of the mandate:

Is it renewable?

- | | | | | |
|--------------------------|-----------------|--------------------------|--------------------------|--|
| | | Yes | No | |
| <input type="checkbox"/> | of judges? | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | of prosecutors? | <input type="checkbox"/> | <input type="checkbox"/> | |

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors

The Judicial Appointments Advisory Board was established pursuant to the Court and Courts

Officers Act 1995. The purpose of the Board is to identify persons and inform the Government of the suitability of those persons for appointment to judicial office. By definition, the Board's remit is advisory. The ultimate decision as regards appointment rests with the Government.

The Board consists of the Chief Justice, the Presidents of the High Court, Circuit Court and District Court, the Attorney General, nominated representatives of the Bar Council and the Law Society and three persons nominated by the Minister.

Section 14 of the Act enables the Board to adopt such procedures as it thinks fit to carry out its functions. In practice, the Board places advertisements for applications for judicial appointments in the national press and requires applicants to complete a detailed application form which includes questions on their practice, their professional qualifications, education, character etc.

Under Section 16 of the Act, where a judicial office stands vacant or before a vacancy in a judicial office arises, the Board, at the request of the Minister, submits to the Minister the names of all persons who have informed the Board of their wish to be considered for appointment to that judicial office and the names of at least seven persons whom it recommends for appointment.

Section 16 also provides that the Government, when advising the President in relation to the appointment of a person to a judicial office, must first consider persons who have been recommended by the Board.

77. Nature of the training of judges:

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory			
	Highly recommended			
	Optional			
General in-service training	Compulsory	yes	Annual	yes
	Highly recommended		Regular	yes
	Optional		Occasional	
In-service training for specialised functions (e.g. judge for economic or administrative issues)	Compulsory	no	Annual	
	Highly recommended	no	Regular	
	Optional	No	Occasional	
In-service training for specific functions (e.g. head of court)	Compulsory	no	Annual	
	Highly recommended	no	Regular	
	Optional		Occasional	

Note to Q77 Judges are appointed from Lawyers who have been in practice for at least 10 years. Continuous training is compulsory for judges appointed after 1995.

78. Nature of the training of prosecutors:

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory	X		
	Highly recommended			
	Optional			
General in-service training	Compulsory		Annual	
	Highly recommended	X	Regular	X
	Optional		Occasional	

Specialised in-service training	Compulsory		Annual	
	Highly recommended	X	Regular	X
	Optional		Occasional	

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your training system for judges and prosecutors**

Initial training for prosecutors is compulsory and consists of submitting all their work to an experienced prosecutor for approval. General or Specialised in-service training is highly recommended on a regular basis.

V. B. Practice of the profession

- 79. Gross annual salary of a first instance professional judge at the beginning of his/her career at 31/12/2004**
District Court €114,147
Circuit Court €136,978

Source *Department of Justice, Equality and Law Reform*

- 80. Gross annual salary of a judge of the Supreme Court or of the highest appellate court**
High Court €187,529
Supreme Court €198,942

Source *Department of Justice, Equality and Law Reform*

- 81. Gross annual salary of a public prosecutor at the beginning of his/her career**
€57,630

Source *Office of the Director of Public Prosecutions*

- 82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court**
€177,637
There is no such position – the Director of Public Prosecutions is independent.

Source *Office of the Director of Public Prosecutions*

- 83. Do judges and public prosecutors have additional benefits?**

	Judges (Yes/No)	Public prosecutors (Yes/No)
Reduced taxation	NO	NO
Special pension	NO	NO
Housing	No	NO
Other financial benefit (If yes, please specify)	NO	NO

- 84. Can judges or prosecutors combine their work with any of the following other professions?**

	Judges			Prosecutors		
	Yes with remuneration	Yes without remuneration	No	Yes with remuneration	Yes without remuneration	No
Teaching		X		X		
Research and publication		X		X		
Arbitrator			X	X		

Consultant			X	X		
Cultural function		X		X		
Other function to specify						

85. Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

No

Yes Please specify:

