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COURTS AND COURT OFFICERS ACT, 2002

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ACTS REFERRED TO

Air Pollution Act, 1987	1987, No. 6
Animal Remedies Act, 1993	1993, No. 23
Attorneys' and Solicitors' Act, 1870	33 & 34 Vict., c. 28
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Courts Act, 1991	1991, No. 20
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Courts and Court Officers Act, 1995	1995, No. 31
Courts (Establishment and Constitution) Act, 1961	1961, No. 38
Courts (No. 2) Act, 1991	1991, No. 21
Courts (No. 2) Act, 1997	1997, No. 43
Courts of Justice Act, 1924	1924, No. 10
Courts of Justice Act, 1936	1936, No. 48
Courts of Justice and Court Officers (Superannuation) Act, 1961	1961, No. 16
Courts Service Act, 1998	1998, No. 8
Courts (Supplemental Provisions) Act, 1961	1961, No. 39
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Debtors (Ireland) Act, 1840	3 & 4 Vict., c. 105
Enforcement of Court Orders Act, 1926	1926, No. 18
Family Home Protection Act, 1976	1976, No. 27
Family Law Act, 1981	1981, No. 22
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Family Law (Maintenance of Spouses and Children) Act, 1976	1976, No. 11
Finance Act, 1993	1993, No. 13
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Jurisdiction of Courts and Enforcement of Judgments Act, 1998	1998, No. 52
Law Reform Commission Act, 1975	1975, No. 3
Local Government (Water Pollution) Act, 1977	1977, No. 1

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Planning and Development Act, 2000	2000, No. 30
Registration of Title Act, 1964	1964, No. 16
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AN ACT TO AMEND THE DEBTORS (IRELAND) ACT, 1840, THE COURTS OF JUSTICE ACT, 1924, THE COURTS OF JUSTICE ACT, 1936, THE COURT OFFICERS ACT, 1945, THE COURTS OF JUSTICE AND COURT OFFICERS (SUPERANNUATION) ACT, 1961, THE COURTS (ESTABLISHMENT AND CONSTITUTION) ACT, 1961, THE COURTS (SUPPLEMENTAL PROVISIONS) ACT, 1961, THE GUARDIANSHIP OF INFANTS ACT, 1964, THE COURTS ACT, 1964, THE CHARITIES ACT, 1973, THE LAW REFORM COMMISSION ACT, 1975, THE FAMILY LAW (MAINTENANCE OF SPOUSES AND CHILDREN) ACT, 1976, THE BANKRUPTCY ACT, 1988, THE COURTS AND COURT OFFICERS ACT, 1995, THE BAIL ACT, 1997, THE COURTS SERVICE ACT, 1998, THE JURISDICTION OF COURTS AND ENFORCEMENT OF JUDGMENTS ACT, 1998, TO AMEND VARIOUS ENACTMENTS FOR THE PURPOSE OF INCREASING THE MONETARY LIMIT OF THE JURISDICTION OF THE CIRCUIT COURT, AND OF THE DISTRICT COURT, IN CIVIL MATTERS, TO PROVIDE FOR THE ESTABLISHMENT AND MAINTENANCE OF A REGISTER TO BE KNOWN AS THE REGISTER OF RESERVED JUDGMENTS, TO REPEAL CERTAIN ENACTMENTS AND TO PROVIDE FOR RELATED MATTERS. [10th April, 2002]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Courts and Court Officers Act, 2002.

Short title,
commencement,
construction and
collective citation.

(2) *Sections 13 to 21* shall come into operation on such day or days as the Minister for Justice, Equality and Law Reform may appoint by order or orders either generally or with reference to any particular provision and different days may be so appointed for different provisions, but those sections or any provision of them shall not apply in relation to proceedings in any court instituted before the day so appointed in respect of the section concerned or the provision concerned.

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(3) *Sections 22, 29 and 46* shall come into operation on such day or days as the Minister for Justice, Equality and Law Reform may appoint by order or orders either generally or with reference to any particular provision and different days may be so appointed for different provisions.

(4) *Section 31* shall be deemed to have come into operation on the 1st day of January, 2002.

(5) *Sections 39 to 43* shall be deemed to have come into operation on the 9th day of November, 1999.

(6) The provisions of this Act, insofar as they amend the Courts (Supplemental Provisions) Acts, 1961 to 2000, shall be construed as one with those Acts, and those provisions, the Courts (No. 2) Act, 1991, and those Acts may be cited together as the Courts (Supplemental Provisions) Acts, 1961 to 2002.

(7) The provisions of this Act, insofar as they amend the Court Officers Acts, 1926 to 1999, shall be construed as one with those Acts, and those provisions and those Acts may be cited together as the Court Officers Acts, 1926 to 2002.

Interpretation.

2.—(1) In this Act—

“Act of 1936” means Courts of Justice Act, 1936;

“Act of 1961” means Courts (Supplemental Provisions) Act, 1961;

“Act of 1981” means Courts Act, 1981;

“Act of 1991” means Courts Act, 1991;

“Act of 1995” means Courts and Court Officers Act, 1995;

“Act of 1998” means Courts Service Act, 1998.

(2) In this Act—

(a) a reference to a section or Schedule is a reference to a section of, or a Schedule to, this Act unless it is indicated that reference to some other enactment is intended,

(b) a reference to a subsection is a reference to a subsection of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended, and

(c) a reference to any enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment (including this Act).

Repeals.

3.—The enactments specified in *column (2)* of *Schedule 1* are repealed to the extent specified in *column (3)* of that Schedule.

PART 2

QUALIFICATION OF JUDGES

4.—Section 5 of the Act of 1961 is amended by the substitution of the following subsection for subsection (2):

Amendment of section 5 of Act of 1961.

“(2) (a) Subject to paragraphs (b) and (c) of this subsection, a person shall be qualified for appointment as a judge of the Supreme Court or the High Court if the person is for the time being a practising barrister or a practising solicitor of not less than 12 years’ standing who has practised as a barrister or a solicitor for a continuous period of not less than 2 years immediately before such appointment.

(b) A person who—

(i) is or was at any time during the period of 2 years immediately before the appointment concerned—

(I) a judge of the Court of Justice of the European Communities,

(II) a judge of the Court of First Instance attached to that Court,

(III) an Advocate-General of the Court of Justice of the European Communities,

(IV) a judge of the European Court of Human Rights established under the Convention for the Protection of Human Rights and Fundamental Freedoms done at Rome on the 4th day of November, 1950,

(V) a judge of the International Court of Justice established under the Charter of the United Nations,

(VI) a judge of the International Criminal Court established under the Rome Statute of the International Criminal Court done at Rome on the 17th day of July, 1998, upon the entry into force of that Statute,

(VII) a judge of an international tribunal within the meaning of section 2 of the International War Crimes Tribunals Act, 1998,

and

(ii) was a practising barrister or a practising solicitor before appointment to any of the offices referred to in subparagraph (i) of this paragraph,

shall be qualified for appointment as a judge of the Supreme Court or the High Court.

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(c) A judge of the Circuit Court who has served as such a judge for a period of not less than 2 years shall be qualified for appointment as a judge of the Supreme Court or the High Court.”.

Amendment of section 17 of Act of 1961.

