National ordinary courts

Irlanda

This section provides you with information on the organisation of ordinary courts in Ireland.

Ordinary Courts

The courts system in Ireland has its origins in the 1922 Constitution, which provided for the setting up of new courts to replace those which had evolved under the British administration. New courts were established in 1924 under the Courts of Justice Act, 1924, which established the legal basis for a court system.

The present courts were set up by the Courts (Establishment and Constitution) Act 1961, pursuant to Article 34 of the Constitution adopted by the Irish people in 1937. The Court of Appeal was established on the 29th October, 2014, following a referendum in 2013.

Articles 34 to 37 of the Constitution deal with the administration of justice in general. Article 34.1 states that, “Justice shall be administered in Courts established by law”. The Constitution outlines the structure of the court system made up of a court of final appeal, the Supreme Court, the Court of Appeal which has jurisdiction in both criminal and civil matters, and courts of first instance which include a High Court with full jurisdiction in all criminal and civil matters and courts of limited jurisdiction, a Circuit Court and a District Court organised on a regional basis.

Civil Courts

The Supreme Court

Significant changes were made to the Supreme Court's appellate jurisdiction with the coming into effect on the 28th October, 2014, of the Thirty-third Amendment of the Constitution which established the Court of Appeal. With effect from the establishment day, the Supreme Court has appellate jurisdiction – from a decision of the Court of Appeal if the Supreme Court is satisfied that the decision involves a matter of general public importance, or in the interests of justice it is necessary that there be an appeal to the Supreme Court, and;

from a decision of the High Court if the Supreme Court is satisfied that there are exceptional circumstances warranting a direct appeal to it – a precondition for the Supreme Court being so satisfied is the presence of either or both of the following factors – the decision involves a matter of general public importance; the interests of justice.

Appeals in civil proceedings from the High Court which prior to the Thirty-third Amendment would have been heard by the Supreme Court now lie to the Court of Appeal, except for those cases in which the Supreme Court has permitted an appeal to it on being satisfied that the appeal meets the threshold set out in Article 34.5.4° of the Constitution. In addition, questions of law which could previously be referred by the Circuit Court to the Supreme Court for determination (a 'case stated') are now determinable by the Court of Appeal.

The Thirty-third Amendment did not affect the original jurisdiction of the Supreme Court which in effect consists of the function under Article 26 of the Constitution. Article 26 provides that the Supreme Court has power to decide whether a Bill (or any provision or provisions of it), which has been passed by both Houses of the Oireachtas and presented to the President of Ireland for his/her signature before being enacted into law, is repugnant to the Constitution, on the matter being referred to the court by the President. If a question of the permanent incapacity of the President arises, such question falls to be decided by the Supreme Court.

The Court usually sits with a composition of three or five judges and, exceptionally, seven judges. When hearing cases concerning the constitutional validity of an Act of the Oireachtas (parliament), the Constitution requires that the court consists of a minimum of five judges. This requirement also applies when the Court is requested to give an opinion on the constitutional validity of a Bill adopted by the Oireachtas when referred to it by the President of Ireland under Article 26 of the Constitution. A minimum of five judges is also required should the Court have to determine, pursuant to Article 12 of the Constitution, whether the President has become permanently incapacitated. The Chief Justice or a Supreme Court judge may sit alone to hear certain interlocutory and procedural applications.

The Court of Appeal

The Court of Appeal was established on 29th October, 2014, following a referendum in 2013. As with other Superior Courts, some of the jurisdiction of the Court of Appeal is conferred by the Constitution and some by legislation. It occupies an appellate jurisdictional tier between the High Court and the Supreme Court.

The Court has jurisdiction to hear appeals in civil proceedings from the High Court which, prior to the Thirty-third Amendment of the Constitution would have been heard by the Supreme Court. Exceptions are those cases in which the Supreme Court has permitted an appeal to it on being satisfied that the appeal meets the threshold set out in Article 34.5.4 of the Constitution. The Court can hear appeals from cases heard in the High Court about whether or not a law is constitutional. The Constitution provides that no laws may be passed restricting the Court of Appeal’s jurisdiction to do this.

The Court of Appeal is composed of a President and nine ordinary judges. The Chief Justice and the President of the High Court are ex officio judges of the Court of Appeal. The Court may sit in divisions of three judges. Some interlocutory and procedural applications may be heard by the President alone or by another judge nominated by the President.

The High Court

Under the Constitution the High Court has full original jurisdiction and power to determine all matters and questions, whether of law or fact, civil or criminal. The High Court has exclusive jurisdiction in matters relating to the adoption of children and with regard to applications for extradition. The jurisdiction of the High Court extends to the question of the validity of any law having regard to the provisions of the Constitution (except a law which has already been referred to the Supreme Court by the President of Ireland). Most High Court cases are tried by a sole Judge, although there is provision in law for certain matters such as actions for libel, assault or false imprisonment to be tried by a judge sitting with a jury. Cases of exceptional importance may be tried by two or more judges sitting as a Divisional Court.

