



AN BILLE CUIRTEANNA BREITHIUNAIS, 1952.
COURTS OF JUSTICE BILL, 1952.

Mar a tugadh isteach.
As introduced.

ARRANGEMENT OF SECTIONS.

PART I.

PRELIMINARY AND GENERAL.

Section.

1. Short title and collective citation.
2. Interpretation.
3. Repeals.

PART II.

REMUNERATION AND EXPENSES.

4. Increase of remuneration of Judges of the Circuit Court and of Justices.
5. Expenses of Judges, etc.

PART III.

THE CIRCUIT COURT.

6. Division of the State into circuits.
7. Assignment of a Judge of the Circuit Court not assigned under *section 6*.
8. Number of Judges of the Circuit Court.
9. Extension of jurisdiction of Circuit Court in civil cases.

PART IV.

THE DISTRICT COURT.

10. District court areas.
11. District court districts.
12. Assignment of Justices not assigned under *section 11*.
13. Number of Justices.
14. Power to create, vary, abolish districts and areas.
15. Extension of jurisdiction of District Court in civil cases.

SCHEDULE.

ENACTMENTS REPEALED.

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AN BILLE CUIRTEANNA BREITHIUNAIS, 1952.
COURTS OF JUSTICE BILL, 1952.

BILL

entitled

AN ACT TO AMEND THE COURTS OF JUSTICE ACTS, 5
1924 to 1949, AND OTHER ENACTMENTS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

PART I.

PRELIMINARY AND GENERAL.

Short title and
collective citation.

1.—(1) This Act may be cited as the Courts of Justice Act, 1952. 10

(2) The Acts and this Act may be cited together as the Courts
of Justice Acts, 1924 to 1952.

Interpretation.

2.—(1) In this Act—

“the Act of 1926 ” means the Court Officers Act, 1926 (No. 27 of
1926); 15

“the Act of 1936 ” means the Courts of Justice Act, 1936 (No. 48 of
1936);

“the Acts ” means the Courts of Justice Acts, 1924 to 1949;

“Justice ” means a Justice of the District Court;

“the Minister ” means the Minister for Justice. 20

(2) This Act shall be construed as one with the Acts.

Repeals.

3.—(1) The enactment specified in column (2) of Part I of the
Schedule to this Act is, to the extent specified in column (3) of the
said Part I, hereby repealed and this subsection shall come into
operation on the commencement of the order made under *section 6* 25
of this Act.

(2) The enactments specified in column (2) of Part II of the
Schedule to this Act are, to the extent specified in column (3) of the
said Part II, hereby repealed and this subsection shall come into
operation on the date of the commencement of the orders made
under *section 10* and *section 11* of this Act. 30

Increase of
remuneration
of Judges of
the Circuit
Court and of
Justices.

PART II.

REMUNERATION AND EXPENSES.

4.—The remuneration of Judges of the Circuit Court (other than
the President of the Circuit Court) and of Justices shall, with effect
from the 1st day of April, 1952, be increased— 35

(a) in the case of Judges of the Circuit Court, by three
hundred and seventy-five pounds per annum, and

(b) in the case of Justices, by three hundred pounds per
annum.

5.—(1) In addition to remuneration, a Judge of the Supreme Court, the High Court or the Circuit Court or a Justice or a Commissioner of the High Court on Circuit may be allowed, out of moneys provided by the Oireachtas, such sums as the Minister, with the sanction of the Minister for Finance, thinks reasonable for the purpose of defraying travelling and other expenses of such Judge, Justice or Commissioner. Expenses of Judges, etc.

(2) Provision for expenses under this section may be made—

10 (a) by means of allowances in respect of particular expenses, calculated in accordance with such scales and subject to such conditions as the Minister, with the sanction of the Minister for Finance, may from time to time determine; or

15 (b) by means of periodical allowances of such amounts and payable at such times and in such manner as the Minister, with the sanction of the Minister for Finance, may from time to time determine; or

20 (c) where, in the opinion of the Minister and of the Minister for Finance, provision under *subparagraph (a)* or *subparagraph (b)* of this subsection is not appropriate, by such other method as the Minister, with the sanction of the Minister for Finance, may from time to time determine.

(3) Section 77 of the Act of 1936 is hereby repealed.

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PART III.

THE CIRCUIT COURT.

6.—(1) As soon as conveniently may be after the passing of this Act, the Government shall by order— Division of the State into circuits.

30 (a) divide the several counties and county boroughs in the State into eight convenient groups (in this Act referred to as circuits) for the purposes of the Circuit Court, but subject to the limitations—

35 (i) that one circuit (to be known as the Dublin Circuit) shall consist of the county and county borough of Dublin,

(ii) that another circuit (to be known as the Cork Circuit) shall consist of the county and county borough of Cork and

40 (iii) that no county or county borough shall be divided between two or more circuits;

(b) attach to each circuit (other than the Dublin Circuit and the Cork Circuit) a name by which such circuit shall be known;

45 (c) permanently assign to the Dublin Circuit two of the Judges of the Circuit Court holding office on the commencement of the order;

(d) permanently assign to each other circuit one of the Judges of the Circuit Court holding office on the commencement of the order.