5.—Section 17 of the Act of 1961 is amended by the substitution of the following subsections for subsection (2):

“(2) A person who is for the time being a practising barrister or a practising solicitor of not less than 10 years’ standing shall be qualified for appointment as a judge of the Circuit Court.

(2A) A judge of the District Court shall be qualified for appointment as a judge of the Circuit Court.

(2B) A county registrar who practised as a barrister or a solicitor for not less than 10 years before he or she was appointed to be a county registrar shall be qualified for appointment as a judge of the Circuit Court.”.

Periods of practice as barrister and solicitor reckonable.

6.—Where a person has practised as a barrister and as a solicitor, periods of practice as a barrister and periods of practice as a solicitor may be reckoned to satisfy the minimum period of practice as a barrister, or as a solicitor, required by—

(a) subsection (2)(a) of section 5 (as amended by *section 4*) of the Act of 1961 in the case of an appointment as a judge of the Supreme Court or the High Court,

(b) subsection (2) or (2B) of section 17 (as amended by *section 5*) of the Act of 1961 in the case of an appointment as a judge of the Circuit Court,

(c) section 14(1) (as amended by section 29 of the Act of 1995) of the Act of 1936 in the case of an appointment to act temporarily as a judge of the Circuit Court,

(d) subsection (2) or (3) of section 29 of the Act of 1961 in the case of an appointment as a judge of the District Court, or

(e) section 51(1) (as amended by section 48(8) of the Act of 1961) of the Act of 1936 in the case of an appointment to act temporarily as a judge of the District Court.

Amendment of section 14 of Law Reform Commission Act, 1975.

7.—Section 14 of the Law Reform Commission Act, 1975, is amended—

(a) in subsection (2)—

(i) by the substitution of “Subject to subsection (2A) of this section, when a person who is a barrister or a solicitor is appointed” for “When a person who is a barrister is appointed”, and

(ii) by the substitution of “shall be deemed to be practice as a barrister or a solicitor, as may be appropriate” for “shall be deemed to be practice at the Bar”,

and

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(b) by the insertion of the following subsection after subsection Pr.2 S.7 (2):

“(2A) Service as a Commissioner in a whole-time capacity or a whole-time officer of the Commission shall not be deemed to be practice as a barrister or a solicitor to satisfy the requirement in subsection (2)(a) of section 5 (as amended by *section 4* of the *Courts and Court Officers Act, 2002*) of the Act of 1961 of a continuous period of not less than 2 years practice by a person as a barrister or a solicitor immediately before the appointment of the person as a judge of the Supreme Court or the High Court.”.

PART 3

JUDICIAL APPOINTMENTS

8.—Section 16 of the Act of 1995 is amended by the substitution of the following subsections for subsection (7):

Amendment of section 16 of Act of 1995.

“(7) (a) When submitting the name of a person to the Minister under this section, the Board shall indicate whether the person satisfies the requirements of subsection (2) of section 5 (as amended by *section 4* of the *Courts and Court Officers Act, 2002*) of the Act of 1961 (in the case of an appointment to the office of ordinary judge of the Supreme Court or of ordinary judge of the High Court), subsection (2) or (2B) of section 17 (as amended by *section 5* of the *Courts and Court Officers Act, 2002*) of the Act of 1961 (in the case of an appointment to the office of ordinary judge of the Circuit Court) or subsection (2) or (3) of section 29 of the Act of 1961 (in the case of an appointment to the office of judge of the District Court) in respect of appointment to the judicial office for which the person wishes to be considered, and the Board shall not recommend a person to the Minister under this section unless the person satisfies those requirements.

(b) (i) The Board shall recommend a person to the Minister under this section only if the Board is of the opinion that the person—

(I) has displayed in his or her practice as a barrister or a solicitor a degree of competence and a degree of probity appropriate to and consistent with the appointment concerned,

(II) in the case of an appointment to the office of ordinary judge of the Supreme Court or of ordinary judge of the High Court, has an appropriate knowledge of the decisions, and an appropriate knowledge and appropriate experience of the practice and procedure, of the Supreme Court and the High Court,

(III) is suitable on the grounds of character and temperament,

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(IV) complies with the requirements of section 19 of this Act, and

(V) is otherwise suitable.

- (ii) In determining whether the requirements of subparagraph (i)(II) of this paragraph are satisfied, the Board shall have regard, in particular, to the nature and extent of the practice of the person concerned insofar as it relates to his or her personal conduct of proceedings in the Supreme Court and the High Court whether as an advocate or as a solicitor instructing counsel in such proceedings or both.”

Amendment of section 17 of Act of 1995.

9.—Section 17 of the Act of 1995 is amended by the substitution of “subsection (2)(b) of section 5 (as amended by *section 4* of the *Courts and Court Officers Act, 2002*) of the Act of 1961” for “the provisions of paragraphs (c) and (d) of section 5(2) (as inserted by section 28 of this Act) of the Act of 1961”.

Vacation of certain offices before appointment to judicial office.

10.—The Act of 1995 is amended by the insertion of the following section after section 17:

“17A.—A person who for the time being holds the office of—

- (a) judge of the Court of Justice,
- (b) judge of the Court of First Instance attached to that Court,
- (c) Advocate-General of the Court of Justice,
- (d) judge of the European Court of Human Rights established under the Convention for the Protection of Human Rights and Fundamental Freedoms done at Rome on the 4th day of November, 1950,
- (e) judge of the International Court of Justice established under the Charter of the United Nations,
- (f) judge of the International Criminal Court established under the Rome Statute of the International Criminal Court done at Rome on the 17th day of July, 1998, upon the entry into force of that Statute,
- (g) judge of an international tribunal within the meaning of section 2 of the International War Crimes Tribunals Act, 1998,

shall vacate the office concerned before the President appoints the person to a judicial office.”

Annual Report of Judicial Appointments Advisory Board.

11.—The Act of 1995 is amended by the insertion of the following section after section 20:

“20A.—(1) Subject to subsection (2) of this section, the Board shall, as soon as may be, but not later than 6 months, after the end of each year, make a report in writing to the Minister of

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its activities during that year, and the Minister shall cause copies Pr.3 S.11
of the report to be laid before each House of the Oireachtas.

(2) The first report under subsection (1) of this section shall be in respect of the period from the passing of the *Courts and Court Officers Act, 2002*, to the end of the year in which that Act is passed.

(3) The Minister may, after consultation with the Board, give directions to it regarding the form of a report under this section and the manner in which any matter is to be addressed in such a report.

(4) Subject to subsection (5) of this section, the Board shall include in a report under this section such information relating to the performance of its functions as the Minister may from time to time specify and, without prejudice to the generality of the foregoing, it may include information on one or more of the following:

- (a) the number of persons considered by the Board for appointment to each vacancy in a judicial office in the Supreme Court, the High Court, the Circuit Court and the District Court respectively in the period concerned,
- (b) the gender, professional qualifications and experience of the persons referred to in paragraph (a) of this subsection in relation to each such vacancy,
- (c) the gender, professional qualifications and experience of persons appointed to a judicial office in the period concerned,
- (d) the procedures of the Board for examining applications for appointment to a judicial office,
- (e) the criteria used by the Board to select the persons it recommended to the Minister under section 16 of this Act.