The High Court acts as an appeal court from the Circuit Court in civil matters. Apart from its appellate jurisdiction in Circuit Court civil appeals, the High Court also has power to review the decisions of all inferior tribunals by the issue of prerogative orders of Mandamus, Prohibition and Certiorari. These orders relate not to the merits of the decision of the inferior tribunals but to the question of whether jurisdiction has been exceeded.

The High Court may give rulings on a question of law submitted by the District Court. It also deals with applications for bail where the accused person has been charged with the crime of murder or where the accused wishes to seek a variation of the terms and conditions imposed by the District Court.

Normally the High Court sits in Dublin to hear original actions. It also sits in a number of provincial venues to hear original actions for damages for Personal and Fatal Injuries. The High Court on Circuit hears appeals from the Circuit Court in provincial venues.

The Circuit Court

The civil jurisdiction of the Circuit Court is a limited one unless all the parties to an action consent, in which event the jurisdiction is unlimited. The limit of the court's jurisdiction relates mainly to actions where the claim does not exceed €75,000 (€60,000 in personal injuries actions).

The Circuit Court has jurisdiction in probate related matters, and in matters concerning title to or tenancies of real estate where the rateable valuation of the property does not exceed €253.95. The Circuit court also has jurisdiction in family law proceedings including judicial separation, divorce, nullity and appeals from the District Court.

Civil cases in the Circuit Court are tried by a judge sitting without a jury. It acts as an appeal court from the District Court in both civil and criminal matters. The appeal takes the form of a re-hearing and the decision of the Circuit Court is final and cannot be further appealed.

The Circuit Court also has jurisdiction in all cases of application for new licences for sale of liquor for consumption on the premises, and has appellate jurisdiction from the decisions of tribunals such as the Director of Equality Investigations.

The District Court

The District Court has local and limited jurisdiction. In Family Law matters it has power to make maintenance, barring, custody, access and affiliation orders.

The District Court has jurisdiction to try civil cases founded on contract, hire purchase or credit sale agreements, tort, and non-payment of rent or wrongful detention of goods, where the value of the claim does not exceed €15,000. It also has jurisdiction in relation to the enforcement generally of the judgements for debt of any court, jurisdiction in relation to a large number of licensing provisions e.g. relating to the sale of intoxicating liquor, and jurisdiction in respect of applications for malicious damages where the amount claimed does not exceed €15,000.

The District Court sits at venues throughout the country in 24 Districts comprising the Dublin Metropolitan District and 23 other Districts. Generally, the venue at which a case is heard depends on where the contract was made, or where the defendant resides or carries on business, or in licensing cases, on where the licensed premises are situated.

Criminal Courts

The Supreme Court

The Supreme Court deals with appeals from the Court of Appeal in cases where a point of law of exceptional public importance is raised.

The Court of Appeal

Under the Court of Appeal Act 2014, the Court of Appeal was given the appellate jurisdiction previously exercised by the Court of Criminal Appeal.

Appeals from persons convicted on indictment in the Circuit Court or Central Criminal Court, who obtain a certificate from the trial judge that the case is a fit one for appeal now lie to the Court of Appeal. Where this certificate is refused, the Court of Appeal itself, on appeal from this refusal, can grant leave to appeal.

In addition, the Director of Public Prosecutions may appeal to the Court of Appeal on grounds of undue leniency of sentence under the Criminal Justice Act 1993, section 2. In the case of an alleged miscarriage of justice, an appeal can be lodged under s.2 of the Criminal Procedure Act 1993.

The Court of Appeal was also given jurisdiction to hear appeals by the Director of Public Prosecutions on a question of law arising out of criminal trials which resulted in an acquittal. The decision of the Court of Appeal does not affect the acquittal verdict in such cases.

Appeals by the Director of Public Prosecutions against an acquittal or against a decision not to order a retrial also lie to the Court of Appeal. Under the Court of Appeal Act 2014, the Court of Appeal was given the appellate jurisdiction previously exercised by the Courts-Martial Appeal Court. This means that appeals from people who have been convicted by a court-martial now lie to the Court of Appeal.

Court of Criminal Appeal

Under the Court of Appeal Act 2014, the appellate jurisdiction of the Court of Criminal Appeal was transferred to the Court of Appeal.

Special Criminal Court

The Special Criminal Court was established for the trial of offences where it is determined that the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order. The court sits with three judges and no jury.

Central Criminal Court

The Central Criminal Court is the criminal division of the High Court. It tries serious crime, including murder offences, rape offences, treason and piracy and criminal trials under the Competition Act, 2002. The court sits with a judge and a jury.

Circuit Criminal Court

The Circuit Criminal Court tries offences other than those that can be tried in the Central Criminal Court. It sits with a judge and a jury. It deals with appeals from the District Court.

District Court

The District Court deals with summary offences (mostly statutory in nature) and some indictable offences. It sits with a judge only.

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