



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

Country: Ireland

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants (if possible on 1 January 2013)

4 591 087

2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP).

	Amount
State or federal level	69 812 000 000
Regional / federal entity level (total for all regions / federal entities)	NAP

3) Per capita GDP (in €)

35 752

4) Average gross annual salary (in €)

33 358

5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

NAP

A1. Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Q 1, 3 and 4 Central Statistics Office

Q 3 GDP 2012 calculated on the April 2012 population figure of 4,585,400

mail CN 9/1/14: General Comment : In view of the economic climate and in line with the Government commitment to ongoing strong expenditure control, budget allocations across the public sector have generally decreased since the 2012 Report was compiled. Measures needed to be put in place to ensure that Ireland was in a position to stabilise the economy, meet its international commitments and ensure a timely exit from the bail out programme which was achieved at the end of 2013.

In 2012, decreases in both the current expenditure allocation for the courts as well as the capital investment allocation were necessitated by the fiscal demands of the period. (it should be noted that since 1999 there had been significant capital investment in the courts).

1. 1. 2. Budgetary data concerning judicial system

6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	107 090 000
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	49 544 000
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	5 581 000
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	<input checked="" type="checkbox"/> Yes	4 797 000
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	13 572 000
5. Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	25 043 000

6. Annual public budget allocated to training and education Yes 550 000
7. Other (please specify): Yes 8 003 000

7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:

The figures above reflect the budget for 2012.

8) Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

- for criminal cases?
- for other than criminal cases?

If yes, are there exceptions to the rule to pay court a tax or fee? Please provide comments on those exceptions:

Family Law Proceedings are exempt from court fees

8.1) Please briefly present the methodology of calculation of courts fees?

Court fees are charged on a range of transactions and are charged in accordance with fees set out in Court Fees Orders made by the Minister for Justice and Equality.

8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?

€22

9) Annual income of court taxes or fees received by the State (in €)

43 720 000

12) Annual approved public budget allocated to legal aid, in €. - If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. (Question modified)

If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:

	Amount (in €)
Total annual approved public budget allocated to legal aid (12.1 + 12.2)	83,159,000
12.1 Annual public budget allocated to legal aid for cases brought to court	83,159,000
12.1.1 in criminal law cases	50,500,000
12.1.2 in other than criminal law cases	32,659,000
12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc)	NA

Comment :

13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided .

- Amount 40 528 000

Comment :

Net expenditure for the Office of the Director of Public Prosecutions in 2012 was €38,846,705.00

mail CN 9/1/14: The 43,854,000 reported for 2010 was the gross figure and the comparable gross figure for 2012 is 40,528,000. It would be more appropriate to include the gross figure which is as voted and can be directly compared to the 2010 figure. The current figure of 38,846,075 included in the questionnaire as reported by the Office of the Director of Public Prosecutions is the net expenditure, however, it would be better to now include 40,528,000 if that is possible.

14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	No	No	No	No
Other ministry	No	No	No	No
Parliament	No	Yes	No	No
Supreme Court	No	No	No	No
High Judicial Council	No	No	No	No
Courts	Yes	No	Yes	No
Inspection body	No	No	No	Yes
Other	No	No	No	No

14.1) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):

Inspection Body - Comptroller and Auditor General and the Public Accounts Committee

Other: Minister of Finance in relation to Judicial salaries, Courts Service Board Member fees

A.2 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years

- if available, an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

mail CN 9/1/14: Q 6: confirme les données, commentaire général (sous Q 1-5) et : in the previous report items such as interpretation services were included under the general heading. The Courts Service has indicated that the current response more accurately reflects the budget allocated to expenses under 6.3

Please indicate the sources for answering questions 6, 9, 12 and 13.

Q 6 Courts Service - Revised estimates for Public Services 2012, Q 9 Courts Service, Q12 Department of Justice and Equality; Legal Aid Board, Q 13 Office of the Director of Public Prosecutions

[1. 1. 3. Budgetary data concerning the whole justice system](#)

15) The following data would be useful for information

15.1) (Former question 10) Annual approved public budget allocated to the whole justice system, in € (this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

NA

2346727000

15.2) (Former question 11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court (see question 6)	Yes
Legal aid (see question 12)	Yes
Public prosecution services (see question 13)	Yes
Prison system	Yes
Probation services	Yes
Council of the judiciary	No
Constitutional court	Yes
Judicial management body	No
State advocacy	Yes
Enforcement services	Yes

Notariat	No
Forensic services	Yes
Judicial protection of juveniles	No
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	Yes
Other	No

Comment :

Ireland does not have a Judicial Council, however, the costs of the Judiciary are included under Q 15

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes

17) Does legal aid include the coverage of or the exemption from court fees?

- Yes
 No

If yes, please specify:

Court fees are not charged in criminal cases
 Civil legal Aid generally includes court fees where these are payable

18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

- Yes
 No

If yes, please specify:

Civil legal aid does not generally include fees in respect of enforcement by an enforcement agent (this is distinct from enforcement of proceedings in a court which may be covered)

19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

Criminal cases	Other than criminal cases
Yes	Yes

Comment :

In criminal cases, Legal Aid can cover the cost of expert reports (medical and technical, production of documentation, legal fees and necessary incidental expenses.

In civil cases, fees of other professionals may be covered where it is necessary having regard to the circumstances of the case.

20) Number of cases referred to the court for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

 Please specify in the "comment" box below, when appropriate.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	60552
in criminal cases	49639
other than criminal cases	10913

Comment :

The figure of 10913 represents civil legal aid certificates granted and includes cases that may not have proceeded to a court

hearing. It does not include asylum cases where legal aid was granted.

20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Number of cases
NA

Comment :

21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

Please specify in the "comment" box below.

Accused individuals	Yes
Victims	Yes

Comment :

in a prosecution for certain sexual offences, legal advice is available to a victim who wishes to seek advice about the matter.

Legal aid is available to a victim in certain sexual assault cases where the prior sexual history of the complainant is being raised by a person accused of one or more of the following offences:

a rape offence;
aggravated sexual assault;
aiding, abetting, counselling and procuring aggravated sexual assault;
aiding, abetting, counselling or procuring attempted aggravated sexual assault;
incitement to aggravated sexual assault; or
conspiring to commit any of the foregoing offences.

A person who seeks to avail of this service does not have to undergo a means test or pay a contribution.

22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system

- Yes
 No

23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

Please provide in the "comment" box below any information to explain the figures provided.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NAP	NAP
for other than criminal cases?	18000	18000

Comment :

Q 22: The Court assigns, but in practice defenders are free to choose.

In other than criminal cases, you must satisfy a means test and your annual disposable income must be less than €18,000.

In other than criminal cases, your capital resources, other than your home, are taken into account also when assessing financial eligibility. If the value of those resources exceeds €320,000, you will not qualify for legal services from the Board.

24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

- Yes
- No

If yes, please explain the exact criteria for denying legal aid:

Yes. The criteria for granting civil legal aid and advice are set out in Sections 24-28 of the Civil Legal Aid Act, as amended. In summary, the main criteria in respect of the merits of the case are that civil legal aid will not be granted where:

- A reasonably prudent person who could afford the legal services sought would not pay for those services or would not be advised to do so at his or her own expense by a solicitor or barrister, acting reasonably.
- The applicant does not, as a matter of law, have reasonable grounds to institute/defend/be a party to the proceedings.
- The applicant is not reasonably likely to be successful in the proceedings.
- The proceedings envisaged are not the most satisfactory means by which the applicant could achieve the result sought or a better one.
- In all of the circumstances, including the cost of the proceedings and the likely benefit to the applicant, it is not reasonable to grant legal aid.

25) In other than criminal cases, is the decision to grant or refuse legal aid taken by:

- the court?
- an authority external to the court?
- a mixed authority (court and external bodies)?

26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

- Yes
- No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:

criminal cases?	No
other than criminal cases?	Yes

B.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 20 and 23:

Department of Justice and Equality
Legal Aid Board

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

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

The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:

- legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): Yes www.irishstatutebook.ie
- case-law of the higher court/s? Internet

address(es): Yes www.courts.ie
 other documents (e.g. downloadable forms, online registration)? Internet address(es): Yes www.courts.ie

Comment :

29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- Yes
 No
 Yes only in some specific situations

If yes only in some specific situations, please specify:

30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?