(5) A report under this section shall not include information that discloses, or is likely to disclose, the identity of any person who was considered by the Board in relation to an appointment to a judicial office and was not appointed to such an office.”.

12.—The Courts (Establishment and Constitution) Act, 1961, is amended by the insertion of the following section after section 6:

Completion of partly heard cases by judge appointed to higher court.

“6A.—(1) Where a judicial office within the meaning of section 6 of this Act is vacated by a person in accordance with subsection (3) of that section, the person shall complete the hearing of any case or cases that have been partly heard by the person in the Court in which the judicial office is vacated if, at the request of the President of that Court—

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(a) in case the person is appointed to the office of Chief Justice, President of the High Court or President of the Circuit Court, he or she considers it appropriate to do so, or

(b) in case the person is appointed to the office of ordinary judge of the Supreme Court, the Chief Justice requests the person to do so, or in case the person is appointed to the office of ordinary judge of the High Court or of the Circuit Court, the President of the High Court or the President of the Circuit Court, as may be appropriate, requests the person to do so.

(2) Whenever a judge sits in a Court in pursuance of this section, he or she shall be an additional judge of the Court concerned for all the purposes of that Court.”.

PART 4

CIRCUIT COURT AND DISTRICT COURT

Extension of jurisdiction of Circuit Court.

13.—Each provision specified in *column (3) of Part 1 of Schedule 2* of the enactments specified in the said *Part 1* conferring jurisdiction in a civil matter on the Circuit Court is amended by the substitution of “€100,000” for “£30,000” (being the monetary limit for the time being standing specified of the jurisdiction so conferred) in each place where it occurs.

Extension of jurisdiction of District Court.

14.—Each provision specified in *column (3) of Part 2 of Schedule 2* of the enactments specified in the said *Part 2* conferring jurisdiction in a civil matter on the District Court is amended by the substitution of “€20,000” for “£5,000” (being the monetary limit for the time being standing specified of the jurisdiction so conferred) in each place where it occurs.

Amendment of Third Schedule to Act of 1961.

15.—The Third Schedule to the Act of 1961 is amended in *column (3)* at reference number 14 by the substitution of “€50,000” for “£15,000” (inserted by section 2(1)(b) of the Act of 1991).

Amendment of section 115 of Finance Act, 1993.

16.—Section 115 of the Finance Act, 1993, is amended by the substitution of “€100,000” for “£15,000”.

Amendment of section 17 of Act of 1981.

17.—Section 17 (inserted by section 14 of the Act of 1991) of the Act of 1981 is amended—

(a) in subsection (2), by the substitution of “€85,000” for “£25,000” and of “€100,000” for “£30,000”, and

(b) in subsection (3), by the substitution of “€20,000” for “£5,000” and of “€50,000” for “£15,000”.

Amendment of section 15(2) of Act of 1991.

18.—Section 15(2) of the Act of 1991 is amended by the substitution of “€20,000” for “£5,000” and of “€40,000” for “£10,000”.

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19.—Section 21A (inserted by section 21 of the Status of Children Act, 1987) of the Family Law (Maintenance of Spouses and Children) Act, 1976, is amended in subsection (1) by the substitution of “€4,000” for “£1,500” and of “€2,000” for “£750” in each place where it occurs.

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Extension of jurisdiction of Circuit Court and District Court under section 21A of Family Law (Maintenance of Spouses and Children) Act, 1976.

20.—Section 23 (inserted by section 12 of the Act of 1981) of the Family Law (Maintenance of Spouses and Children) Act, 1976, is amended in subsection (2)(a) by—

Extension of jurisdiction of Circuit Court and District Court under section 23 of Family Law (Maintenance of Spouses and Children) Act, 1976.

(a) the substitution of “€500” for “£200” (inserted by section 11 of the Act of 1991), and

(b) the substitution of “€150” for “£60” (inserted by the said section 11).

21.—Section 5 (inserted by section 15(1)(a) of the Act of 1981) of the Guardianship of Infants Act, 1964, is amended in subsection (2) by the substitution of “€150” for “£60” (inserted by section 12 of the Act of 1991).

Extension of jurisdiction of Circuit Court and District Court under Guardianship of Infants Act, 1964.

22.—The Second Schedule to the Act of 1995 is amended—

Amendment of Second Schedule to Act of 1995.

(a) in paragraph 1—

(i) by the substitution of the following subparagraphs for subparagraph (v):

“(v) A conditional order for the appointment of a receiver by way of equitable execution and, if that appointment is consented to or is uncontested, an order for the appointment of the receiver, and an order for the discharge of a receiver.

(va) A conditional order of garnishee and, if the order is consented to or is uncontested, an order of garnishee.”,

(ii) by the substitution of the following subparagraph for subparagraph (ix):

“(ix) An order on an application for directions as to—

(I) service of a civil bill or other originating document not *inter partes*, or

(II) any other procedure in an action or matter.”,

(iii) by the substitution of the following subparagraph for subparagraph (xxiv):

“(xxiv) An order to vacate a *lis pendens* on the application of—

(I) the person on whose application it was registered, or

(II) any person affected by it, on notice to the person on whose application it was registered, where the action to which it relates has been discontinued or determined or a document or pleading has not, for a period of not less than a year before the application to vacate it, been filed in that action by or on behalf of the person on whose application it was registered.”,

(iv) by the substitution of the following subparagraphs for subparagraphs (xxvii), (xxviii) and (xxix):

“(xxvii) An order giving liberty to issue an execution order to replace an execution order that is lost or mislaid.

(xxviiia) An order giving liberty to issue an execution order at any time during the period of 12 years from the date of the judgment or order of the Court whose execution is directed or authorised by the execution order.

(xxviiib) An order giving liberty to amend the identity of the parties to an execution order in accordance with any amendment made by the Court to the identity of the parties to the judgment or order of the Court whose execution is directed or authorised by the execution order following the death of any party entitled or liable to execution under that order or the assignment of the debt due under that order.

(xxviii) An order for the transfer of proceedings to the High Court or the District Court, including all ancillary orders for the transfer of moneys lodged in the Circuit Court.

(xxix) An order giving liberty to—

(I) serve a third party notice to proceedings on notice to the plaintiff in the proceedings,

(II) join a party as a co-defendant to proceedings on notice to the plaintiff in the proceedings, or

(III) join a party as a co-plaintiff to proceedings on notice to the defendant in the proceedings.”,

and

(v) by the addition of the following subparagraphs:

“(xxx) An order for the recovery of—

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(I) a liquidated amount, or

(II) a specific chattel or chattels,

or both in any proceedings in which an appearance has not been entered or a defence has not been delivered.

(xxxi) An order entering judgment in an action for unliquidated damages, together with interest thereon and the costs, charges and expenses of the action, in which an appearance has not been entered or a defence has not been delivered.

(xxxii) An order for the recovery of possession of any land in ejectment proceedings in which an appearance has not been entered or a defence has not been delivered.

(xxxiii) An order for possession of any land within the meaning of section 3 of the Registration of Title Act, 1964, in proceedings for an application under section 62(7) of that Act in which an appearance has not been entered or a defence has not been delivered.