V. C. Disciplinary procedures

86. Types of disciplinary proceedings and sanctions against judges and prosecutors:

		Judges	Prosecutors
Reasons for disciplinary procedures	Total number		
	Breach of professional ethics (Yes/No) If yes, please specify the number		
	Professional inadequacy (Yes/No) If yes, please specify the number		
	Criminal offence (Yes/No) If yes, please specify the number		
	Other (Yes/No) If yes, please specify		
	Types of sanctions	Total number	
Reprimand (Yes/No) If yes, please specify the number			
Suspension (Yes/No) If yes, please specify the number			
Dismissal (Yes/No) If yes, please specify the number			
Fine (Yes/No) If yes, please specify the number			
Other (Yes/No) If yes, please specify			

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning disciplinary procedures for judges and prosecutors**

There were no disciplinary proceedings taken or sanctions imposed on prosecutors during 2004.
 There is no separate disciplinary procedure for judges other than appeal to a higher court or judicial review in the case of District and Circuit Courts

VI. Lawyers

87. Number of lawyers practising in your country (i) 1539 barristers (ii) 9273 solicitors

Sources (i) Council of the Bar of Ireland (www.lawlibrary.ie)
 (ii) Law Society of Ireland (www.lawsociety.ie)

88. Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

Yes for solicitors No for Barristers

89. Do lawyers have a monopoly of representation: Yes – Solicitors and barristers are the main providers of legal representation.

	Monopoly (Yes/No)		If no, possible representation by (Yes/No)	
Civil cases*			Member of family	<input type="checkbox"/>
			Trade Union	<input type="checkbox"/>
			NGO	<input type="checkbox"/>
			Other	<input type="checkbox"/>
Criminal cases*	Defendant		Member of family	<input type="checkbox"/>
			Trade Union	<input type="checkbox"/>
			NGO	<input type="checkbox"/>
			Other	<input type="checkbox"/>
	Victim		Member of family	<input type="checkbox"/>
			Trade Union	<input type="checkbox"/>
			NGO	<input type="checkbox"/>
			Other	<input type="checkbox"/>
Administrative cases*			Member of family	<input type="checkbox"/>
			Trade Union	<input type="checkbox"/>
			NGO	<input type="checkbox"/>
			Other	<input type="checkbox"/>

* If appropriate, please specify if it concerns first instance and appeal.

90. Is the lawyer profession organised through?

- a national bar?
- a regional bar?
- a local bar?

Please specify:

The barristers profession is organised through a national Bar – the Council of the Bar of Ireland.
 The Law Society is the governing body for solicitors and is responsible for registration, representation and conduct matters. There are 2 regional Bar Associations and 20 local Bar Associations.

91. Is there a specific initial training or examination to enter the profession of lawyer?

Yes No

The prospective barrister must acquire the degree of Barrister at Law awarded by the Benchers of King's Inns, be called to the Bar of Ireland by the Chief Justice and on joining the Law Library undertake a one year period of pupillage.

92. Is there a mandatory general system for lawyers requiring continuing professional development?

Yes No

A mandatory scheme of Continuing Professional Development is being introduced for practising barristers with effect from 3 October 2005.

93. Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

No Yes Please specify:

Solicitors may not claim specialist status.

94. Can users establish easily what the lawyers' fees will be?

Yes No

Solicitors are obliged by law to inform clients, in writing, of the estimated cost of services or the basis on which costs will be charged. Barristers fees are freely negotiated between the client and barrister.

95. Are lawyers fees:

- regulated by law? Yes
- regulated by Bar association?
- freely negotiated? X

96. Have quality standards been formulated for lawyers?

Yes Barristers No Solicitors

97. If yes, who is responsible for formulating these quality standards:

- the bar association? Yes
- the legislature?
- other? Please specify:

Each practising barrister is a member of an independent referral Bar and holds the status of sole trader. The barristers profession is represented by the Council of the Bar of Ireland. Members are governed by the Code of Conduct which controls all aspects of a barrister's relationship with the court, public, etc.

98. Is it possible to complain about :

- the performance of lawyers? No Yes Please specify:

Complaints about solicitors in relation to inadequate services, excessive fees and general

conduct matters can be made to the Law Society or the Solicitors Disciplinary Tribunal. A client who is dissatisfied with a barrister's performance may make a complaint to the Barristers Professional Conduct Tribunal. A client who is dissatisfied with the level of fees may refer the matter to the Taxing Master for taxation.