- Yes
 No

If yes, please specify:

There is a national freephone number (116006) for contacting the Crime Victims Helpline, where general and specific advice is available and referral to specialist agencies is given.

There are free general and specialist victim services available across the country, with many of them funded by the Commission for the Support of Victims of Crime.

The Victims Charter and Guide to the Criminal Justice System are available to download on www.victimsofcrime.ie and describe the criminal justice system from a crime victim's point of view. It sets out rights and entitlements to the services given by the various state agencies working with crime victims.

31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.

[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]

	Information mechanism	Special arrangements in court hearings	Other
Victims of sexual violence/rape	Yes	Yes	No
Victims of terrorism	No	No	No
Children (witnesses or victims)	Yes	Yes	Yes
Victims of domestic violence	Yes	No	No
Ethnic minorities	No	No	No
Disabled persons	Yes	Yes	No
Juvenile offenders	Yes	Yes	Yes
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	No	Yes	No

Comment :

31.1) Is it possible for minors to be a party to a judicial proceedings :

- Yes
 No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be

represented by a lawyer, etc.) :

Children may be prosecuted in criminal proceedings and special statutory protections and procedures (viz. under the Children Act 2001) apply to such proceedings. Where a child is participating in civil proceedings as plaintiff he/she must be represented by a next friend and where participating as a defendant must be represented by a guardian ad litem. A guardian ad litem may also be appointed in proceedings relating to the care/welfare of a child. Children are entitled to be legally represented in both criminal and civil proceedings.

32) Does your country allocate compensation for victims of crime?

- Yes
 No

If yes, for which kind of offences

The Criminal Injuries Compensation Tribunal administers the following schemes:

- the Scheme of Compensation for Personal Injuries Criminally Inflicted
- the Scheme of Compensation for Personal Injuries Criminally Inflicted on Prison Officers

The tribunal considers applications from people who suffer a personal injury or death as a result of a crime of violence. Compensation may be awarded on the basis of any vouched out of pocket expenses, including loss of earnings, experienced by the victim or, if the victim has died as a result of the incident, by the dependents of the victim.

33) If yes, does this compensation consist in:

- a public fund?
 damages to be paid by the responsible person (decided by a court decision)?
 a private fund?

34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

- Yes
 No

If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

- Yes
 No

If yes, please specify:

With regard to "assistance" to victims, the Office of the DPP provides a range of supports/services all detailed on its website and specifically within the booklet entitled 'Going to Court as a Witness'. In relation to training of staff dealing with victims, The Office of the DPP has always, through a combination of induction training and ongoing mentoring programmes, sought to ensure that all staff are aware of their obligations to victims/witnesses. Recent examples of victim initiatives include; the development in 2012 of 'Guidelines on Dealing with Victims' which were circulated to all staff and to State Solicitors and "Guidelines for Making a Victim Impact Statement" launched in July 2013.

36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?

Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".

- Yes
 No
 NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed).

If necessary, please specify:

A victim or a deceased victim's family may seek a review of a decision not to prosecute or a decision to maintain a prosecution made by the Office of the Director of Public Prosecutions. Such a review, unless made by the Director herself, will be undertaken by a different lawyer than the original decision maker.

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

37) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

In criminal proceedings an accused has a constitutional right to an early trial by virtue of Article 38.1. At common law there was no power to award damages for a breach of the constitutional right to an early trial. An action for damages for breach of constitutional rights for a breach of this constitutional right "would not seem to be in doubt" (G.C. -v- Director of Public Prosecutions [2012] IEHC , High Court , Hogan J, paras. 23 to 24).

An accused can institute Judicial Review proceedings seeking an order for prohibition against the prosecution on the ground of delay. This application is to be made before the High Court by an accused and must be made 'promptly' (Connolly v DPP 15th March 2003, High Court, Finlay Geoghegan J.). A claim for damages may be included in such proceedings (G.C. -v- Director of Public Prosecutions supra.)

Under the European Convention on Human Rights Act 2003 an applicant may apply to the High Court for damages if an organ of State has not fulfilled its obligations under the Convention. Under that legislation the courts are excluded from the definition of organ of State but delay by the Director of Public Prosecutions or other State agents or agencies might give rise to this remedy.

Under section 46 of the Courts and Court Officers Act 2002, if judgment has been reserved and not been delivered within two months from completion of a hearing, the matter must be listed by the Court President before the judge concerned and, if not delivered by then, at two-monthly intervals thereafter until delivered.

According to a procedure initiated in 1996 any litigant who has a complaint in relation to delay must address it formally to the President of the High Court.

The Courts themselves employ a system of case management and judges seized of a case will set deadlines by which time the parties are required to have submitted or served documents. Legislation, including the Statute of Limitations 1957, stipulates the period in which applicants must take proceedings, before they become 'statute barred'.

Court orders in civil proceedings are executed by the sheriff or under-sheriff, who have a statutory duty (apart from the obligation stemming from the court order itself) to carry out execution of court orders. As such, failure to carry out execution of an order would render the sheriff/under-sheriff liable to (a) an action in tort for breach of statutory duty and (b) proceedings by way of Judicial Review seeking an order (mandamus) requiring the sheriff to comply with that duty, in which proceedings a claim for damages may also be made.

A person the subject of an unlawful arrest may institute an action in tort for damages.

Where a person (a) has been convicted due to a miscarriage of justice and the Court, or the court of re-trial, has certified that a newly-discovered fact shows that there has been a miscarriage of justice or (b) has been pardoned and the Minister for Justice is of opinion that a newly-discovered fact shows that there has been a miscarriage of justice, he has an option of (a) applying for compensation or (b) instituting an action for damages arising out of the conviction (section 9, Criminal Procedure Act 1993).

38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- (Satisfaction) surveys aimed at judges

- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at the parties
- (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

The Irish Courts Service has conducted a number of different types of evaluations and surveys. The Courts Service also conducts satisfaction surveys among court users/visitors to the courts periodically. The last such survey was conducted in 2010

The Courts Service also maintains a number of court user groups at jurisdiction and office level to obtain regular feedback from court/court office users on the standard of service provided and to receive suggestions for improvement in service/procedures.

A survey was carried out in 2011 to examine the satisfaction levels among judges in relation to the support and services they receive from the Courts Service. It is intended to carry out similar surveys at periodic intervals.

39) If possible, please specify:

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	Yes	No
Surveys at court level	No	No

40) Is there a national or local procedure for making complaints about the functioning of the judicial system (for example the handling of a case by a judge or the duration of a proceeding)?

- Yes
- No

41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complainant, etc.)	Time limit for dealing with the complaint
Court concerned	No	No
Higher court	No	No
Ministry of Justice	No	No
High Council of the Judiciary	No	No
Other external bodies (e.g. Ombudsman)	No	No

Comment :

The Programme for Government undertakes to “legislate to establish a Judicial Council, with lay representation, to provide an effective mechanism for dealing with complaints against judges” and this commitment is being given expression in the form of the proposed Judicial Council Bill. As well as providing for the establishment of a Judicial Council charged, inter alia, with the promotion of excellence and high standards of conduct by judges, the proposed Bill is aimed at providing a means of investigating allegations of judicial misconduct supported by the establishment of a Judicial Conduct Committee which will have lay representation. Work on the drafting of the Bill continues and it is anticipated that it will be published early in 2014.

41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system

NAP

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	3
42.2 First instance specialised Courts (legal entities)	1
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	105

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If data is not available, please indicate NA.

If the situation is not applicable in your country, please indicate NAP.

	Number
Total (must be the same as the data given under question 42.2)	1
Commercial courts (excluded insolvency courts)	NAP
Insolvency courts	NAP
Labour courts	NAP
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Fight against terrorism, organised crime and corruption	NAP
Internet related disputes	NAP
Administrative courts	NAP
Insurance and / or social welfare courts	NAP
Military courts	NAP
Other specialised 1st instance courts	1

Comment :

Other than distinctions between jurisdictional levels there is no specialisation - all judges within a court jurisdiction may be allocated to any category of case falling within the jurisdictional remit of the court concerned. In 2013 a new cadre of specialist judges was created in the Circuit Court with specific jurisdiction in relation to certain types of personal insolvency remedy and certain pre-trial order making powers.

44) Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

Yes

No

If yes, please specify:

The number venues in which the District courts sit has been significantly reduced in recent years, There are currently 96 District Court venues outside Dublin which is reduced from in excess of 250 prior to the establishment of the Courts Service in 1998. A number of Circuit Court venues have also been closed.

In 2012 a comprehensive review of all court venues throughout the country was completed. The assessment of each individual venue includes a comprehensive consultation process. Closure of further venues will be a matter for the Courts Service Board.

A Referendum in 2013 authorised an amendment to the Constitution to enable the establishment of a Court of Appeal. Please see response to question 208.

45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
a debt collection for small claims	102
a dismissal	NAP
a robbery	103

Please give the definition for small claims and indicate the monetary value of a small claim:

Small claims encompass consumer small claims and business small claims. "Consumer small claim" means a civil proceeding instituted-

(1) in relation to a consumer contract, by the consumer against the vendor in respect of any goods or service purchased, which is not a claim—

(a) arising from an agreement to which the Consumer Credit Act 1995 applies, or

(b) arising from an alleged breach of a leasing agreement,

(2) in relation to a tort, by the claimant (not being a body corporate) against the respondent in respect of minor damage caused to property belonging to the claimant but excluding personal injuries,

(3) in relation to a tenancy, by the tenant (not being a body corporate) against the landlord in respect of the non-return of any sum paid by the tenant as rent deposit or "key money" unless such claim is a dispute that may be referred to the Private Residential Tenancies Board under Part 6 of the Residential Tenancies Act 2004.

"Business small claim" means a civil proceeding instituted by a business purchaser against a business vendor in relation to a contract in respect of any goods or service purchased, but excluding any claim—

(a) arising from an agreement to which the Consumer Credit Act 1995 applies, or

(b) arising from an alleged breach of a leasing agreement, or

(c) for debt or liquidated damages.

The monetary value of a small claim may not exceed €2,000.

Please indicate the sources for answering questions 42, 43 and 45:

Courts Service

3. 1. 2. Judges, court staff

46) Number of professional judges sitting in courts (if possible on 31 December 2012) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females	NAP
Total number of professional judges (1 + 2 + 3)	144	106	38	
1. Number of first instance professional judges	136	99	37	
2. Number of second instance (court of appeal) professional judges	NAP	NAP	NAP	NAP
3. Number of supreme court professional judges	8	7	1	

Comment :

47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total	Males	Females	NAP
Total number of court presidents (1 + 2 + 3)	4	2	2	

1. Number of first instance court presidents	3	2	1	
2. Number of second instance (court of appeal) court presidents	NAP	NAP	NAP	
3. Number of supreme court presidents	1	0	1	

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2012).

Please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure NAP
If possible, in full-time equivalent NAP

Comment :

All judges are full time and there are no judges sitting on an occasional basis in Ireland.

49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):

If such non-professional judges exists in your country, please specify it in the "comment" box below:

Gross figure NAP

Comment :

50) Does your judicial system include trial by jury with the participation of citizens?

- Yes
 No

If yes, for which type of case(s)?

Cases classed as non-minor offences in accordance with the Constitution or in which either the accused or the prosecution has exercised an entitlement to have the case tried before a jury. Certain types of civil case in the High Court may be tried before a judge and jury (e.g. defamation).

51) Number of citizens who were involved in such juries for the year of reference:

8200

52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2012) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) Yes (among which women) 945

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal Yes (among which women) 31

2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars Yes (among which women) 787

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) Yes (among which women) 125

4. Technical staff Yes (among which women) 2

5. Other non-judge staff NAP

Comment :

53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and duties:

County registrars – senior professional legal officer in Circuit Court. Duties: adjudication on claims against immoveable property in proceedings for sale of such property; granting of orders for judgment in default; granting of pre-trial orders (e.g. discovery, joining of parties) and various types of order on consent;

Master of the High Court. Duties: granting of orders for judgment in default; granting of pre-trial orders (e.g. discovery, joining of parties) and various types of order on consent;

Taxing Masters. Duties: assessment of legal costs due by one party to civil proceedings to another party;

Examiner of the High Court. Duties - adjudication on claims against immoveable property in proceedings for sale of such property; adjudication on claims against company assets court proceedings to liquidate company; conduct of inquiries into next of kin of deceased persons ;

Official Assignee in Bankruptcy. Duties: adjudication on unsecured claims in personal insolvency proceedings; adjudication on secured claims against immoveable property in personal insolvency proceedings.

54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?

Yes

No

If yes, please specify:

Support and maintenance of ICT systems (networks, case tracking systems, financial accounting and management applications) and provision of certain building maintenance, cleaning, file storage and security services. The main criminal courthouse in Dublin is provided on a Public Private Partnership basis. Interpretation and stenography services are also outsourced.

C1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Q 51: 8200 served on juries is an approximate figure. Approximately 90,000 were summonsed for jury duty.

Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Courts Service

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2012) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females	NAP
Total number of prosecutors (1 + 2 + 3)	107	41	66	
1. Number of prosecutors at first instance level	NAP	NAP	NAP	
2. Number of prosecutors at second instance (court of appeal) level	NAP	NAP	NAP	
3. Number of prosecutors at supreme court level	NAP	NAP	NAP	

Comment :

Total staff 191.4 full time equivalents end December 2012. Number of staff 201 comprising 117 Prosecutors and 84 non-legal staff. Total staff 201 comprising 79 male and 122 females.

Mail CN 3/4/14 : The breakdowns at 1,2 and 3 of each question posed do not apply in the Irish system.

56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females	NAP
Total number of heads of prosecution offices (1 + 2 + 3)	1	0	1	
1. Number of heads of prosecution offices at first instance level	NAP	NAP	NAP	
2. Number of heads of prosecution offices at second instance (court of appeal) level	NAP	NAP	NAP	
3. Number of heads of prosecution offices at supreme court level	NAP	NAP	NAP	

Comment :

Mail CN 3/4/14 : The breakdowns at 1,2 and 3 of each question posed do not apply in the Irish system.

57) Do other persons have similar duties to public prosecutors?

- Yes
 No
 NA

Number (full-time equivalent)

32

58) If yes, please specify their title and function:

There are 32 State Solicitors contracted to provide a solicitor service to the Director of Public Prosecutions in cases to be heard outside of Dublin. Serious criminal offences, with the exception of certain criminal matters having an international dimension are prosecuted in the name of the DPP. Much of the work of the Office of the DPP is carried out by barristers in private practice rather than by barristers in the employment of the State. Therefore, there is no equivalent to the salaried official known as a public prosecutor in other member states.

59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

- Yes
 No

59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?

- Yes

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

Number NA 84
Among which women NA 50

C2 You can indicate below:

- Any useful comments for interpreting the data mentioned in this chapter
- The characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 55, 56 and 60.

Office of the Director of Public Prosecutions

3. 1. 4. Management of the court budget

61) Who is entrusted with responsibilities related to the budget within the court?

If "other", please specify it in the "comment" box below.

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	Yes	Yes	No	Yes
Court President	No	No	No	No
Court administrative director	No	No	Yes	Yes
Head of the court clerk office	No	No	Yes	Yes
Other	No	No	No	Yes

Comment :

The Courts Service Board is assisted in evaluating expenditure of its budget by an Audit Committee and an independent audit unit. The Comptroller and Auditor General also has powers to enquire into the manner of expenditure of funds allocated to administration of the courts

3. 1. 5. Use of Technologies in courts

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

Word processing	100% of courts
Electronic data base of caselaw	100% of courts
Electronic files	100% of courts
E-mail	100% of courts
Internet connection	100% of courts

63) For administration and management, what are the computer facilities used within the courts?

Case registration system	100% of courts
Court management information system	-10% of courts
Financial information system	100% of courts
Videoconferencing	-50% of courts

64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts ?

Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.

Electronic web forms	100% of courts
Website	100% of courts
Follow-up of cases online	-50% of courts
Electronic registers	-50% of courts
Electronic processing of small claims	+50% of courts
Electronic processing of undisputed debt recovery	-10% of courts
Electronic submission of claims	-10% of courts
Videoconferencing	-50% of courts
Other electronic communication facilities	100% of courts

Comment :

mail CN 9/1:

In the last report +50 was reported, however, it is considered that there was a misinterpretation of the question and electronic availability of forms rather than submission was reported. Circumstances where a form could be downloaded for completion

and then handed into the court office appear to have been included in the last report as electronic submission.