(xxxiv) An order for the recovery of possession of any land on foot of a legal mortgage or charge in proceedings in which no other relief is claimed and an appearance has not been entered or a defence has not been delivered.

(xxxv) An order that—

(I) A debtor liable under a judgment or order of the Court to pay an amount of money or, where the debtor is a body corporate, an officer, employee or member of the body corporate, and

(II) any other person who a County Registrar considers appropriate,

may be examined orally by the County Registrar to ascertain what (if any) debts are owing to the debtor and what (if any) property or other means the debtor has to satisfy the judgment or order.”,

(b) by the insertion of the following paragraph after paragraph 1:

“1A. In paragraph 1 of this Schedule “execution order” has the meaning it would have if the words “issued by a

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court” were deleted from the meaning assigned to it by section 2 of the Enforcement of Court Orders Act, 1926.”,

(c) by the substitution of the following paragraph for paragraph 4:

“4. In any case in which a County Registrar may make an order, he or she may—

- (a) make any supplementary or ancillary order,
- (b) place a stay, subject to such conditions as he or she thinks just, on any order made, or
- (c) give any necessary directions.”,

and

(d) by the insertion of the following paragraph after paragraph 9:

“9A. A County Registrar may, at the request of a party to proceedings, enter judgment in the proceedings for the amount that is agreed by the parties thereto and remains unpaid in respect of the costs, charges and expenses of the proceedings.”.

Amendment of section 9 of Court Officers Act, 1945.

23.—Section 9 of the Court Officers Act, 1945, is amended—

(a) in subsection (1) (inserted by section 35 of the Act of 1995), by the substitution of the following paragraph for paragraph (b):

“(b) Notwithstanding paragraph (a) of this subsection, the Courts Service may, whenever it considers it appropriate, require and authorise a County Registrar to perform—

- (i) the duties (in addition to his or her own duties) of any other County Registrar during a specified period or until otherwise directed by the Courts Service, or
- (ii) any duty or duties (in addition to his or her own duties) of any other County Registrar in a particular case or in particular circumstances.”,

and

(b) by the substitution of the following subsection for subsection (3):

“(3) Whenever an officer is required under this section to perform the duties, or any duty or duties, of another office, he or she shall, while the requirement remains in force, have all the powers of the holder of that office in respect of the duty or duties concerned as fully as if he or she held that office.”.

Amendment of section 79 of Courts of Justice Act, 1924.

24.—Section 79 (as amended by section 41 of the Act of 1995) of the Courts of Justice Act, 1924, is amended—

(a) in subsection (2), by the insertion of “or no judge stands assigned to a District Court District,” after “a judge for

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the time being assigned to a District Court District is Pr.4 S.24 unavailable,” and

- (b) by the insertion of the following subsection after subsection (2):

“(2A) A judge of the District Court who exercises jurisdiction in a District Court District under subsection (2) of this section may hold a sitting of the District Court in the District Court District at a place or time not standing appointed for the time being for the hearing of cases of summary jurisdiction.”.

25.—Section 7(6) of the Courts Act, 1964, is amended—

Amendment of section 7(6) of Courts Act, 1964.

- (a) in paragraph (a)(iii), by the deletion of “shall be endorsed upon the original document and”,
- (b) in paragraph (a)(iv), by the insertion of “, not more than 3 days after service of the document,” after “the time, date and place of posting of the envelope shall”, and
- (c) in paragraph (b), by the substitution of “the statutory declaration specified in subparagraph (iii) of paragraph (a) of this subsection shall be lodged therewith and the endorsement specified in subparagraph (iv) of the said paragraph (a) shall be effected on the document before lodgment at that office” for “the endorsement specified in subparagraphs (iii) and (iv) of paragraph (a) of this subsection shall be effected thereon before lodgment at that office”.

26.—The Act of 1995 is amended by the substitution of the following section for section 10 (inserted by section 1 of the Courts Act, 1996):

Number of ordinary judges of Circuit Court.

“10.—The number of ordinary judges of the Circuit Court shall not be more than 30.”.

27.—(1) The Act of 1995 is amended by the substitution of the following subsection for subsection (1) of section 11:

Number of judges of District Court.

“(1) The number of judges of the District Court in addition to the President of the District Court shall not be more than 52.”.

(2) The Sixth Schedule to the Act of 1961 is amended in paragraph 2(1) by the substitution of the following clause for clause (b) (inserted by section 20 of the Act of 1991 and amended by section 11(2) of the Act of 1995):

“(b) Where, at the time of the appointment of a person to be a judge of the District Court, there are 14 judges of the District Court not permanently assigned to particular districts, the Government shall assign that person permanently to a particular district.”.

PART 5

MISCELLANEOUS

Number of ordinary judges of High Court.

28.—The Act of 1995 is amended by the substitution of the following section for section 9 (inserted by the Courts (No. 2) Act, 1997):

“9.—The number of ordinary judges of the High Court shall not be more than 26.”.

Amendment in specified case of Part I of Second Schedule to Act of 1961.

29.—Where a judge of the High Court who was appointed on 20 December 1990 vacated his office on 30 November 2001, he shall be deemed for the purposes of Part I of the Second Schedule to the Act of 1961 to have vacated his office after 15 years of service.

Interest on costs, charges or expenses of certain judgments, orders or decrees.

30.—(1) Subject to section 23 of the Act of 1981, interest on the amount of the costs, charges or expenses awarded to a party in proceedings in a court to which section 27 of the Debtors (Ireland) Act, 1840, applies pursuant to a judgment, order or decree of the court shall be payable—

(a) subject to *subsection (3)*, at the rate of 2 per cent per annum from the date of such judgment, order or decree until—

(i) if the amount aforesaid is agreed by the parties to the proceedings, the date of such agreement, or

(ii) in default of agreement—

(I) the date on which a certificate of taxation (which expression includes an interim certificate of taxation) in respect of the amount aforesaid is issued by a taxing master of the High Court or by a county registrar exercising the powers of such a taxing master, as may be appropriate, or

(II) if appropriate, in the case of proceedings in the Circuit Court, the date on which a county registrar measures the amount aforesaid in accordance with rules of court,

and

(b) at the rate for the time being standing specified in section 26 of the Debtors (Ireland) Act, 1840, from the appropriate date aforesaid until that amount is paid.

(2) *Subsection (1)* also applies, where appropriate, to part only of the amount referred to in that subsection, and that subsection shall have effect accordingly.

(3) If the Minister for Justice, Equality and Law Reform is satisfied, having regard to the level of rates of interest generally in the State, that the rate of interest per annum for the time being standing specified in *subsection (1)(a)* ought to be varied, he or she may make an order varying that rate of interest and the said subsection shall have effect in accordance with the terms of any such order.

(4) An order under *subsection (3)* shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the

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next 21 days on which that House has sat after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything done previously thereunder. Pr.5 S.30

31.—Section 7(8)(c) of the Courts of Justice and Court Officers (Superannuation) Act, 1961, is amended by the substitution of “an exact number of euro” for “an exact number of pounds”.
Amendment of section 7(8)(c) of Courts of Justice and Court Officers (Superannuation) Act, 1961.

32.—Section 4(2) of the Charities Act, 1973, is amended by the insertion of the following paragraph after paragraph (d):
Amendment of section 4(2) of Charities Act, 1973.

