

Consolidation and Reform of the Courts Acts

In 2010, the Commission published its Report on [Consolidation and Reform of the Courts Acts](#) (LRC 97-2010) (3rd Programme of Law Reform, Project 6) which followed from its Consultation Paper on [Consolidation and Reform of the Courts Acts](#) (LRC CPs Report recommended that the existing Courts Acts should be consolidated into a single *Courts (Consolidation and Reform) Act*. The Courts Acts comprise over 240 Acts in all, almost 150 of which precede the foundation of the State in 1922. Over 100 of these are from the 19th Century, and some even date back to the 13th Century, such as the *Sheriffs Act 1215* (which forms part of the Magna Carta of 1215).

The Commission recommended that almost 200 of the 240 Acts should be repealed entirely and replaced by the draft *Courts (Consolidation and Reform) Bill* which the Commission published with the Report. The draft Bill also incorporated a number of significant reforms which the Commission recommended in the Report, intended to enhance the effectiveness of the administration of justice in the courts. As well as replacing almost 200 Courts Acts with a single Act and making wide-ranging reforms, the draft *Courts (Consolidation and Reform) Bill*'s Report and draft Bill are:

1. The draft *Courts (Consolidation and Reform) Bills* Commercial Court. The draft Bill states that: (a) issues between parties should, at as early a stage as possible, be identified, defined, narrowed (where possible) and prioritised or sequenced; (b) proceedings should be conducted in a manner that is just, expeditious and likely to minimise the costs of those proceedings; and (c) the parties should be encouraged to use alternative dispute resolution (ADR) procedures where appropriate, and be facilitated in doing so. The provisions in the draft Bill on ADRs Report on Alternative Dispute Resolution: Mediation and Conciliation, which proposes a general legislative framework for mediation and conciliation, and which is also being published today (sections 75 to 77 of the draft Bill).
2. The Bill includes enhanced arrangements concerning the Irish language knowledge of judges of the Circuit Court and District Court in Gaeltacht areas (sections 165 and 175).
3. The Bill provides that courts could protect the identity of parties in civil proceedings in exceptional cases where the needs of justice require this. This could apply, for example, if cases such as the blood product contamination cases of the 1990s had to be litigated in the future (section 206).
4. The Bill includes a single procedure to begin summary criminal cases in the District Court, of which there are between 450,000 to 500,000 every year (over 300,000 of these, more than 60%, involve road traffic offences) (sections 217 to 219).
5. The Bill also includes detailed provisions on the use of Information and Communications Technology (ICT), which will assist existing initiatives on ICT within the Courts Service (sections 226 to 231).

6. The Bill provides that the statutory Rules of Court must be drafted using plain language (which should help minimise the cost of court proceedings), must support the development of case management principles and encourage (as provided for in sections 75 to 77) where appropriate, the use of ADR (section 259).

7. The Bill proposes to remove the requirement that approved court forms must always be included in the statutory rules of court, and allowing for them to be published separately, for example, on the Courts Service website, www.courts.ie. The current *District Court Rules 1997* contain almost 1,000 forms (section 263).

8. The Bill proposes that sittings of the High Court to deal with appeals from the Circuit Court in civil cases would be based on the volume of actual appeals at any given time, and this flexibility would replace the current system that requires High Court judges to be sent to deal with these appeals even where the number involved would not justify this inefficient use of judicial resources (section 316).