65) The use of videoconferencing in the courts (details on question 63).

Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses or victims?	Yes
65.2 Can such court hearing be held in the police station and/or in the prison?	Yes
65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	Yes
65.4 Is videoconferencing used in other than criminal cases?	Yes

Comment :

Re 65.2: The Judge is always in the courtroom. The accused may be heard through video link with the prison.

Re 65.3: Can be used for various types of pre-trial hearing (e.g. bail and remand applications) and taking of certain types of evidence at trial.

Re 65.4: Video conferencing and video display technology has been deployed extensively in the High Court (the highest first instance jurisdiction) and Circuit Court (the intermediate first instance jurisdiction) and in certain courtrooms in the District Court (the equivalent of magistrates level jurisdiction). Video conferencing is permissible in criminal proceedings under legislation for the following purposes -

- (a) for the hearing of evidence of certain types of witness (e.g. children and witnesses who are otherwise vulnerable) and where used, a video record must be kept;
- (b) for the hearing of certain types of pre-trial applications and appeals where the accused/convicted person is in prison custody.

Video conferencing is available for use in civil proceedings where the court directs that a party may participate, or that a witness may give evidence, by such means.

C3 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

The Irish Courts Service has invested heavily in the deployment of digital audio recording (DAR) which are now used to record all trials and appeals in criminal proceedings in the courts at indictment and appeal level. DAR is used in the Supreme Court, Court of Criminal Appeal, Special Criminal Court, High Court (Central Criminal Court) and the Circuit Criminal Court and all main venues of the District Court (the latter being the equivalent of a magistrates court) To date, permanent DAR facilities are available in all courtrooms either through permanent or portable equipment.

3. 2. Monitoring and evaluation

3. 2. 1. Performance and evaluation

66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

Yes

No

If yes, please indicate the name and the address of this institution:

Courts Service Information Office collects statistical data.

66.1) Does this institution publish statistics on the functioning of each court on the internet:

Yes

No, only in an intranet website

No

67) Are individual courts required to prepare an annual activity report (that includes, for example, data on

the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

- Yes
 No, only in an intranet website

68) Do you have, within the courts, a regular monitoring system of court activities concerning:

The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).

- number of incoming cases?
 number of decisions delivered?
 number of postponed cases?
 length of proceedings (timeframes)?
 other?

If other, please specify:

69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).

- Yes
 No

If yes, please specify:

70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)

- Yes
 No

71) Please select the 4 main performance and quality indicators that have been defined:

- incoming cases
 length of proceedings (timeframes)
 closed cases
 pending cases and backlogs
 productivity of judges and court staff
 percentage of cases that are processed by a single sitting judge
 enforcement of penal decisions
 satisfaction of court staff
 satisfaction of users (regarding the services delivered by the courts)
 judicial quality and organisational quality of the courts
 costs of the judicial procedures
 other:

If other, please specify:

72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

- Yes
 No

73) Who is responsible for setting the targets for each judge?

- executive power (for example the Ministry of Justice)?
 legislative power
 judicial power (for example a High Judicial Council, Higher Court)
 President of the court
 other

If other, please specify:
NAP

74) Are there performance targets defined at the level of the court (if no please skip to question 77)?

- Yes
 No

75) Who is responsible for setting the targets for the courts?:

- executive power (for example the ministry of Justice)?
 legislative power
 judicial power (for example a High Judicial Council, Higher Court)
 President of the court
 other

If other, please specify:

76) Please specify the main targets applied to the courts:

77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)

- High Council of judiciary
 Ministry of Justice
 Inspection authority
 Supreme Court
 External audit body
 Other

If other, please specify :

The Courts Service Board has overall authority in the management and administration of the Courts Service

78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

- Yes
 No

If yes, please specify:

79) Do you have specialised court staff that is entrusted with these quality standards?

- Yes
 No

80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for ?

- in civil law cases
 in criminal law cases
 in administrative law cases

81) Do you monitor waiting time during court procedures?

- Yes
 No

If yes, please specify:

Court waiting times, from decision of parties to refer a case to trial to the actual trial date, are the subject of annual reporting by the Courts Service.

82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?

This question does not concern the specific evaluation of performance indicators.

- Yes
 No

Please specify the frequency of the evaluation:

83) Is there a system for monitoring and evaluating the performance of the public prosecution service?

- Yes
 No

If yes, please give further details:

The system of the Office of the Director of Public Prosecutions records the number of files as they are received, the decision made, whether further information is being sought and highlights the cases where a decision is not made within 3 months. Unit Heads in the Office also monitor and evaluate the work of prosecutors operating under their units.

C.4 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your court monitoring and evaluation systems

In relation to question 67, the Courts Service is required by statute to provide an annual report on its activity during the year concerned. The report would include data on caseload for each court jurisdiction.

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a lawyer)?

NA

85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

- Yes
 No

Number of successful challenges (in a year):

NA

86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	0	1	0	NA
Civil proceedings - Article 6§1 (non-execution)	0	0	0	NA
Criminal proceedings - Article 6§1 (duration)	0	0	2	NA

Please indicate the sources:

Department of Foreign Affairs

D.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

- civil cases?
 criminal cases?
 administrative cases?
 there is no specific procedure

If yes, please specify:

Where urgent matters arise it is open to any party to the case to make an application to the court for an earlier hearing date.

In civil proceedings, judges are available outside of normal court sitting times to hear applications for urgent remedies such as injunctions.

In criminal proceedings, judges are available outside of normal court sitting times to hear urgent applications e.g. for search warrants.

88) Are there simplified procedures for:

- civil cases (small disputes)?
 criminal cases (small offences)?
 administrative cases?
 there is no simplified procedure

If yes, please specify:

In the District Court, civil cases (up to a value of €6,300 approx.) are tried summarily without the need for pre-trial pleadings, and minor offences are tried summarily generally on oral evidence only.

Under the Small Claims procedure applications can be made online, with the possibility of avoiding attendance at a court hearing where the claim is successfully mediated by the Small Claims Registrar.

88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

Yes

No

89) Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

Yes

No

If yes, please specify:

In civil cases, issues of fact or law can be agreed by the parties in advance of trial. Parties in High Court cases can agree on timeframes for lawyers to make submissions and on dates of hearings, which Judges will enforce

4. 2. 2. Case flow management and timeframes of judicial proceedings

90) Comment:

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

91) First instance courts: number of other than criminal and criminal law cases.

Number of other than criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)*	NA	NA	NA	NA
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NA	180287	NA	NA
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	NA
3. Non litigious enforcement cases	NAP	NAP	NAP	NAP
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP
5. Non litigious business registry cases**	NAP	NAP	NAP	NAP
6. Administrative law cases	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories

included:

Proceedings for breach of contract, tort, family law remedies, insolvency remedies and other forms of civil remedy.

93) If "other cases", please indicate the case categories included:**94) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	NA	NA	377051	NA
8. Severe criminal cases	NA	NA	4345	NA
9. Misdemeanour and / or minor criminal cases	NA	NA	372706	NA

95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of privation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":

Misdemeanour and /or minor criminal cases include all cases triable summarily (e.g. common assault, public order offences, burglary or theft in other than aggravated circumstances).

96) Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)

Severe criminal cases include all cases required to be tried on indictment (e.g. robbery (i.e. stealing with force/threat of force), assault causing serious harm, rape, aggravated sexual assault, manslaughter, murder).

Misdemeanour and /or minor criminal cases include all cases triable summarily (e.g. common assault, public order offences, burglary or theft in other than aggravated circumstances).

Mail 17/4/14 : Q 94 : there are many factors that affect the number of prosecutions taken in any given year, there were substantial reductions in the number of recorded traffic and public order offences between the years in question, and these categories of offence make up a significant proportion of the minor criminal cases that come before the courts.

97) Second instance courts: total number of cases**Number of "other than criminal law" cases.**

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	NA	NA	NA	NA
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NA	NA	NA	NA
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	NA
3. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	NAP	NAP	NAP	NAP
6. Administrative law cases	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

98) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	NA	5614	6570	NA
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and/or minor criminal cases	NA	NA	NA	NA

Comment :

99) Highest instance courts: total number of cases

Number of "other than criminal law" cases:

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	NA	NA	NA	NA
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	241	605	255	591
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NAP	NAP	NAP	NAP
3. Non litigious enforcement cases	NAP	NAP	NAP	NAP
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	NAP	NAP	NAP	NAP
6. Administrative law cases	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?