“(dd) to apply the property of the charity *cy-près* if any of the circumstances specified in subsection (1) of section 47 of the Charities Act, 1961, exist in relation to the charity.”.

33.—The Bail Act, 1997, is amended—
Amendment of Bail Act, 1997.

(a) in section 5—

(i) in subsection (1), by the insertion of “, the court may, having regard to the circumstances of the case, including the means of the person and the nature of the offence in relation to which the person is in custody, order that” after “admits a person who is in custody to bail”, and

(ii) in subsection (3), by the substitution of “the amount (if any) of any recognisance paid into court” for “the amount of any recognisance paid into court”,

(b) in section 8(2), by the insertion of “, if the court, having regard to the circumstances of the case, including the means of the person and the nature of the offence to which the warrant relates, so orders” after “approved by the member and”, and

(c) in section 9—

(i) in subsection (1), by the substitution of “any amount paid into court” for “the amount paid into court”, and

(ii) in subsection (7), by the substitution of “any moneys paid into court” for “the moneys paid into court”.

34.—Section 61(3)(h) of the Bankruptcy Act, 1988, is amended by the substitution of “€7,000” for “€1,300”.
Amendment of section 61(3)(h) of Bankruptcy Act, 1988.

35.—The Attorney General shall be a member of the Superior Courts Rules Committee established by section 67 of the Act of 1936, the Circuit Court Rules Committee established by section 69 of that Act and the District Court Rules Committee established by section 71 of that Act.
Attorney General to be member of committees on rules of court.

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Appointment of persons to act in place of certain members of committees on rules of court.

36.—(1) The Chief Justice may appoint in writing an ordinary judge of the Supreme Court to act in his or her place as a member of the Superior Courts Rules Committee established by section 67 of the Act of 1936, and the President of the High Court may appoint in writing an ordinary judge of the High Court to act in his or her place as a member of that Committee, and any such appointment may be revoked at any time by the Chief Justice or the President of the High Court, as the case may be.

(2) The President of the Circuit Court may appoint in writing an ordinary judge of the Circuit Court to act in his or her place as a member of the Circuit Court Rules Committee established by section 69 of the Act of 1936, and any such appointment may be revoked at any time by the President of the Circuit Court.

(3) The President of the District Court may appoint in writing a judge of the District Court to act in his or her place as a member of the District Court Rules Committee established by section 71 of the Act of 1936, and any such appointment may be revoked at any time by the President of the District Court.

(4) The Attorney General may appoint in writing one of his or her officers to act in his or her place as a member of any of the following:

(a) the Superior Courts Rules Committee established by section 67 of the Act of 1936,

(b) the Circuit Court Rules Committee established by section 69 of that Act,

(c) the District Court Rules Committee established by section 71 of that Act,

and any such appointment may be revoked at any time by the Attorney General.

Amendment of section 9 of Jurisdiction of Courts and Enforcement of Judgments Act, 1998.

37.—Section 9 of the Jurisdiction of Courts and Enforcement of Judgments Act, 1998, is amended—

(a) in subsection (8)(a), by the substitution of “district court area” for “district court district”, and

(b) in subsection (16), by the substitution of “Dublin Metropolitan District” for “Dublin Metropolitan Area”.

Amendment of section 8 of Act of 1998.

38.—Section 8 of the Act of 1998 is amended by the substitution of the following subsection for subsection (1):

“(1) The Service shall, as soon as practicable, but not later than 6 months, after the end of each year make a report in writing to the Minister of its activities during that year, and the Minister shall cause copies of the report to be laid before each House of the Oireachtas.”.

Authentication of certain orders and other instruments made by Courts Service.

39.—The Act of 1998 is amended by the insertion of the following section after section 10:

“10A.—(1) (a) The Board may authorise generally or specially the Chief Executive to authenticate any order

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or other instrument or both (other than an order or instrument under seal) made under any provision mentioned in column 3 of Schedule 2 of the Acts mentioned in column 2 opposite the mention of that provision in relation to any function of the Service under that provision that is performed by the Board or by a committee of the Board. Pr.5 S.39

- (b) The Chief Executive may authorise generally or specially a member of the staff of the Service to authenticate any order or other instrument or both which the Chief Executive is authorised to authenticate under paragraph (a).

(2) The Chief Executive may authorise generally or specially a member of the staff of the Service to authenticate any order or other instrument or both (other than an order or instrument under seal) made under any provision mentioned in column 3 of Schedule 2 of the Acts mentioned in column 2 opposite the mention of that provision in relation to any function of the Service under that provision that is performed by the Chief Executive.

(3) If—

- (a) the Board has duly authorised the Chief Executive to authenticate any order or other instrument under subsection (1)(a), or
- (b) the Chief Executive has duly authorised a member of the staff of the Service to authenticate any order or other instrument under subsection (1)(b) or (2),

then that order or instrument shall be sufficiently authenticated by the signature of the Chief Executive or of such member of the staff of the Service, as the case may be.

(4) In any proceedings, a document purporting to be an order or other instrument authenticated by the signature of the Chief Executive, or of a member of the staff of the Service, as the case may be, in accordance with subsection (3) shall, unless the contrary is shown, be deemed without proof to be such order or other instrument duly authenticated in accordance with that subsection.”.

40.—Section 13 of the Act of 1998 is amended by the substitution of the following subsection for subsection (1):

Amendment of section 13 of Act of 1998.

“(1) The functions of the Board shall be—

- (a) to consider and determine policy in relation to the Service,
- (b) to oversee the implementation of that policy by the Chief Executive,
- (c) to determine—
- (i) which of the functions of the Service specified, or referred to, in sections 5 and 29(1) are to be

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performed by it and which of those functions are to be performed by the Chief Executive, and

- (ii) which of the powers of the Service specified, or referred to, in section 6 are to be exercised by it and which of those powers are to be exercised by the Chief Executive, and

- (d) to perform such functions as it determines are to be performed by it under paragraph (c).”.

Delegation of performance of functions of Board of Courts Service.

41.—The Act of 1998 is amended by the insertion of the following section after section 13:

“13A.—(1) The Board may perform any of its functions, other than the function specified in section 13(1)(c), through or by a committee of the Board established under section 15, or through or by the Chief Executive, duly authorised in that behalf by the Board.

(2) Such functions of the Board the performance of which is delegated to the Chief Executive under subsection (1) as may be specified by the Chief Executive from time to time may, with the consent of the Board, be performed by such member of the staff of the Service as may be authorised in that behalf by the Chief Executive.”.

Amendment of section 15 of Act of 1998.

42.—Section 15 of the Act of 1998 is amended by the substitution of the following subsection for subsection (1):

“(1) The Board may establish such committees of the Board as it thinks fit to do either or both of the following:

- (a) advise it in relation to the performance of its functions,
- (b) perform any of its functions to which subsection (1) of section 13A applies.”.

Amendment of section 20 of Act of 1998.