- the amount of fees? Yes No

99. Disciplinary proceedings and sanctions against lawyers:

	Yes /No (If yes, please specify the annual number)	
Reasons for disciplinary proceedings	Breach of professional ethics	
	Professional inadequacy	
	Criminal offence	
	Other	
Type of sanctions	Reprimand	
	Suspension	
	Removal	
	Fine	
	Other	

Solicitors – 51 matters came before the Disciplinary Tribunal in 2005 (breakdown not available).

Barristers – the Conduct Tribunal receives approx 25 complaints a year against barristers. These are mainly in the area of professional inadequacy e.g. delays in dealing with papers, alleged failure to provide representation, lack of courtesy.

100. Who is the authority responsible for the disciplinary procedures:

- a professional body? Yes No Please specify:

The Solicitors Disciplinary Tribunal
The Barristers Professional Conduct Tribunal and the Barristers Professional Conduct Appeals Board – both include lay representation.

- the judge?
- the Ministry of justice?
- other? Please specify:

The President of the High Court deals with disciplinary matters warranting the removal or suspension of solicitors from the Register.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar

VII. Alternative Dispute Resolution

101. If appropriate, please specify, by type of cases, the organisation of the judicial mediation:

	Compulsion (Yes/No)		Body providing mediation (Yes/No)	
Civil cases	Compulsory stage prior to court proceedings		Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings		Judge	
	Ordered by judge in certain cases		Prosecutor	
Family cases	Compulsory stage prior to court proceedings		Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings		Judge	
	Ordered by judge in certain cases		Prosecutor	
Administrative cases	Compulsory stage prior to court proceedings		Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings		Judge	
	Ordered by judge in certain cases		Prosecutor	
Employment dismissals	Compulsory stage prior to court proceedings	N/A	Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings	N/A	Judge	
	Ordered by judge in certain cases	N/A	Prosecutor	
Criminal cases	Compulsory stage prior to court proceedings		Private mediator	
			Public or authorised by court body	Restorative Justice Service funded by the Department of Justice, Equality and Law Reform
			Court	
	Compulsory stage in court proceedings		Judge	
	Ordered by judge in certain cases	X	Prosecutor	

102. Can you provide information about accredited mediators?

Employment dismissals - Employment dismissals are dealt with in accordance with the Unfair Dismissals Acts 1977 to 1993. These Acts do not provide for mediation and are administered by Rights Commissioners of the Labour Relations Commission and by the Employment Appeals Tribunal.

Criminal cases - The Department of Justice, Equality and Law Reform, through the Probation and Welfare Service, fund 2 Restorative Justice Projects. The majority of personnel are professionally qualified and, in the main, are working in the area of social work, counselling, facilitation, teaching and mediation. They enter a custom designed training programme (60 hours) which covers generic mediation skills with the emphasis on a restorative justice context i.e. victim/offender mediation/offender reparation.

The Family Support Agency's Family Mediation Service is a free, professional and confidential service for couples, married and non-married, who have decided to separate or divorce and who together want to negotiate the terms of their separation or divorce. The Family Mediation Service assists separating couples to address the issues on which they need to make decisions including - post separation living arrangements, finances and parenting arrangements which will enable children to have an ongoing relationship with each parent. With the assistance of a trained mediator couples look at these issues and, where possible, reach an agreement that meets the interests of both and the interests of their children. Once agreement is reached the couple can take the agreement prepared at mediation to their respective solicitors to have it formalised into a legal document". The Family Mediation Service is a State run service staffed by professionally trained and accredited mediators. It was set up in 1986 and now operates under the auspices of the statutory Family Support Agency. The Family Mediation Service provides seven leaflets outlining the different aspects to be considered when going through separation or divorce (www.fsa.ie/familymediation).

103. Can you provide information about the total number of mediation procedure concerning:

- **civil cases?**
- **family cases?**
- **administrative cases?**
- **employment dismissals?**
- **criminal cases?**

N/A
95

Source Restorative Justice Service

104. Can you give information concerning other alternative dispute resolution (e.g. Arbitration)? Please specify:

Employment dismissals - Parties to a disputed dismissal in employment are in a position, on a voluntary basis, to participate in Conciliation on the matter delivered by the Conciliation Service of the Labour Relations Commission. This is a State funded Service provided free to parties to the employment relationship generally in the context of the settlement of Trade Disputes.