Yes. If yes, please indicate the number of cases closed by this procedure?

No

Number

100) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	NA	0	0	NA
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and/or minor criminal cases	NA	NA	NA	NA

Comment :

101) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 January 2012	Incoming cases	Resolved cases	Pending cases on 31 December 2012
Litigious divorce cases	NA	3482	2892	NA
Employment dismissal cases	NA	NA	NA	NA
Insolvency	486	116	78	524
Robbery cases	NA	NA	NA	NA
Intentional homicide	NA	31	41	NA

102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If

data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.]

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA
Insolvency	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA	NA

103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

The applicant lodges an application for a divorce decree, specifying the grounds on which the decree is sought and the facts supporting the application and relevant to the issues of maintenance, custody, access etc. (as appropriate). If the respondent opposes the application he/she must enter a defence/answer within a specified time from service on him/her of the application.

Article 41.3.2° of the Irish Constitution provides that a court may grant a dissolution of marriage where, but only where, it is satisfied that

- i. at the date of the institution of the proceedings, the spouses have lived apart from one another for a period of, or periods amounting to, at least four years during the previous five years,
- ii. there is no reasonable prospect of a reconciliation between the spouses,
- iii. such provision as the Court considers proper having regard to the circumstances exists or will be made for the spouses, any children of either or both of them and any other person prescribed by law, and
- iv. any further conditions prescribed by law are complied with.

Hence, even where the parties consent to a divorce decree, the court is required to enquire as to whether proper provision exists or will be made for a spouse or dependant.

104) How is the length of proceedings calculated for the five case categories? Please give a description of the calculation method.

From the time that papers are lodged in the court, there may be significant delays which have nothing to do with the courts, before the legal teams, prosecutors, etc actually seek a date for hearing of the case. It is not possible to calculate the length of proceedings using the definition set out above.

105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "other significant powers", please specify:

The Director of Public Prosecutions has no investigative function. The Director determines the appropriate charge and prosecutes the case in court. The Director may appeal a decision of the court on a point of law or where a sentence imposed is considered unduly lenient. The Director may end proceedings in a case without a judicial decision.

In addition to ending a case without judicial decision, the Office of the DPP can recommend a number of non judicial disposals, including Garda cautioning and juvenile diversion. The eDirector may also appeal a case on a point of law.

In relation to other significant powers, whilst the Director of Public Prosecutions cannot propose a sentence to a judge, there are two areas in relation to sentencing that the Office of the DPP can appropriately comment on, the first deals with the practice of giving a view as to where the offending sits on the scale of seriousness (pre-sentence) and the second relates to the Director's responsibility in relation to appealing sentences considered to be unduly lenient.

106) Does the public prosecutor also have a role in civil and/or administrative cases?

- Yes
 No

If yes, please specify:

106.1) Does the public prosecutor also have a role in insolvency cases?

- Yes
 No

If yes, please specify:

107) Case proceedings managed by the public prosecutor

Total number of 1st instance criminal cases.

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	15289	4674	NA	7123

107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?

	Before the court case:	During the court case:
If possible, please distinguish the number of guilty plea procedure:		

108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	4 674
1. Discontinued by the public prosecutor because the offender could not be identified	NA
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	NA
3. Discontinued by the public prosecutor for reasons of opportunity	NA

109) Do the figures include traffic offence cases?

Yes

No

D.2 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your system concerning timeframes of proceedings and the main reforms that
have been implemented over the last two years**

Q 107 contains data from 2011

Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.

Office of the Director of Public Prosecutions

5. Career of judges and public prosecutors

5. 1. Recruitment and promotion

5. 1. 1. Recruitment and promotion

110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If "other", please specify:

Judges are appointed to office by the President of Ireland on the advice of the Government.

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

The Board consists of:

the Chief Justice; who is Chairperson of the Board;
 the President of the High Court;
 the President of the Circuit Court;
 the President of the District Court;
 the Attorney General;
 a practising barrister who is nominated by the Chairman for the time being of the Council of the Bar of Ireland;
 a practising solicitor who is nominated by the President for the time being of the Law Society of Ireland; and
 not more than three persons appointed by the Minister for Justice & Equality, (hereafter "the Minister"), which are persons engaged in or having knowledge or experience of commerce, finance, administration, or persons who have experience as consumers of the service provided by the courts that the Minister considers appropriate.

A person appointed to be a member of the Board by virtue of a nomination by the Chairman of the Bar Council or by the President of the Law Society and persons appointed by the Minister are members of the Board for a period not exceeding three years and any such persons so appointed shall be eligible for re-appointment to the Board.

In relation to the position ordinary judge of the Courts, the following applies:

- In advising the President of Ireland in relation to the appointment of a person to judicial office, the Government shall firstly consider for appointment those persons whose names have been recommended to the Minister of Justice & Equality by the Judicial Appointments Advisory Board. (Applicants are Barristers and Solicitors of at least 10 or 12 years standing as appropriate to the jurisdiction).
- Barristers and Solicitors of at least 10 or 12 years standing (as appropriate to the jurisdiction) may also be recommended directly by the Government for appointment by the President.
- Serving Judges may be elevated without applying to the JAAB.

110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- Yes
- No

If "yes", please specify:

111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and

nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

See answer to Question 110.

112) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, which authority is competent for the promotion of judges ?

See answer to 110 above.

The Government is empowered to advise the President of Ireland to appoint a judge to a more senior judicial office.

112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

- Yes
- No

If "yes", please specify:

113) Which procedures and criteria are used for promoting judges? Please specify.

See answer to question 112. No criteria are expressly prescribed by legislation for the appointment of a judge to a more senior judicial office.

114) Is there a system of qualitative individual assessment of the judges' activity?

- Yes
- No

If yes, please indicate the frequency

115) Is the status of prosecution services:

- Independent?
- Under the authority of the Minister of justice ?
- Other?

Please specify:

116) How are public prosecutors recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If "other", please specify:

117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]

- An authority composed of public prosecutors only?
- An authority composed of non-public prosecutors only?
- An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

- Yes
- No

If "yes", please specify:

No, however, the Office of the DPP is an equal opportunities employer

118) Is the same authority formally responsible for the promotion of public prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting public prosecutors:

119) Which procedures and criteria are used for promoting public prosecutors? Please specify:

Competitive interview conducted by interview board comprising members of the Office of the DPP, external representation and representative of the Public Appointments Service.

119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

- Yes
- No

If "yes", please specify:

120) Is there a system of qualitative individual assessment of the public prosecutors' activity?

- Yes
- No

121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below

Yes. If yes, please indicate the compulsory retirement age	70

No	
----	--

Comment :

121.1) Can a judge be transferred to another court without his consent:

- For disciplinary reasons
- For organisational reasons
- For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards

A judge cannot be transferred to another court (as a legal entity) without his/her consent.

On appointment to the Circuit Court, a Circuit Court judge is required to be permanently assigned by the Government to the Dublin, Cork or other circuits in the event that a vacancy exists in such circuits at the time. Where a judge of the Circuit Court cannot on appointment be permanently assigned to a particular circuit, that judge may at any time thereafter be permanently assigned to any circuit to fill a vacancy for a judge permanently assigned to that circuit. Any judge of the Circuit Court permanently assigned to a particular circuit may at any time, but only if (s)he consents, be transferred by the Government to another circuit to fill a vacancy for a judge permanently assigned to that other circuit. The permanent assignment of a Circuit Court judge to a circuit, may be terminated by the Government, but only at the judge's request, in which event the judge may at any time thereafter be permanently assigned by the Government to any circuit to fill a vacancy for a judge permanently assigned to that circuit.

On appointment to the District Court, a District Court judge may be assigned by the Government permanently or temporarily to a district of that court. Where the number of temporarily appointed judges of that court reaches 20, the Government is required to appoint the person next appointed as a District Court judge permanently to a particular district. A District Court judge not permanently assigned to a particular district upon appointment may at any time be appointed by the Government permanently to a particular district.

A District Court judge permanently assigned to a particular district may, with his/her consent -

- (a) be transferred by the Minister for Justice and Equality to another district on a permanent basis
- (b) be temporarily assigned from time to time by the President of the District Court to another district or districts.