43.—Section 20 of the Act of 1998 is amended—

- (a) by the substitution of the following subsection for subsection (1):

“(1) Notwithstanding any other enactment, the Chief Executive shall—

- (a) manage and control generally the staff, administration and business of the Service, including the functions of County Registrars insofar as such functions relate to a function of the Service,
- (b) perform such functions of the Service as the Board determines are to be performed by the Chief Executive under section 13(1)(c), and
- (c) perform such other functions as may be conferred on him or her by or under this Act or by the Board.”.

(b) in subsection (4), by the deletion of “, with the consent of the Board.”.

44.—The Act of 1998 is amended by the substitution of the following section for section 33:

Amendment of Act of 1998.

“33.—(1) The Service shall be deemed to be a State authority for the purposes of section 181(1) of the Act of 2000.

(2) (a) Notwithstanding subsection (1) of section 181 of the Act of 2000 or any regulations made under that subsection which provide for the giving of any specified notice with respect to proposed development consisting of the provision of temporary courthouses, it shall be necessary to give such notice of such proposed development once only.

(b) In paragraph (a), ‘courthouses’ means buildings, or other premises or installations, or other structures or facilities, whether provided on a temporary or permanent basis, used for the purposes of or in connection with the transaction of any business relating to a court, tribunal, inquiry or inquest established by statute.

(3) Where development is proposed to be carried out by or on behalf of the Service, the Minister may, if he or she is satisfied that the carrying out of the development is required by reason of an accident or emergency, by order provide that the Act of 2000 or, as may be appropriate, any requirement or requirements of regulations under section 181(1)(b) of the Act of 2000 specified in the order, shall not apply to the development, and for so long as such an order is in force the Act of 2000 or the said requirement or requirements, as the case may be, shall not apply to the development.

(4) The Minister may by order revoke an order made by him or her under subsection (3).

(5) The Minister shall cause an order made by him or her under subsection (3) or (4) to be published in the *Iris Oifigiúil* and notice of the making of the order to be published in a newspaper circulating in the area of the development concerned.

(6) In this section, ‘Act of 2000’ means Planning and Development Act, 2000.”.

45.—(1) The function under subsection (2) of section 44 of the Act of 1936 shall be performed by the Minister to the exclusion of the Courts Service, and that subsection shall have effect accordingly.

Performance of function under section 44(2) of Act of 1936.

(2) The reference to section 44(2) of the Act of 1936 in Schedule 2 to the Act of 1998 is deleted.

46.—(1) The Courts Service shall establish and maintain in the prescribed form and manner a register of every judgment reserved by the Supreme Court, the High Court, the Circuit Court and the

Register of reserved judgments.

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District Court in any civil proceedings to be known as the Register of Reserved Judgments (in this section referred to as “the register”).

(2) Such particulars as may be prescribed in respect of any proceedings in which judgment is reserved shall be entered in the register.

(3) Subject to *subsection (6)*, if judgment in the proceedings concerned is not delivered within the prescribed period or periods from the date on which it is reserved, the Courts Service shall list the proceedings before the judge who reserved judgment therein on a date not later than such period as may be prescribed after the first-mentioned prescribed period and shall give notice of the listing in the prescribed form to the parties to the proceedings and a copy of the notice to the President of the Court concerned.

(4) The judge concerned shall, on a listing of proceedings under *subsection (3)*, fix a date not later than such period as may be prescribed after the listing by which judgment in those proceedings shall be delivered.

(5) The date fixed under *subsection (4)* shall be entered in the register in relation to the proceedings concerned.

(6) *Subsection (3)* shall not apply if the judge who reserved judgment in the proceedings concerned dies, or if the judge concerned is ill, for the duration of his or her illness or in such other circumstances as may be prescribed.

(7) (a) The register or any part of it shall be kept at a place or places to be prescribed and shall be made available for inspection by any person on payment of such fee (if any) as may be prescribed and at such times as may be prescribed.

(b) A person may, on a request being made by him or her in the prescribed manner and on payment of such fee (if any) as may be prescribed, obtain a copy certified in such manner as may be prescribed of any entry or entries in the register.

(8) The functions of the Courts Service under this section shall be performed by the Chief Executive Officer of the Courts Service, but such of those functions as may be specified by him or her may be performed by such member or members of the staff of the Courts Service as may be authorised in that behalf by him or her.

(9) (a) The Minister for Justice, Equality and Law Reform may by regulations provide for any matter referred to in this section as prescribed or to be prescribed.

(b) Different periods may be prescribed under *subsections (3)* and *(4)* in respect of proceedings of different kinds and, in particular, shorter periods may be prescribed in respect of applications for interim or interlocutory orders.

(10) In this section, references to a judge shall, in the case of a court constituted of more than one judge, be construed as references to the presiding judge of the court.

(11) In this section—

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“prescribed” means prescribed by the Minister for Justice, Equality Pr.5 S.46
and Law Reform by regulations under this section;

“reserved”, in relation to a judgment in court proceedings, means
where a decision in the proceedings or the reasons for such decision
or both are not announced by the court immediately upon the con-
clusion of the hearing of the proceedings but instead are
postponed—

- (a) without a date for such announcement being specified at the
time, or
- (b) for a period of not less than 14 days after such conclusion.

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Section 3.

SCHEDULE 1

ENACTMENTS REPEALED

Number and Year (1)	Short Title (2)	Extent of Repeal (3)
No. 3 of 1975	Law Reform Commission Act, 1975	Subsection (3) of section 14
No. 11 of 1964	Courts Act, 1964	Section 7(6)(a)(ii) insofar as it relates to a document by which proceedings in the Circuit Court (other than appeals from the District Court) are instituted

Sections 13 and 14.

SCHEDULE 2

PART 1

EXTENSION OF MONETARY LIMIT OF JURISDICTION OF CIRCUIT COURT

Number and Year (1)	Short Title (2)	Provision (3)
No. 48 of 1936	Courts of Justice Act, 1936	Section 20 Subsections (1) and (2) of section 23
No. 39 of 1961	Courts (Supplemental Provisions) Act, 1961	Column (3) of the Third Schedule Column (3) of the Fifth Schedule opposite the mention in column (2) thereof of the Attorneys' and Solicitors' Act, 1870
No. 7 of 1963	Hotel Proprietors Act, 1963	Section 10(1)
No. 39 of 1976	Wildlife Act, 1976	Subparagraph (ii) of the definition of "appropriate court" in paragraph (b), and paragraph (c)(ii)(I), of subsection (1) (inserted by section 69 of the Wildlife (Amendment) Act, 2000) of section 76
No. 1 of 1977	Local Government (Water Pollution) Act, 1977	Paragraphs (b)(ii) and (c)(ii) of section 10(1)
No. 22 of 1981	Family Law Act, 1981	Section 8(1)
No. 6 of 1987	Air Pollution Act, 1987	Paragraphs (b)(ii) and (c)(ii) of section 28A(1)
No. 17 of 1992	Foreshore (Amendment) Act, 1992	Paragraphs (b)(ii) and (c)(ii) of section 6(1)
No. 23 of 1993	Animal Remedies Act, 1993	Subparagraph (ii) of the definition of "appropriate court" in paragraph (a), and paragraph (b)(ii)(I), of section 25(3)
No. 10 of 1996	Waste Management Act, 1996	Paragraphs (b)(ii) and (c)(ii) of section 58(1)
No. 11 of 1996	Harbours Act, 1996	Paragraphs (a) and (b) of subsection (6), and paragraph (b) of subsection (12), of section 14