Criminal cases – Victim/offender mediation

Cases referred at pre-sentence

Can be suggested/proposed by any of the parties connected to the case

Judge must sanction referral

Voluntary participation

There are no guarantees for offender that participation will influence court sanction/sentence.

Offender reparation programme

Cases referred at pre-sentence

Can be suggested/proposed by any of the parties connected to the case

Judge must sanction referral

Voluntary participation

If offenders complete community reparation programme, case is disposed of under the probation Act.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR

VIII. Enforcement of court decisions

VIII. A. Execution of decisions in civil matters

105. Are enforcement agents:

- | | |
|---|----------------------------|
| | Yes |
| ▪ judges? | <input type="checkbox"/> |
| ▪ bailiff practising as private profession ruled by public authorities? | X <input type="checkbox"/> |
| ▪ bailiff working in a public institution? | <input type="checkbox"/> |
| ▪ other enforcement agents? | X <input type="checkbox"/> |

Please specify their status:

The sheriffs in Dublin and Cork (4) are solicitors in private practice appointed by the Government. The sheriffs in the other 24 counties are solicitors who combine their work as County Registrars with that of sheriff. There are also 12 Revenue Sheriffs who collect monies from defaulting tax payers.

106. Number of enforcement agents 40

Source Department of Justice, Equality and Law Reform

107. Is there a specific initial training or examination to enter the profession of enforcement agent?

Yes No X All enforcement agents are currently solicitors.

108. Is the profession of enforcement agent organised by?

- | | |
|--------------------|---------------------------|
| | Yes |
| ▪ a national body? | X Appointed by Government |
| ▪ a regional body? | <input type="checkbox"/> |
| ▪ a local body? | <input type="checkbox"/> |

109. Can users establish easily what the fees of the enforcement agents will be?

Yes X No

110. Are enforcement fees:

- | | |
|----------------------|----------------------------|
| | Yes |
| ▪ regulated by law? | X <input type="checkbox"/> |
| ▪ freely negotiated? | <input type="checkbox"/> |

Fees Orders are published by the Government.

111. Is there a body entrusted with the supervision and the control of the enforcement agents?

No
Yes

Which authority is responsible for the supervision and the control of enforcement agents:

- | | Yes |
|----------------------------|-------------------------------------|
| ▪ a professional body? | <input type="checkbox"/> |
| ▪ the judge? | <input type="checkbox"/> |
| ▪ the Ministry of justice? | <input checked="" type="checkbox"/> |
| ▪ the prosecutor? | <input type="checkbox"/> |
| ▪ other? | <input type="checkbox"/> |

Please specify:

Department of Justice, Equality and Law Reform

112. Have quality standards been formulated for enforcement agents?

No
Yes

Who is responsible for formulating these quality standards?

Source Department of Justice, Equality and Law Reform

113. What are the main complaints of users concerning the enforcement procedure:

- | | Yes | No |
|-----------------------------|-------------------------------------|-------------------------------------|
| ▪ no execution at all? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ lack of information? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ excessive length? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ unlawful practices? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ insufficient supervision? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ excessive cost? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ other? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Difficulty in seizing goods to satisfy the creditor.

Source Department of Justice, Equality and Law Reform

114. Does your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions?

No
Yes

Please specify:

115. Is there a system measuring the timeframes of the enforcement of decisions :

- | | Yes | No |
|-----------------------------|--------------------------|-------------------------------------|
| ▪ for civil cases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ for administrative cases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

116. As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

- between 1 and 5 days
 - between 6 and 10 days
 - between 11 and 30 days
 - more: please specify
- Yes No information available

Source Department of Justice, Equality and Law Reform

117. Disciplinary proceedings and sanctions against enforcement agents: **None**

	Yes /No (If yes, please specify the total number)	
Disciplinary proceedings	Breach of professional ethics	
	Professional inadequacy	
	Criminal offence	
	Other	
Sanctions	Reprimand	
	Suspension	
	Dismissal	
	Fine	
	Other	

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters

1. Sheriffs – There are 12 Revenue Sheriffs and 4 independent (Cork and Dublin) Sheriffs. Revenue Sheriffs are responsible for the enforcement of revenue certificates under Section 485 of the Income Tax Act 1967. Cork and Dublin Sheriffs are responsible to the courts for the enforcement of Court Orders in civil proceedings and for the enforcement of revenue certificates under Section 485 of the Income Tax Act 1967.