A District Court judge permanently assigned to a particular district may also request the Government to terminate that permanent assignment, in which event the Government may at any time thereafter assign the judge permanently to a particular district.

A District Court judge not permanently assigned to a particular district or districts ("an unassigned judge") may from time to time be assigned by the President of the District Court to any district or districts as may a temporary District Court judge. The President of the District Court may also, in relation to any district, temporarily assign for a period not exceeding 6 months one or more district judges (whether or not any such judge is permanently or temporarily assigned to another district or districts) to exercise, in relation to that district, powers for the issue of certain types of warrant and order.

122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
Yes	
No	No
NAP	

123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:

Yes. If yes, please indicate the compulsory retirement age	NA
No	

Comment :

124) Is there a probation period for public prosecutors? If yes, how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
Yes	1
No	
NAP	

125) If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)? Is it renewable?

NAP

126) If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)? Is it renewable?

NA

E.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and public prosecutors and the main reforms that have been implemented over the last two years

5. 2. Training

5. 2. 1. Training

127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Compulsory
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Compulsory
In-service training for management functions of the court (e.g. court president)	No training offered
In-service training for the use of computer facilities in courts	Compulsory

128) Frequency of the in-service training of judges:

General in-service training	Annual / Regular (e.g. every 3 months)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Annual / Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. court president)	No training proposed
In-service training for the use of computer facilities in courts	Annual / Regular (e.g. every 3 months)

129) Training of public prosecutors

Initial training	Compulsory
General in-service training	Compulsory
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Compulsory
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Compulsory
In-service training for the use of computer facilities in office	Compulsory

130) Frequency of the in-service training of public prosecutors

General in-service training	Annual / Regular (e.g. every 3 months)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Occasional (e.g. at times)
In-service training for the use of computer facilities in office	Occasional (e.g. at times)

131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate the budget of such institution(s) in the "comment" box below.

If your judicial training institutions do not correspond to these criteria, please specify it:

	Initial training only	Continuous training only	Initial and continuous training	2012 budget of the institution, in €
One institution for judges	No	No	Yes	Yes
One institution for prosecutors	No	No	No	No
One single institution for both judges and prosecutors	No	No	No	No

Comment :

€250000 for judicial training.

131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?

Training is conducted in-house for prosecutors

Re: Recruitment see Q 110 and Q 116

E.2 You can indicate below:**any useful comments for interpreting the data mentioned in this chapter****comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court****the characteristics of your training system for judges and public prosecutors and the main reforms that have been implemented over the last two years****5. 3. Practice of the profession****5. 3. 1. Practice of the profession****132) Salaries of judges and public prosecutors.**

	Gross annual salary, in €, on 31 December 2012	Net annual salary, in €, on 31 December 2012
First instance professional judge at the beginning of his/her career	122,512	NA
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	197,272	NA
Public prosecutor at the beginning of his/her career	30218	NA
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	85127	NA

Comment :

The Judicial salary reflects that of a judge of the District Court and a judge of the Supreme Court at December 2012

Salary for prosecutor reflects the salary of a new entrant solicitor and the salary of a principal Prosecution Solicitor.

mail CN 9/1/14: explication sur les différences par rapport au cycle précédent: In line with the Government's fiscal policy the salary or remuneration of public service staff and office holders has been reduced since the 2010 statistics provided for the 2012 report. This action was part of a suite of measures which were required to be introduced in view of Ireland's financial situation. Following a constitutional amendment, legislation was passed to allow for the reductions in the remuneration of judges. The Financial Emergency Measures in the Public Interest legislation refers.

133) Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit	No	No

134) If other financial benefit, please specify:**135) Can judges combine their work with any of the following other functions ?**

	With remuneration	Without remuneration
Teaching	No	Yes
Research and publication	No	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	No	Yes
Political function	No	No
Other function	No	Yes

136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

Judges from time to time address conferences and give lectures without remuneration. The Constitution precludes judges from holding any other remunerated position but they are not precluded, for example, from receiving royalties on textbooks they have published.

137) Can public prosecutors combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	Yes	Yes
Consultant	Yes	Yes
Cultural function	Yes	Yes
Political function	No	No
Other function	No	No

138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:

Staff of the Office of the Director of Public Prosecutions may not engage in any outside employment which would be in conflict with their position in the Office. No position in a political organisation may be held by staff.

139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?

- Yes
 No

If yes, please specify the conditions and possibly the amounts:

5. 4. Disciplinary procedures**5. 4. 1. Disciplinary procedures****140) Who has been authorised to initiate disciplinary proceedings against judges (multiple options possible)?**

- Citizens
 Relevant Court or hierarchical superior
 High Court / Supreme Court
 High Judicial Council
 Disciplinary court or body
 Ombudsman
 Parliament
 Executive power
 Other
 This is not possible

If "executive power" and/or "other", please specify:

*Comment: Article 35.4 of the Constitution provides as follows:

"1° A judge of the Supreme Court or the High Court shall not be removed from office except for stated misbehaviour or incapacity, and then only upon resolutions passed by Dáil Éireann [Lower House of Parliament] and by Seanad Éireann [Upper House of Parliament] calling for his removal.

2° The Taoiseach [Prime Minister] shall duly notify the President [i.e. of Ireland] of any such resolutions passed by Dáil Éireann and by Seanad Éireann, and shall send him a copy of every such resolution certified by the Chairman of the House of the Oireachtas [Parliament] by which it shall have been passed.

3° Upon receipt of such notification and of copies of such resolutions, the President shall forthwith, by an order under his hand and Seal, remove from office the judge to whom they relate."

Judges of the Circuit Court and District Court have been given, by statute, tenure equivalent to that of their counterparts in the Supreme Court and High Court.

141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

- Citizens
 Head of the organisational unit or hierarchical superior public prosecutor
 Prosecutor General /State public prosecutor
 Public prosecutorial Council (and Judicial Council)
 Disciplinary court or body
 Ombudsman
 Professional body
 Executive power
 Other
 This is not possible

If "executive power" and/or "other", please specify:

142) Which authority has disciplinary power on judges? (multiple options possible):

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other

If "executive power" and/or "other", please specify:

143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other

If "executive power" and/or "other", please specify:

144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Judges	Public prosecutors
Total number (1+2+3+4)	0	0
1. Breach of professional ethics	0	0
2. Professional inadequacy	0	0
3. Criminal offence	0	0
4. Other	0	0

Comment :

145) Number of sanctions pronounced in 2012 against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number (total 1 to 9)	0	0
1. Reprimand	0	0

2. Suspension	0	0
3. Removal of cases	0	0
4. Fine	0	0
5. Temporary reduction of salary	0	0
6. Position downgrade	0	0
7. Transfer to another geographical (court) location	0	0
8. Resignation	0	0
9. Other	0	0

Comment :

E.3 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning disciplinary procedures for judges and public prosecutors and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 144 and 145

Department of Justice and Equality

Office of the Director of Public Prosecutions

6. Lawyers

6. 1. Status of the profession and training

6. 1. 1. Status of the profession and training

146) Total number of lawyers practising in your country.

11055

147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

- Yes
 No

148) Number of legal advisors who cannot represent their clients in court:

NA

149) Do lawyers have a monopoly on legal representation in (multiple options are possible):

- Civil cases?
 Criminal cases - Defendant?
 Criminal cases - Victim?
 Administrative cases?
 There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

Revenue Officials, Trade Union Officials and family members may appear in certain types of proceedings in limited circumstances.

While solicitors are engaged in all cases, a barrister will appear as an advocate for the client when instructed by the client's solicitor to do so. Solicitors have had full rights of audience in all courts since the early 1970s.

150) Is the lawyer profession organised through? (multiple options possible)

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

151) Is there a specific initial training and/or examination to enter the profession of lawyer?

- Yes
 No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

152) Is there a mandatory general system for lawyers requiring in-service professional training?

- Yes
 No

153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?

- Yes
 No

If yes, please specify:

Various professional qualifications are offered by the Law Society of Ireland in respect of particular fields of practice as a solicitor.

In order to acquire the degree of Barrister at Law (BL) an applicant must first pass an entrance examination to the Kings Inn, which is responsible for the training of barristers. The successful completion of a one year full time vocational course leads to the BL Degree.