50 (2) (a) The order may make provision for the continuation and completion of any business transacted in the Circuit Court which is initiated before the commencement of the order and is not completed before such commencement.

(b) For the purposes of this subsection, business transacted in the Circuit Court shall be regarded as being initiated on the day on which the civil bill or other originating document relating to it is issued.

(3) On the commencement of the order— 5

(a) the division of the State into circuits effected under section 13 of the Act of 1936 shall cease to have effect;

(b) the existing assignments of Judges of the Circuit Court to such circuits shall cease;

(c) the circuits created under *subsection (1)* of this section shall, for the purposes of the Acts and this Act, be substituted for the circuits created under the said section 13; 10

(d) references in any Act to circuits in relation to the Circuit Court shall be construed accordingly. 15

(4) If at the making of the order the number of Judges of the Circuit Court is less than nine, the order may be expressed and, if so expressed, shall operate to assign to a circuit the Judge who shall be appointed to fill the vacancy, and if a Judge assigned by the order to a circuit vacates his office by death or otherwise before the commencement of the said order, the order shall operate to assign to such circuit the Judge who is appointed (whether before or after the commencement of the order) to fill the place of the Judge so vacating his office. 20

Assignment of a Judge of the Circuit Court not assigned under section 6.

7.—(1) If on the commencement of the order made under section 6 of this Act there is a Judge of the Circuit Court who is not permanently assigned by that order to a circuit, he may be permanently assigned at any time to a circuit by the Government and, pending such assignment, may from time to time be temporarily assigned to any circuit by the President of the Circuit Court. 25 30

(2) Where a Judge of the Circuit Court is temporarily assigned, under *subsection (1)* of this section, to a circuit, then, such Judge shall, while so temporarily assigned, have, in relation to such circuit and concurrently with any Judge permanently assigned thereto and any Judge who is temporarily assigned, under section 10 of the Courts of Justice Act, 1947 (No. 20 of 1947), to such circuit all the privileges, powers, and duties for the time being conferred or imposed by law on a Judge of the Circuit Court permanently assigned to such circuit. 35 40

Number of Judges of the Circuit Court.

8.—(1) The Circuit Court shall consist of not more than nine Judges.

(2) Section 9 of the Courts of Justice Act, 1928 (No. 15 of 1928), is hereby repealed.

(3) *Subsections (1)* and *(2)* of this section shall come into operation on the commencement of the order made under section 6 of this Act or, if there are then ten Judges, on the occurrence of the first vacancy amongst them. 45

Extension of jurisdiction of Circuit Court in civil cases.

9.—(1) Section 48 of the Courts of Justice Act, 1924 (No. 10 of 1924) (which relates to the jurisdiction of the Circuit Court in civil cases) is hereby amended as follows:— 50

(a) by the substitution in paragraph (ii) (which relates to contract and tort) of “£600” for “£300”,

(b) by the substitution in paragraph (iii) (which relates to title to land) of “£100” for “£60”, 55

(c) by the substitution in paragraph (iv) (which, with paragraph (v), relates to probate and equity matters) of "£2,000" for "£1,000" and "£100" for "£60", and

5 (d) by the substitution in paragraph (vii) (which relates to proceedings on behalf of the State) of "£600" for "£300".

(2) Section 23 of the Act of 1936 (which relates to the right to abandon excess in the Circuit Court) is hereby amended by the substitution in subsection (1) and subsection (2) of the words "six
10 hundred pounds" for the words "three hundred pounds" wherever the latter words occur.

PART IV.

THE DISTRICT COURT.

15 **10.**—(1) As soon as conveniently may be after the passing of this Act, the Minister shall by order— District court areas.

(a) divide the State (apart from the Dublin Metropolitan District) into such and so many convenient areas (which shall be known as district court areas) for the purposes of the District Court as he shall think proper, and may
20 divide the State into different district court areas for the purposes of different classes of business transacted in the District Court, and

(b) appoint one or more convenient places in every district court area or within one mile of the boundary of such area in which, and such and so many convenient days
25 and hours at which, the District Court shall be held for the purpose of transacting for such area the business for which the area was delimited.

(2) (a) The order may make provision for the continuation and completion of any business transacted in the District Court which is initiated before the commencement of the order and is not completed before such commencement.
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(b) For the purposes of this subsection business transacted in the District Court shall be regarded as being initiated on the day on which the summons, warrant, process or other originating document relating to it is issued.
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(3) The district court areas created under subsection (1) of this section shall for all purposes take the place of and be substituted
40 for the district court areas created under section 47 of the Act of 1926, and references in any Act to district court areas in relation to the District Court shall be construed accordingly.

(4) The sittings of the District Court for the transaction for any district court area of the business for which such district court area
45 is delimited shall be held in the places, on the days and at the hours for the time being appointed therefor under this Act.