EXTENSION OF MONETARY LIMIT OF JURISDICTION OF DISTRICT COURT

Number and Year (1)	Short Title (2)	Provision (3)
No. 10 of 1924	Courts of Justice Act, 1924	Clauses (i) to (iii) and (v) of paragraph A of section 77
No. 18 of 1926	Enforcement of Court Orders Act, 1926	Section 22(1)
No. 39 of 1961	Courts (Supplemental Provisions) Act, 1961	Section 33(3)
No. 27 of 1976	Family Home Protection Act, 1976	Section 10(5)(b)
No. 7 of 2001	Finance Act, 2001	Section 128(1)
No. 7 of 1963	Hotel Proprietors Act, 1963	Section 10(2)
No. 39 of 1976	Wildlife Act, 1976	Subparagraph (i) of the definition of “appropriate court” in paragraph (b), and paragraph (c)(i)(I), of subsection (1) (inserted by section 69 of the Wildlife (Amendment) Act, 2000) of section 76
No. 1 of 1977	Local Government (Water Pollution) Act, 1977	Paragraphs (b)(i) and (c)(i) of section 10(1)
No. 22 of 1981	Family Law Act, 1981	Section 8(2)
No. 6 of 1987	Air Pollution Act, 1987	Paragraphs (b)(i) and (c)(i) of section 28A(1)
No. 17 of 1992	Foreshore (Amendment) Act, 1992	Paragraphs (b)(i) and (c)(i) of section 6(1)
No. 23 of 1993	Animal Remedies Act, 1993	Subparagraph (i) of the definition of “appropriate court” in paragraph (a), and paragraph (b)(i)(I), of section 25(3)
No. 10 of 1996	Waste Management Act, 1996	Paragraphs (b)(i) and (c)(i) of section 58(1)
No. 11 of 1996	Harbours Act, 1996	Section 14(6)
No. 8 of 1995	Finance Act, 1995	Section 93(1)
No. 26 of 1995	Family Law Act, 1995	Section 42(4)



COURTS AND COURT OFFICERS ACT, 2002

EXPLANATORY AND FINANCIAL MEMORANDUM

General

This Act makes a number of provisions relating to the Courts, Courts Officers and the Courts Service.

Part 2 of the Act deals primarily with the requirements in terms of professional practice of those who wish to become eligible for appointment as judges of the Superior Courts. In particular, provision is made to enable solicitors of appropriate standing to be eligible for appointment to those Courts.

Part 3 of the Act introduces certain modifications which impact upon the requirements imposed on the Judicial Appointments Advisory Board (JAAB) when recommending candidates for appointment to judicial office. An annual reporting requirement is introduced in respect of the JAAB. Other provisions of a technical nature are also included in this Part.

An increase in the monetary jurisdictions of the Circuit and District Courts is provided for in *Part 4*, as is provision for the appointment of additional judges to the Circuit and District Courts. A number of measures relating to the good administration of the Courts are also included.

A range of matters such as a change in the way in which interest on judgment costs is levied, the appointment of additional High Court judges and provisions relating to the good administration of the Courts Service are dealt with in *Part 5*. This part also includes an amendment to the Bail Act, 1997, and contains a provision for the establishment of a Register of Reserved Judgments.

Provisions of the Bill

PART 1

PRELIMINARY AND GENERAL

Section 1 (Short title, commencement, construction and collective citation) contains standard citation provisions. Particular provisions of the Act are subject to commencement orders, e.g., those provisions relating to the monetary jurisdiction of the Circuit and District Courts and to the establishment of a Register of Reserved Judgments.

Section 2 (Interpretation) is a standard section.

Section 3 (Repeals) provides for the repeal of certain enactments.

PART 2

QUALIFICATION OF JUDGES

Section 4 (Amendment of section 5 of Act of 1961) amends the current provisions relating to the appointment of judges of the Superior Courts by providing for the eligibility of practising solicitors of not less than 12 years standing for appointment as judges of those Courts. Provision is made in relation to the appointment to the Superior Courts of a judge of the European Court of Human Rights, the International Court of Justice, the International Criminal Court or an international war crimes tribunal. Provision is also made for Circuit Court judges of not less than 2 years standing to be eligible for appointment as a judge of the Superior Courts. This replaces an existing provision which specifies that Circuit Court judges of 4 years standing are so eligible.

Section 5 (Amendment of section 17 of Act of 1961) removes an existing provision whereby, for the purposes of appointment to the Circuit Court, service as a judge of the District Court is deemed to be practice either as a barrister or as a solicitor, as may be appropriate. Instead, there will now be a simple statement to the effect that a judge of the District Court shall be qualified for appointment as a judge of the Circuit Court. It is also provided that a county registrar who practised as a barrister or solicitor for not less than ten years prior to their appointment shall be qualified for appointment as a Circuit Court judge (county registrars are already eligible for appointment as District Court judges).

Section 6 (Periods of practice as a barrister and solicitor reckonable) provides that where a person has practised as both a barrister and a solicitor, such periods of practice may be aggregated and reckoned to satisfy the minimum practice requirements for appointment as a judge.

Section 7 (Amendment of section 14 of Law Reform Commission Act, 1975) restates the existing provision that service by a barrister as a whole-time Law Reform Commissioner or as a whole-time officer of the Commission is reckonable towards the length of practice required to be eligible for appointment as a judge, and makes a similar provision in respect of solicitors. Provision is also made that the two years proximate practice requirement which is a prerequisite for first-time appointments to judicial office will apply to such persons.

PART 3

JUDICIAL APPOINTMENTS

Section 8 (Amendment of section 16 of Act of 1995) specifies that when recommending a person for appointment to the Superior Courts, the Judicial Appointments Advisory Board (JAAB) should be of the opinion that the person in question has an appropriate knowledge of the decisions and an appropriate knowledge and experience of the practice and procedure of those courts and should have regard, in particular, to the nature and extent of the practice of the person concerned insofar as it relates to their personal conduct of proceedings in the Supreme and High Courts whether as an advocate or as a solicitor instructing counsel or both.

Section 9 (Amendment of section 17 of Act of 1995) is a technical amendment consequent upon the changes made by *section 4* of this

Act which affect judges of the Court of Justice of the European Communities etc.

Section 10 (Vacation of certain offices before appointment to judicial office) clarifies certain administrative arrangements which are relevant where a person who is a judge of the Court of Justice of the European Communities etc. is being appointed to judicial office by the President.

Section 11 (Annual Report of Judicial Appointments Advisory Board) contains a new provision which requires the Judicial Appointments Advisory Board (JAAB) to make an annual report in writing to the Minister for Justice, Equality and Law Reform of its activities and of the performance of its functions which the Minister shall lay before each House of the Oireachtas. The Minister may, after consulting the JAAB, give directions regarding the form of the report and the manner in which any matter is to be addressed. In any event the JAAB may include information relating to such topics as the number of persons considered by the Board for appointment to the various judicial offices in the period concerned, the gender, professional qualifications and experience of those persons and of those appointed, the procedures used by the Board for examining applications and the criteria used by the Board to select persons it recommends to the Minister. The report will not include any information which discloses or is likely to disclose the identity of any person considered by the Board in relation to appointment to judicial office.