Please indicate the sources for answering questions 146 and 148:

Law Society of Ireland, Bar Council of Ireland

F1 Comments for interpreting the data mentioned in this chapter:

Q 50 The General Council of the Bar of Ireland is the Regulatory and Representation Body for the Barristers' profession in Ireland.

6. 2. Practising the profession**6. 2. 1. Practising the profession****154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?**

- Yes
 No

155) Are lawyers' fees freely negotiated?

- Yes
 No

156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

- Yes laws provide rules
 Yes standards of the bar association provide rules
 No, neither laws nor bar association standards provide rules

F2 Useful comments for interpreting the data mentioned in this chapter:**6. 3. Quality standards and disciplinary proceedings****6. 3. 1. Quality standards and disciplinary proceedings****157) Have quality standards been determined for lawyers?**

- Yes
 No

If yes, what are the quality criteria used?

The Bar Association of Ireland sets standards of practice and procedures for barristers and barristers operate under a code of conduct and disciplinary code which covers all areas of practice. A complaint may be made by a client who is not satisfied with the services of a barrister to the Barristers' Professional Conduct Tribunal and the Barristers Professional Conduct Appeals Board.

The Incorporated Law Society of Ireland sets standards of practice and procedures for solicitors. Solicitors are expected to maintain high professional standards in the discharge of their professional duties. Failure to meet these standards can amount to misconduct and can be enquired into by the Solicitors Disciplinary Tribunal and in due course by the President of the High Court. The Law Society maintains committees which enquire into solicitors conduct prior to considering a referral to the Disciplinary Committee.

158) If yes, who is responsible for formulating these quality standards:

- the bar association?
- the Parliament?
- other?

If "other", please specify:
See response to question 157.

159) Is it possible to file a complaint about :

- the performance of lawyers?
- the amount of fees?

Please specify:
Barristers – complaints about performance and fees can be made to the Barristers' Professional Conduct Tribunal and the Professional Conduct Appeals Board. Both bodies have a majority lay representation.

Solicitors – complaints about performance and fees can be made to the Incorporated Law Society of Ireland and in matters of misconduct to the Solicitors Disciplinary Tribunal. The President of the High Court has oversight of solicitor disciplinary proceedings.

160) Which authority is responsible for disciplinary procedures?

- the judge
- the Ministry of justice
- a professional authority
- other

If other, please specify:
See question 157

161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Number
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	NA
1. Breach of professional ethics	NA
2. Professional inadequacy	NA
3. Criminal offence	NA

4. Other	NA
----------	----

Comment :

Q161 : mail CN 10/4/14 : « there are two categories of lawyer, Solicitor and Barrister. The data is not consistent from each of the bodies.

The data from the Law Society is for 2012 but is not in the form that can be entered into the table.

The data from the Bar Council is for 2013 and gives a total of 48 (20 =15=2=11)”

The figure includes 116 complaints about solicitors to the Law Society that were referred to the Disciplinary Tribunal. It does not include proceedings taken against solicitors due to financial irregularities. This figure covers the period 1 September 2011 to 31 August 2012. The Society does not take disciplinary proceedings arising out of complaints of inadequate professional services. The statistic above does not include service complaints or complaints of a minor nature.

There were 48 Complaints against barristers in 2013 as follows:

1. Breach of professional ethics: 20
2. Professional Inadequacy: 15
3. Criminal offence: 2
4. Other 11

162) Sanctions pronounced against lawyers.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Number
Total number of sanctions (1 + 2 + 3 + 4 + 5)	NA
1.Reprimand	NA
2. Suspension	NA
3. Removal	NA
4. Fine	NA
5. Other (e.g. disbarment)	NA

Comment :

Of the 48 complaints against barristers in 2013 which were referred to reply to question 161, four were upheld. The following sanctions were imposed:

1. Reprimand: 1
4. Fine: 2
5. Other (disbarment): 1*

(*recommendation for disbarment forwarded to the Governing Body of the Honourable Society of the Kings Inns)

The annual report of the Independent Adjudicator of the Law Society of Ireland provides details of sanctions imposed on solicitors

F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Sources: Law Society of Ireland
Bar Council of Ireland

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation and other forms of ADR

163) Does the judicial system provide for judicial mediation procedures? If no skip to question 168

Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).

- Yes
- No

163.1) In some fields, does the judicial system provide for mandatory mediation procedures?

If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.

- Before going to court
- Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:

164) Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	Yes	Yes	No	No	No
Family law cases (ex. divorce)	No	Yes	Yes	No	No
Administrative cases	No	No	No	No	No
Employment dismissals	No	No	No	No	No
Criminal cases	Yes	No	No	No	No

165) Is there a possibility to receive legal aid for judicial mediation procedures?

- Yes
- No

If yes, please specify:
 Family Law proceedings

166) Number of accredited or registered mediators who practice judicial mediation:

35

167) Number of judicial mediation procedures.

Please indicate the source in the "comment" box below:

Total number of cases (total 1+2+3+4+5)	NAP
1. civil cases	NAP
2. family cases	NAP
3. administrative cases	NAP
4. employment dismissals cases	NAP
5. criminal cases	NAP

Comment :

Court procedures facilitate the referring of pending proceedings to various types of ADR (in particular conciliation, mediation and arbitration). One developing area within ADR is collaborative law, involving lawyers for the respective parties seeking to collaborate on reaching a resolution. In this method, the collaborating lawyers do not act for their respective clients should the dispute proceed to litigation.

The Arbitration Act 2010 came into effect on 8 June 2010 It applies to all arbitrations beginning on or after that date. The Act replaces the Arbitration Acts 1954 to 1998 and adopts the United Nations Commission on International Trade Law (UNCITRAL) Model Law on International Commercial Arbitration. The UNCITRAL Model Law represents a global consensus on principles to be applied in respect of international arbitration.

168) Does the legal system provide for the following ADR :

If "other", please specify it in the "comment" box below:

Mediation other than judicial mediation?	Yes
Arbitration?	Yes
Conciliation?	Yes
Other alternative dispute resolution?	Yes

Comment :

See also comment with response to question 167.

G.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

Please indicate the source for answering question 166:

Family Mediation Service

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

169) Do you have enforcement agents in your judicial system?

- Yes
 No

170) Number of enforcement agents

35

171) Are enforcement agents (multiple options are possible):

- judges?
 bailiffs practising as private professionals under the authority (control) of public authorities?
 bailiff working in a public institution?
 other enforcement agents?

Please specify their status and powers:

The sheriffs in Dublin and Cork 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 Revenue Sheriffs who collect monies from defaulting tax payers.

172) Is there a specific initial training or examination to become an enforcement agent?

- Yes
 No

173) Is the profession of enforcement agents organised by?

- a national body?
 a regional body?
 a local body?
 NAP (the profession is not organised)

174) Are enforcement fees easily established and transparent for the court users?

- Yes
 No

175) Are enforcement fees freely negotiated?

- Yes
 No

176) Do laws provide any rules on enforcement fees (including those freely negotiated)?

- Yes
 No

Please indicate the source for answering question 170:

Department of Justice and Equality

8. 1. 2. Efficiency of enforcement services

177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

- Yes
 No

178) Which authority is responsible for supervising and monitoring enforcement agents?

- a professional body
 the judge
 the Ministry of justice
 the public prosecutor
 other

If other, please specify:

179) Have quality standards been determined for enforcement agents?

- Yes
 No

If yes, what are the quality criteria used?

A Joint Committee comprising representatives of the Department of Justice, The Revenue Commissioners, and the Sheriffs Association has agreed a voluntary code of conduct.

180) If yes, who is responsible for establishing these quality standards?

- a professional body
 the judge
 the Ministry of Justice
 other

If "other", please specify:

See answer to question 179.

181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?

- Yes
 No

if yes, please specify

The onus is on the party who obtained the court decision to select and implement an enforcement mechanism.

182) Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

- Yes
 No

If yes, please specify

**183) What are the main complaints made by users concerning the enforcement procedure?
Please indicate a maximum of 3.**

- no execution at all
 non execution of court decisions against public authorities
 lack of information
 excessive length
 unlawful practices
 insufficient supervision
 excessive cost
 other

If "other", please specify:

184) Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- Yes
 No

If yes, please specify:

185) Is there a system measuring the length of enforcement procedures:

- for civil cases?
 for administrative cases?

