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How to bring a case to court

Ireland

#### 1 Do I have to go to court or is there another alternative?

Going to court is often a last resort when other attempts to settle a dispute have failed. An alternative to going to court is to use alternative dispute resolution procedures. (See Factsheet on 'Alternative Dispute Resolution').

#### 2 Is there any time limit to bring a court action?

Time limits for bringing court actions vary according to the case. This question of time limits can be clarified with a legal adviser or at an [information office to citizens](#) on access to law.

#### 3 Should I go to a court in this Member State?

See Factsheet on '[Jurisdiction of the Courts](#)'.

#### 4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

In the lower courts (i.e. Circuit and District Courts), the appropriate court in which to bring a claim is determined by the location where the defendant or one of the defendants ordinarily resides or carries on any profession, business or occupation. In most contract cases the appropriate District or Circuit is the one where the contract is alleged to have been made; in tort cases, where the tort is alleged to have been committed; in family proceedings, where the applicant resides; and, in cases relating to tenancy or title to real property, where the premises or lands the subject of such proceedings are situated.

For further detail on courts jurisdictions, please see the Factsheet on '[Jurisdiction of the Courts](#)'

The website of the [Courts Service of Ireland](#) provides information on the structure of the courts. It also publishes a booklet entitled *Explaining the Courts* for public information. More details on the courts system are also available from the [Citizens Information Board](#).

#### 5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

The appropriate court in which to bring a claim is determined by its nature (contract, tort etc.) and value.

For more details, please see the Factsheet on '[Jurisdiction of the Courts](#)'.

#### 6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

It is not always necessary to use an intermediary, it is a matter for you to decide, and will depend upon the complexity of your case. If you do decide to use an intermediary, you must use a solicitor. [The Law Society](#) is the body which accredits and governs the profession of solicitor.

#### 7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

The application must be lodged in the appropriate Courts Service office, depending on the amount of compensation you are claiming (for more detail on the appropriate court, please see Factsheet on '[Jurisdiction of the Courts](#)'). There are Courts Service offices throughout Ireland, details of the addresses and opening hours are on the [Courts Service](#) web site.

#### 8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

In Ireland, the application can be made in English or in Irish. The application must be on a special form, which is specific to the jurisdiction in which you are making your claim. The application cannot be faxed or e-mailed, you must bring it in person to the appropriate Courts Service office. The application cannot be made orally.

#### 9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

There are special forms for bringing actions, many of them are in downloadable form on the [Courts Service](#) web site and the remainder are contained in the [Court Rules](#). These forms will indicate what elements must be included in the file. Some limited guidance can be sought from officials in the Courts Service, but these officials can only give procedural information as they are precluded from advising on the merits of a claim or recommending how to process it.

#### 10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

Court charges, known as court fees, are payable on most types of application. The fees must be paid when the application is lodged in the appropriate Courts Service Office. Details of the different fees are on the [Courts Service](#) web site. Payments to a solicitor, should you use one, are different, and they are not a matter for the Courts Service. Should you instruct a solicitor he or she will advise you as to amount of the fee that will be charged and when it is to be paid.

#### 11 Can I claim legal aid?

See Factsheet on 'Legal Aid'.

#### 12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

An action is officially brought when the claim is issued by the Courts Service office. Depending on the jurisdiction in which you bring your claim it may not be issued until it has been served on the other party. In the Small Claims Court, the court registrar will send your claim to the other party. In other courts you will have to serve the claim yourself or get an intermediary to do this for you. You can find out at the Courts Service office where you have decided to make your claim. The Courts Service officials will let you know if you have not satisfied all the procedural requirements to lodge your claim but it is a matter for the judge to decide if your case is properly presented.

#### 13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

The [Rules](#) of each court specify the time limits and you can check this information with the Courts Service office where you lodge your claim

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