11.—(1) The Minister shall by order group together such and so many district court areas, as he shall think proper, to form districts
50 for the purposes of the District Court, but subject to the limitation that the number of such districts shall not exceed twenty-five. District court districts.

(2) On the commencement of the order—

(a) the division of the State (apart from the Dublin Metropolitan District) into districts effected under subsection (3) of section 47 of the Act of 1926 shall cease
55 to have effect;

- (b) the existing assignments of Justices to such districts shall cease;
- (c) the Government shall permanently assign to each district created under *subsection (1)* of this section one of the Justices then holding office, not being a Justice permanently assigned to the Dublin Metropolitan District; 5
- (d) the districts created under *subsection (1)* of this section and the Dublin Metropolitan District shall, for the purposes of the Acts and this Act, be substituted for the districts created under the said section 47 and shall be known as district court districts; 10
- (e) references in any Act to districts in relation to the District Court shall be construed accordingly.

(3) The order made under *subsection (1)* of this section shall come into operation on the commencement of the order made under section 10 of this Act. 15

Assignment of Justices not assigned under section 11.

12.—Where, after the commencement of the order made under *section 11* of this Act, there is a Justice who is not permanently assigned to a district court district, he may be permanently assigned at any time to a district court district by the Government. 20

Number of Justices.

13.—On the occurrence after the commencement of the order made under *section 11* of this Act of each vacancy in the office of District Justice the maximum number of Justices shall stand reduced by one until such time as it is reduced by the number by which the number of districts is reduced in consequence of the said order, and section 16 of the Courts of Justice (District Court) Act, 1946 (No. 21 of 1946) (inserted therein by section 3 of the Courts of Justice (District Court) Act, 1949 (No. 8 of 1949)) shall stand modified accordingly. 25 30

Power to create, vary, abolish districts and areas.

14.—(1) It shall be lawful for the Minister from time to time, as he shall consider expedient, by order to do all or any of the following things :—

- (a) vary or abolish any district court district,
- (b) create any new district court district, 35
- (c) vary or abolish any district court area,
- (d) create any new district court area,
- (e) vary the class or classes of business for which any district court area is delimited,
- (f) alter the places or vary the days or hours for the time being appointed for holding the District Court in or for any district court area. 40

(2) (a) Whenever the Minister makes an order under *subsection (1)* of this section, he may make provision for securing the continuation and completion of any business transacted in the District Court which is initiated before the commencement of such order and is not completed before that date. 45

(b) For the purposes of this subsection, business transacted in the District Court shall be regarded as being initiated on the day on which the summons, warrant, process or other originating document relating to it is issued. 50

(3) The abolition of a district court district under *subsection (1)* of this section shall operate to terminate any assignment then in force of a Justice to that district and such Justice may be permanently assigned at any time to another district court district by the Government.

(4) References in section 64 of the Act of 1936 to section 47 of the Act of 1926 shall be construed as including references to *subsection (1)* of this section and the District Court Districts (Dublin) Order, 1945 (S.R. & O., No. 279 of 1945), shall have effect accordingly.

15.—Paragraph A of section 77 of the Courts of Justice Act, 1924 (No. 10 of 1924) (which relates to the jurisdiction of the District Court in civil cases) is hereby amended as follows:—

Extension of jurisdiction of District Court in civil cases.

(a) by the substitution in clause (i) (which relates to contract) of "£50" for "£25", and

(b) by the substitution in clause (iv) (which relates to proceedings on behalf of the State) of "£50" for "£25".

SCHEDULE.

Section 3.

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ENACTMENTS REPEALED.

PART I.

Enactment repealed from the commencement of the order made under section 6 of this Act.

Number and Year (1)	Short title (2)	Extent of Repeal (3)
No. 48 of 1936 ...	Courts of Justice Act, 1936	Section 13.

PART II.

Enactments repealed from the commencement of the orders made under section 10 and section 11 of this Act.

Number and Year (1)	Short title (2)	Extent of Repeal (3)
No. 10 of 1924 ...	Courts of Justice Act, 1924	Section 68.
No. 27 of 1926 ...	Court Officers Act, 1926	Section 47.
No. 25 of 1945 ...	Court Officers Act, 1945	Section 11.

BILLE

*(mar a tugadh isteach)
dá ngairmtear*

Acht do leasú na nAcht Cúirteanna Breithiúnais, 1924 go 1949, agus achtachán eile.

An tAire Dlí agus Cirt a thug isteach.


*Do hordaíodh, ag Dáil Éireann, do chlo-
bhualadh, 23ú Iúil, 1952.*

BAILE ATHA CLIATH:
ARNA FHOILSIU AG OIFIG AN tSOLÁTHAIR.

Le ceannach díreach ón Oifig Diolta Foilseachán Rialtais,
An Stuara, Árd Oifig an Phoist, Baile Átha Cliath, nó trí
son díoltóir leabhar.

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