Sheriffs in Dublin and Cork are independent and are answerable only to the Court in relation to Court Orders.

The Minister for Justice, Equality and Law Reform requests the Government to appoint the Dublin and Cork Sheriffs and the Minister for Finance requests the Government to appoint the Revenue sheriffs. All Sheriffs are appointed under the terms of the Appointment of Court Officers Act 1945 and are officers of the court

2. County Registrars acting as Sheriffs (Outside Dublin and Cork).

The County Registrar is a Government appointed officer of the Court attached to the Circuit Court Office in each county. Apart from controlling and managing the Circuit Court Office, they are responsible, outside the counties of Dublin and Cork, as sheriffs, for executing all orders of the court lodged with them for execution and for elections and

referenda. These specific functions are the responsibility of independent sheriffs in Counties Dublin and Cork.

VIII. B. Enforcement of decisions in criminal matters

118. Is there a judge who has in charge the enforcement of judgments?

Yes Please specify his/her functions and activities (e.g. Initiative or control functions):

No Please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor):

See note to Q117 above.

119. As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

No
Yes Please specify:

Comptroller and Auditor General Report – Collection of Fines
<http://www.audgen.gov.ie/documents/vfmreports/CollectionofFines.pdf>

Comptroller and Auditor General Report – Collection of Fines
<http://www.audgen.gov.ie/documents/vfmreports/CollectionofFines.pdf>

You can indicate below:

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your enforcement system of decisions in criminal matters*

IX. Notaries

120. Is the status of notaries:



- a private one?
- a status of private worker ruled by the public authorities?
- a public one?
- other?
Please specify:

Yes	Number
<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

A notary is public officer of the civil order, appointed by the competent authority of the State in which he practises, to carry out the functions customarily associated with that office. Although closely associated with the work of the legal profession, the notary's is a separate profession of equal antiquity. A notary's involvement in legal affairs is restricted to matters of a non-contentious nature. His official acts, described as 'notarial acts', are executed under his Official Seal and signature although in certain circumstances, his signature alone may suffice. Because of the great antiquity of the office, and the manner of its evolution, the derivation of the notary's powers cannot be exhaustively defined. Neither is the exercise of a notary's function, in which there is invariably a foreign element, circumscribed by state.

Source 

121. Do notaries have duties:

- | | | |
|--|---|---|
| | Yes | No |
| ▪ within the framework of civil procedure? |  |  |
| ▪ in the field of legal advice? | | |
| ▪ to authenticate legal deeds? | | |
| ▪ other? | | |


If yes, please specify:

	The functions of a notary public relate to, and include, (a) authenticating public and private documents; (b) attesting and verifying signatures to documents in order to satisfy evidential or statutory requirements of foreign governments or of overseas institutions and regulatory authorities; (c) noting and protesting bills of exchange and promissory notes for non-acceptance or non-payment; (d) drawing up ship protests; and (e) giving certificates as to the acts and instruments of persons and their identities. In the performance of his functions a notary public is empowered, by virtue of his office, to administer oath and to take affidavits. He may also draw up documents of a legal or mercantile nature; take evidence as a commissioner for foreign courts and make and verify translations from foreign languages into the vernacular and vice versa.
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122. Is there a body entrusted with the supervision and the control of the notaries?

No 
 Yes 

Which authority is responsible for the supervision and the control of the notaries:

- | | |
|----------------------------|---|
| | Yes |
| ▪ a professional body? |  |
| ▪ the judge? | |
| ▪ the Ministry of justice? | |
| ▪ the prosecutor? | |
| ▪ other? | |

Please specify:

The Chief Justice is the competent authority to appoint notaries public.
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You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system of notaries**

123. Please indicate main orientations for reform and concrete measures which could improve the quality and the efficiency of your judicial system: