

Home>Court procedures>Civil cases>Which country's court is responsible?

Which country's court is responsible?

Ireland

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

The civil courts in Ireland have jurisdiction to try cases involving disputes between individuals, organisations or the State. These disputes may concern anything from an injury caused in a car accident to a contested corporate take-over. In civil cases the plaintiff sues the defendant for compensation for the wrong caused. The compensation is usually in the form of a monetary award of damages.

The District, Circuit and High Court are all courts of first instance. The Supreme Court has appellate jurisdiction only, except in certain matters relating to the Constitution. The Court of Appeal has appellate jurisdiction only.

The District and Circuit courts are courts of local and limited jurisdiction i.e. they can only deal with cases whose value does not exceed a certain threshold and where the parties reside or have their registered place of business in a certain geographical location, or where the contract was made within a certain geographical location. Appeals from the District Court are heard in the Circuit Court, and appeals from the Circuit Court are heard in the High Court.

The Small Claims Court is a part of the District Court that deals with consumer related cases where the amount claimed does not exceed €2,000. This procedure may also be used by one business against another.

The District Court hears cases involving claims which do not exceed €15,000 in value. The Circuit Court deals with claims which do not exceed €75,000 (€60,000 in personal injuries actions). It also has jurisdiction in family law proceedings, including divorce, judicial separation, and nullity. The High Court deals with claims above €75,000 (€60,000 in personal injuries actions).

Claims with regard to labour law are dealt with by the Employment Appeals Tribunal which is an independent body. It hears a wide range of disputes concerning employment rights. In certain cases either party may appeal to the Circuit Court within six weeks of the determination of the Tribunal. If no appeal is brought to the Circuit Court and the employer does not implement the determination, the Minister for Jobs, Enterprise and Innovation may bring proceedings in the Circuit Court on behalf of the employee. A determination made by the Tribunal may be appealed to the High Court by either party but only on a point of law.

The Commercial Court, established in 2004, is a specialised division of the [High Court](#) and is governed by [Order 63A of the Rules of the Superior Courts](#) in particular. It deals with commercial disputes where the value of the claim is at least €1 million, disputes concerning intellectual property and appeals from or applications for judicial review of regulatory decisions. It will also deal with other cases that the Judge considers appropriate. There is no automatic right of entry to the Commercial List of the High Court. It is at the discretion of a judge of the Commercial Court. The Court uses a detailed case management system that is designed to streamline the preparation for trial, remove unnecessary costs and stalling tactics, and ensure full pre-trial disclosure.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

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

For the purpose of the District Court, the country is divided into 24 districts to each of which one or more judges is permanently assigned. In the case of the two largest cities, Dublin and Cork, the volume of business requires the permanent assignment of a number of judges. The country is divided into eight circuits for the purposes of the Circuit Court. One Circuit Court Judge is assigned to each circuit except in the case of the Dublin and Cork Circuits, where there are a greater number of judges due to the volume of business. The High Court sits in Dublin to hear original actions. It also hears personal injury and fatal injury actions in several provincial locations at specified times during the year. In addition, the High Court sits in provincial venues to hear appeals from the Circuit Court in civil and family law matters.

The District Court has jurisdiction to try cases concerning contracts, certain torts, hire-purchase and credit-sale agreements cases, tenancy cases such as ejection for non-payment of rent, and actions for wrongful detention of goods where the value of the claim is within its limit of €15,000. The District Court also has a range of powers in relation to the enforcement of judgments of any court for debt, the granting of licences such as licences to sell intoxicating liquor, and the custody and maintenance of children.

The Circuit Court has jurisdiction in contract and tort, in probate matters and suits for the administration of estates, in equity suits, in ejection actions or applications for new tenancies in actions founded on hire-purchase and credit-sale agreements, where the value of the claim is within its limit of €75,000 (€60,000 in personal injuries actions). The Circuit Court has jurisdiction in family law proceedings, (including judicial separation, divorce nullity and appeals from the District Court) and has appellate jurisdiction from decisions of arbitrators in disputes in relation to ground rents under the landlord and tenant legislation.

Civil cases in the Circuit Court are tried by a judge sitting without a jury. Appeals from the District Court take the form of a re-hearing and the decision of the Circuit Court is final and cannot be appealed any further.

Under the Constitution, the High Court has full original jurisdiction in all matters of fact or law. This means that it has jurisdiction to deal with all civil cases where the defendant is resident within the country, where the alleged contract was made in the country, where the alleged tort was committed within the country or where real property which is the subject of the proceedings is situated within the country. The High Court hears appeals from the Circuit Court and exercises supervisory jurisdiction over the District Court and other lower tribunals. Appeals from the High Court are heard by the Court of Appeal and by the Supreme Court where it is certified by the Supreme Court to be a matter of general public importance or in the interests of justice. An appeal may lie from the Court of Appeal to the Supreme Court where it is certified by the Supreme Court to be a matter of general public importance or in the interests of justice. The appeal is not by way of re-hearing but is based on a transcript of the evidence at first instance and legal argument.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

The appropriate District or Circuit in which to bring a civil 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.

2.2.2 Exceptions to the basic rule

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

N/a

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

N/a

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

N/a

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

The website of the [Courts Service of Ireland](#) provides a comprehensive explanation of the structure of the courts in this country. 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, a statutory body which supports the provision of information, advice and advocacy on a broad range of public and social services. Citizens Information provides a website, phone line and numerous drop in centres around the country.

Related links

Courts Service - Ireland

<http://www.citizensinformation.ie/>

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