Irish Courts System

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Overview

- Origins
- Basic law of Ireland
- Continuing review
- Irish Courts System
- The Courts
- Alternative
Origins

- Brehon Law system
  - Old oral tradition written down in the 7th century.
  - Administered by Brehons who interpreted the law in the interest of justice.
  - Began to change in the 12th century when English monarchs sought to make Ireland part of their kingdom.
  - By early 1600s English control was strong enough to dismiss Brehon Law within the Pale and the rest of the country complied.
Origins

- English Law system
Basic law of Ireland

- Bunreacht na hÉireann, the Constitution of Ireland
  - Can only be changed by referendum
  - All laws of Ireland must comply
  - Effective since 29th December 1937
Continuing review of Irish Law

- Law Reform Commission
  - “The Commission is an independent body established under the Law Reform Commission Act 1975. Its overall function is to keep the law under review and make recommendations for its reform”.

Modern Irish Courts System

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Online sources

- http://www.courts.ie/
- http://www.lawreform.ie/
- http://www.lawlibrary.ie/
Irish Courts Service

- Supreme Court
- Court of Criminal Appeal
- Courts-Martial Appeal Court
- High Court
- Central Criminal Court
- Special Criminal Court
- Circuit Court
- District Court
- Children Court
- Coroner’s Court
- Small Claims Court
Courts

- **Supreme Court**
  - The court of final appeal in Ireland.
  - Three, five or seven judges
  - Hears appeals from decisions of the High Court
  - Clarifies points of Irish law from lower courts and from the Attorney General

- **Jurisdiction under the Constitution**
  - Determine if President is incapacitated
  - Bills are not repugnant to the Constitution.
Courts

- Court of Criminal Appeal
  - Appeal court for cases heard in the Criminal courts (CCC & SCC)
Courts

- High Court
  - Civil cases
    - Claims which exceed €38,092.14 and the ratable valuation of land exceeds €252.95.

- Criminal cases (at the CCC)
  - Murder, rape, aggravated sexual assault, treason, piracy and related offences.
Courts

- Central Criminal Court
  - Reserved offences – treason, piracy, murder & conspiracy, and attempt to murder. Also Genocide, rape and aggravated sexual assault.
Courts

- Special Criminal Court
  - Established when the ordinary courts are inadequate to secure the effective administration of Justice
    - Intimidation of jury or witnesses.
    - Offences involving explosives or firearms, under Offences against the State Act.
  - Requires certificate of the DPP that the ordinary courts are inadequate.
Courts

- Circuit Court
  - Indictable (accused) – by jury. Manslaughter, robbery and serious offences against person & property
  
  Responsible for:
  
  - Civil business - claim does not exceed €38,092.14 and the ratable valuation of land does not exceed €252.95.
  
  - Criminal matters - except murder, rape, aggravated sexual assault, treason, piracy and related offences.
  
  - Family law - judicial separation, divorce, nullity and appeals from the District Court, with jurisdiction to make related orders, including custody and access orders, maintenance and barring orders.
  
  - Jury selection – Responsibility of the County Registrar.
Courts

- District Court
  - No jury
  - Minor or summary offences
    - Traffic offences
    - Drugs cases
    - Criminal damage
Courts

- Children Court
  - A court to try a child or a young person for any offence except homicide
Courts

- Small Claims Court
  - Deals with a civil proceeding in respect of a small claim
  - Provided by District Court offices to handle consumer claims cheaply without involving a solicitor
  - Processed by the District Court Clerk, called the Small Claims Registrar, who seeks to obtain a settlement
Other courts and alternatives

- Courts-Martial Appeal Court
  - Court for appealing military punishments
- Coroner's Court
  - Investigates all sudden, unexplained, violent and unnatural deaths
- Arbitration
  - A legally-binding means of resolving a dispute between parties outside the courts system.
Other considerations

- **Parties**
  - Judge, barrister, solicitor
  - Plaintiff, defendant, accused

- **Jury**
  - Starts at Criminal Court
  - Also at Coroner’s Court

- **No Jury**
  - At Special Criminal Court
  - District Court
Court buildings

- The Four Courts
  - Ireland’s principal courts building.
  - Houses the Supreme Court, High Court, Central Criminal Court and Dublin Circuit Court.
Conclusion

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Questions ?