Section 12 (Completion of partly heard cases by judges appointed to higher court) is a provision which is intended to ensure that a judge who is appointed to a higher court may complete any partly heard cases which that judge may have been hearing in the lower court.

PART 4

CIRCUIT COURT AND DISTRICT COURT

Section 13 (Extension of jurisdiction of Circuit Court) extends the jurisdiction of the Circuit Court to €100,000 (£78,756), to come into effect on a date to be determined by the Minister.

Section 14 (Extension of jurisdiction of District Court) extends the jurisdiction of the District Court to €20,000 (£15,751), to come into effect on a date to be determined by the Minister.

Sections 15 to 18 are jurisdiction adjustments which reflect the provisions of sections 13 and 14.

Sections 19 to 21 extend the jurisdictions of the Circuit and District Courts under the Family Law (Maintenance of Spouses and Children) Act, 1976 and the Guardianship of Infants Act, 1964. Jurisdictions are increased to €4,000 (£3,150.26), €2,000 (£1,575.13) and €500 (£393.78), and to €500 (£393.78) and €150 (£118.14) respectively. (The current jurisdiction limits are €1,904.60 (£1,500), €952.30 (£750), €253.95 (£200) and €76.18 (£60) respectively). The provisions are to come into effect on a date to be determined by the Minister.

Section 22 (Amendment of Second Schedule to Act of 1995) confers powers on County Registrars which extend and are in addition to those conferred on them by the Courts and Court Officers Act,

1995. The provisions are to come into effect on a date to be determined by the Minister.

Section 23 (Amendment of section 9 of Court Officers Act, 1945) is intended to ensure that, in an appropriate case, it would be possible for another County Registrar to carry out any duty or duties which would normally fall to be carried out by the County Registrar assigned to a particular circuit court office.

Section 24 (Amendment of section 79 of Courts of Justice Act, 1924) extends the existing provisions of section 79 to deal with the situation where no judge is assigned to a District Court District and where a non scheduled sitting of the court is required.

Section 25 (Amendment of section 7(6) of Courts Act, 1964) concerns the removal of certain anomalies with regard to the service of Circuit Court documents.

Section 26 (Number of ordinary judges of Circuit Court) provides that the number of ordinary judges of the Circuit Court shall be not more than 30 (an increase of three).

Section 27 (Number of judges of District Court) provides that the number of judges of the District Court shall be not more than 52 (an increase of two), 14 of whom shall not be permanently assigned to particular districts.

PART 5

MISCELLANEOUS

Section 28 (Number of ordinary judges of High Court) stipulates that the number of ordinary judges of the High Court shall not be more than 26 (an increase of two).

Section 29 (Amendment in specified case of part I of Second Schedule to Act of 1961) provides for enhanced pension arrangements for Mr. Justice Frederick Morris who has agreed to take on the chairmanship of a particular Tribunal of Inquiry.

Section 30 (Interest on costs, charges or expenses of certain judgments, orders or decrees) provides for changes in the manner in which the interest on costs associated with judgments debts is calculated. In particular, it provides for the application of a nominal rate of 2% per annum to apply from the date a judgment is given to the date when the parties agree costs as between themselves or to the date a certificate of taxation issues or to the date on which a County Registrar measures the amount, whichever is appropriate. Thereafter, the interest rate applicable to judgment debts will apply to the outstanding costs until that amount of costs is paid.

Section 31 (Amendment of section 7(8)(c) of Courts of Justice and Court Officers (Superannuation) Act, 1961) is a technical provision which substitutes the phrase “an exact number of euro” for “an exact number of pounds”.

Provision is made in *section 32* (Amendment of section 4(2) of Charities Act, 1973) for a minor adjustment to the Charities Act, 1973, to deal with problems which can arise in the case of charities established by statute, when the objects of those charities are no longer relevant.

Section 33 (Amendment of Bail Act, 1997) amends section 5(1) of the Bail Act, 1997, to give the courts discretion, having regard to the circumstances of the case, including the nature of the offence and the means of the person, as to whether to require a person, before being released on bail, to pay into the court either the one third of the bail amount set as provided in section 5(1)(a) or the greater amount provided in section 5(1)(b). It also makes a consequential technical amendment to subsection (3) of the section. Further consequential amendments are made to sections 8(2), 9(1) and 9(7).

Provisions is made at *section 34* (Amendment of section 61(3)(h) of Bankruptcy Act, 1988) for an increase in the upper limit at which the Official Assignee in Bankruptcy may agree costs, from €1,300 to €7,000.

Provision is made in *section 35* (Attorney General to be member of committees on rules of court) for the Attorney General to be a member of the rules committees of the Superior Courts, the Circuit Court and the District Court.

Section 36 (Appointment of persons to act in place of certain members of committees on rules of court) enables the Chief Justice, the President of the Circuit Court, the President of the District Court and the Attorney General to delegate their membership of the relevant Rules Committees.

Section 37 (Amendment to section 9 of Jurisdiction of Courts and Enforcement of Judgments Act, 1998) is a technical amendment of a corrective nature.

Section 38 (Amendment of section 8 of Act of 1998) ensures that the Annual Report of the Courts Service falls to be made not later than six months after the end of the calendar year to which it relates (the existing provision requires the report to be made not later than six months after the end of each period of twelve months commencing on the establishment day or on the anniversary of the establishment day (9 November, 1999)).

The provision at *Section 39* (Authentication of certain orders and other instruments made by Courts Service) concerns the procedures for delegating the authentication of particular orders or instruments (other than those under seal).

The provisions in *section 40* (Amendment of section 13 of Act of 1998) are of an administrative nature. The new element in the section has to do with clarifying that it is a function of the Courts Service Board to determine whether specific functions and powers should be performed or exercised by it or by the Chief Executive Officer.

Section 41 (Delegation of performance of functions of Board of Courts Service) contains an administrative provision relating to the delegation by the Courts Service Board of its functions.

Section 42 (Amendment of section 15 of Act of 1998) is intended to clarify that the Courts Service Board may establish committees not just for advisory purposes but also for the purpose of performing such functions of the Board as are comprehended by *section 13A(1)*.

Section 43 (Amendment of section 20 of Act of 1998) introduces some minor administrative adjustments into existing provisions which relate to the functions of the Chief Executive Officer of the Courts Service.

Section 44 (Amendment of Act of 1998) essentially restores the exemption which the Courts Service enjoys from certain planning permission requirements, and which, inadvertently, was not carried forward in the Planning and Development Act, 2000.

Section 45 (Performance of function under section 44(2) of Act of 1936) restores the status quo with regard to expenses incurred in the provision of accommodation for judges of the High Court on Circuit by making the determination of such expenses a function of the Minister for Justice, Equality and Law Reform rather than a function of the Courts Service.

Provision is made in *section 46* (Register of Reserved Judgments) for the establishment and maintenance by the Courts Service of a Register of reserved judgments which will be accessible to members of the public. The necessary administrative arrangements will be made by Ministerial Order.

Financial Implications

The annual cost associated with the appointment of two additional High Court judges, three additional Circuit Court judges and two additional District Court judges is €944,633.

An Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí, Aibreán, 2002.