186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:

NA

**187) Number of disciplinary proceedings initiated against enforcement agents.
If other, please specify it in the "comment" box below.**

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number of initiated disciplinary proceedings (1+2+3+4)	NA
1. for breach of professional ethics	NA
2. for professional inadequacy	NA
3. for criminal offence	NA
4. Other	NA

Comment :

188) Number of sanctions pronounced against enforcement agents.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings initiated and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number of sanctions (1+2+3+4+5)	NA
1. Reprimand	NA
2. Suspension	NA
3. Dismissal	NA
4. Fine	NA

5. Other

NA

Comment :

H.1 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your enforcement system of decisions in civil matters and the
main reforms that have been implemented over the last two years**

Please indicate the sources for answering questions 186, 187 and 188:

Department of Justice & Equality

8. 2. Execution of decisions in criminal matters**8. 2. 1. Functioning****189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)**

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

An Garda Siochana (Police Force)

190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
- No

191) If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%
- cannot be estimated

Please indicate the source for answering this question:

The Courts Service in conjunction with the Department of Justice and Equality entered into a contract with an external service provider to outsource the collection of certain outstanding fines in mid 2010

H.2 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your enforcement system of decisions in criminal matters and the main reforms
that have been implemented over the last two years**

9. Notaries

9. 1. Statute

9. 1. 1. Functionning

192) Do you have notaries in your country? If no please skip to question 197.

- Yes
 No

193) Are notaries:

If other, please specify it in the "comment" box below.

private professionals (without control from public authorities)?		NAP
private professionals under the authority (control) of public authorities?	<input checked="" type="checkbox"/> number	219
public agents?		NAP
other?		NAP

Comment :

194) Do notaries have duties (multiple options possible):

- within the framework of civil procedure?
 in the field of legal advice?
 to certify the authenticity of legal deeds and certificates?
 other?

If "other", please specify:

9. 1. 2. Supervision

195) Is there an authority entrusted with supervising and monitoring the notaries' activity?

- Yes
 No

196) Which authority is responsible for supervising and monitoring notaries:

- a professional body?
 the judge?
 the Ministry of justice?
 the public prosecutor?
 other?

If other, please specify:

The Chief Justice is responsible for appointing notaries

I.1 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your system of notaries and the main reforms that have been implemented over
the last two years**

Please indicate the sources for answering question 193:

Source of information for answering Q 193: The Faculty of Notaries Public in Ireland.

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Functioning

197) Is the title of court interpreters protected?

- Yes
 No

198) Is the function of court interpreters regulated by legal norms?

- Yes
 No

199) Number of accredited or registered court interpreters:

NA

200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

- Yes
 No

If yes, please specify (e.g. having passed a specific exam):

Interpreters must be a native speaker of the language in question and competent in English or a native English speaker and competent in the language being translated.

201) Are the courts responsible for selecting court interpreters?

If no, please indicate in the "comment" box below which authority selects court interpreters.

- Yes for recruitment and/or appointment for a specific term of office
Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
No .

Comment :

The provision of court interpreters is managed by the Courts Service with a company to supply interpreters for court proceedings as required. Interpretation services are provided by private contractors engaged by a public procurement process.

J.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 199:

Department of Justice and Equality
Courts Service

11. Judicial experts

11. 1. Judicial experts

11. 1. 1. Judicial experts

202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,
- "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,
- "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

203) Is the title of judicial experts protected?

- Yes
- No

204) Is the function of judicial experts regulated by legal norms?

- Yes
- No

205) Number of accredited or registered judicial experts (technical experts)

NA

206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

- Yes
- No

If yes, please specify, in particular the given time to provide a technical report to the judge:

Expert witnesses are expected to provide impartial expert evidence to the court. The court will, where necessary and in consultation with the parties, determine the time required for the provision of a report or evidence.

207) Are the courts responsible for selecting judicial experts?

If no, please specify in the "comments" box below which authority selects judicial experts?

- Yes for recruitment and/or appointment for a specific term of office
- Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No .

Comment :

The parties to a case employ expert and technical witnesses. The Courts Service provides legal researchers and judicial assistants ("Judicial Fellows") to assist the judge in researching the law which (s)he may require to apply in coming to a decision.

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 205:

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Foreseen reforms

208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. If possible, please observe the following categories:

1. (Comprehensive) reform plans

2. Budget

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

3.1 Access to justice and legal aid

4. High Judicial Council

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

6.1 Personal status

7. Enforcement of court decisions

8. Mediation and other ADR

9. Fight against crim

Court Reform

1 & 3. On the 4th October 2013 the Irish electorate approved by Referendum an amendment to the Constitution to enable the establishment of a Court of Appeal. The Court of Appeal will be placed immediately below the Supreme Court in the jurisdictional hierarchy, effectively assuming the existing appellate jurisdiction of the Supreme Court and the existing appellate jurisdictions of the Court of Criminal Appeal and the Courts-Martial Appeals Court. The Supreme Court will have appellate jurisdiction from decisions of the Court of Appeal where the Supreme Court determines that the decision involves a matter of general public importance or it is necessary in the interests of justice that there be an appeal to the Supreme Court, and from decisions of the High Court in exceptional circumstances involving a matter of general public importance and/or the interests of justice.

The establishment of the Court of Appeal will enable the Supreme Court to concentrate on cases which are appropriate for consideration by it as the Court of Final Appeal under the Constitution.

Criminal Legal Aid

3.1 A new Criminal Legal Aid Bill is planned to update and strengthen the system of granting criminal Legal aid including transferring responsibility for the administration of the Scheme from the Department of Justice and Equality to the Legal Aid Board. Consideration is being given to including in the Bill provisions to, inter alia, better regulate the taking of statements of means, increase the sanction for false declarations, allow the Legal Aid Board to verify the means of applicants and to prosecute cases of abuse. Provision to give power to the Legal Aid Board to recover the costs of criminal Legal Aid or to make application to a court to revoke a criminal legal aid certificate are also under consideration. These provisions must have regard to a person's rights to the presumption of innocence, to a fair trial and to be given legal aid, where appropriate.

Judicial Council

4. The Programme for Government undertakes to "legislate to establish a Judicial Council, with lay representation, to provide an effective mechanism for dealing with complaints against judges" and this commitment is being given expression in the form of the proposed Judicial Council Bill. As well as providing for the establishment of a Judicial Council charged, inter alia, with the promotion of excellence and high standards of conduct by judges, the proposed Bill is aimed at providing a means of investigating allegations of judicial misconduct supported by the establishment of a Judicial Conduct Committee which will have lay representation. Work on the drafting of the new Bill continues and the Bill will be published early in 2014.

Legal Services Regulation

5. A Legal Services Regulation Bill is under preparation and remains a priority under both the Programme for Government and as an ongoing structural reform being delivered under the EU/IMF/ECB Troika programme is set to provide for the establishment of a new Legal Services Regulatory Authority that will be independent of the Government, the Law Society and the Bar Council in its appointment as well as in the discharge of its functions. The Bill will also establish an independent complaints framework to deal with allegations of professional misconduct to which the public will have direct access - at present such complaints are made through the professional bodies. There will also be an independent Legal Practitioners' Disciplinary Tribunal to deal with allegations of serious misconduct by both solicitors and barristers. This will end the duplication of disciplinary structures between the two professional bodies.

These changes are being augmented by a more modern, consumer friendly and transparent legal costs regime under the Office of the Legal Costs Adjudicator that will take over the duties of the existing Taxing-Master. The Bill sets out, for the first time in legislation, a set of Legal Costs Principles, and the determinations of the Legal Costs Adjudicator will be made public. The Bill will also open the legal services sector to new business models that will provide new opportunities for legal services providers while also providing greater choice and competition for the benefit of

consumers.

Judicial Appointments

5. A public consultation process has commenced in relation to the system of judicial appointments. Judges are appointed to office by the President on the advice of the Government. The current process for the appointment of judges in Ireland is set out in the Courts and Court Officers Act 1995 which established the Judicial Appointments Advisory Board. Views have been sought on how the judicial appointments process might be enhanced, both generally and specifically in relation to the following:

- Eligibility for appointment;
- The need to ensure and protect the principle of judicial independence;
- Promoting equality and diversity;
- The role of the Judicial Appointments Advisory Board, including its membership and its procedures;
- The public interest in accountability for appointments made.

Any changes advocated must be capable of implementation within the current relevant provisions of the Constitution.