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AN BILLE CUIRTEANNA BREITHIUNAIS, 1953.  
COURTS OF JUSTICE BILL, 1953.

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*Mar a tugadh isteach.*  
*As introduced.*

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ARRANGEMENT OF SECTIONS.

PART I.

PRELIMINARY AND GENERAL.

Section.

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

PART II.

REMUNERATION, EXPENSES AND PENSIONS.

4. Increase of remuneration of judges and justices.
5. Expenses of judges, etc.
6. Pensions of judges of Supreme Court and High Court
7. Pensions of judges of Circuit Court.
8. Pensions of justices.
9. Charge of remuneration and pensions on Central Fund.
10. Restriction of existing pension provisions.

PART III.

THE SUPREME COURT AND HIGH COURT.

11. Provision for additional judge of the High Court.
12. Transfer of trials.
13. Limitation on amount of plaintiff's costs in certain High Court actions.
14. Re-constitution of Superior Courts Rules Committee.

PART IV.

THE CIRCUIT COURT.

15. Division of the State into circuits.
16. Assignment of a judge of the Circuit Court not assigned under section 15.
17. Number of judges of the Circuit Court.
18. Extension of jurisdiction of Circuit Court in civil cases.
19. Transfer of part-heard action from one venue to another.

[No. 17 of 1953.]

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## PART V.

### THE DISTRICT COURT.

#### Section.

20. District court areas.
21. District court districts.
22. Assignment of justices not assigned under *section 21*.
23. Qualification for appointment of justice.
24. Number of justices.
25. Power to create, vary, abolish districts and areas.
26. Extension of jurisdiction in civil cases.
27. Extension of jurisdiction in interpleader cases.
28. Exercise of jurisdiction in desertion cases.
29. Amendment of section 68 of Dublin Police Act, 1842.
30. Appeal from order under Probation of Offenders Act, 1907.

### SCHEDULE.

#### ENACTMENTS REPEALED.





AN BILLE CUIRTEANNA BREITHIUNAIS, 1953.  
COURTS OF JUSTICE BILL, 1953.

# BILL

*entitled*

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

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

## PART I.

### PRELIMINARY AND GENERAL.

10 1.—(1) This Act may be cited as the Courts of Justice Act, 1953. Short title  
and collective  
citation.

(2) The Acts and this Act may be cited together as the Courts  
of Justice Acts, 1924 to 1953.

2.—(1) In this Act—

*Interpretation.*

15 “the Act of 1924 ” means the Courts of Justice Act, 1924 (No. 10  
of 1924);

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

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

“the Act of 1946 ” means the Courts of Justice (District Court)  
Act, 1946 (No. 21 of 1946);

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

“justice ” means a justice of the District Court;

25 “the Minister ” means the Minister for Justice.

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

3.—(1) The enactments specified in Part I of the Schedule are, Repeals.  
to the extent specified in column (3), hereby repealed.

30 (2) The enactment specified in Part II of the Schedule is, to the  
extent specified in column (3), hereby repealed with effect from the  
commencement of the order made under *section 15* of this Act.

35 (3) The enactments specified in Part III of the Schedule are, to  
the extent specified in column (3), hereby repealed with effect from  
the commencement of the orders made under *section 20* and *section*  
*21* of this Act.



## PART II.

### REMUNERATION, EXPENSES AND PENSIONS.

Increase of remuneration of judges and of justices.

4.—The remuneration of judges and of justices shall, with effect from the 1st day of April, 1953, be increased—

- (a) in the case of judges of the Supreme Court and the High Court and the President of the Circuit Court, by two hundred and fifty pounds per annum, and 5
- (b) in the case of judges of the Circuit Court (other than the President) and of justices, by four hundred and fifty pounds per annum.

Expenses of judges, etc.

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. 10 15

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

- (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 20
- (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 25
- (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. 30

Pensions of judges of Supreme Court and High Court.

6.—(1) In this section "service" means service as a judge of the Supreme Court, the High Court or the Circuit Court.

(2) There shall be granted to a judge of the Supreme Court or the High Court who, having reached the age of sixty-five years, retires after fifteen years' service or upwards a pension for life of two-thirds of his remuneration at the time of his retirement. 35

(3) There shall be granted to each judge of the Supreme Court or the High Court who, owing to age or permanent infirmity, ceases to hold office after five years' service or upwards a pension for life of one-sixth of his remuneration at the time of vacation of office with the addition of one-twentieth of such remuneration for every completed year of service in excess of five, subject to a maximum pension of two-thirds of such remuneration. 40 45

(4) This section does not apply to a person holding office as a judge of the Supreme Court or the High Court on the passing of this Act.

(5) Section 8 of the Act of 1936 applies to a pension granted under this section. 50



7.—(1) In this section “ service ” means service as a judge of the Circuit Court or as a justice. Pensions of judges of Circuit Court.

(2) There shall be granted to each judge of the Circuit Court who, having reached the age of sixty-five years, retires after fifteen years’ service or upwards a pension for life of two-thirds of his remuneration at the time of his retirement.

(3) There shall be granted to each judge of the Circuit Court who, owing to age or permanent infirmity, ceases to hold office after five years’ service or upwards a pension for life of one-sixth of his remuneration at the time of vacation of office with the addition of one-twentieth of such remuneration for every completed year of service in excess of five, subject to a maximum pension of two-thirds of such remuneration.

(4) This section does not apply to a person holding office as a judge of the Circuit Court on the passing of this Act.

(5) Section 17 of the Act of 1936 applies to a pension granted under this section.

8.—(1) There shall be granted to a justice who, having reached the age of sixty-five years, retires after twenty years’ service or upwards a pension for life of two-thirds of his remuneration at the time of his retirement. Pensions of justices.

(2) There shall be granted to each justice who, owing to age or permanent infirmity, ceases to hold office after five years’ service or upwards a pension for life of one-sixth of his remuneration at the time of vacation of office with the addition of one-thirtieth of such remuneration for every completed year of service in excess of five, subject to a maximum pension of two-thirds of such remuneration.

(3) This section shall not apply to a person holding office as a justice on the passing of this Act unless he so elects by notice in writing given to the Minister for Finance within three months after such passing. In that event, the provisions of the Acts in relation to pensions of justices shall no longer apply to him.

(4) Subsection (5) of section 48 of the Act of 1936 shall apply to a pension granted under this section or under section 19 of the Act of 1946.

9.—The remuneration and pension payable to every judge and justice under or by virtue of the Acts or this Act shall be charged on and be payable out of the Central Fund or the growing produce thereof. Charge of remuneration and pensions on Central Fund.

10.—The provisions of the Acts in relation to pensions of judges and justices shall not apply to any judge or justice appointed after the passing of this Act. Restriction of existing pension provisions.

### PART III.

#### THE SUPREME COURT AND HIGH COURT.

11.—Section 4 of the Act of 1924 (by which the High Court is constituted) is hereby amended by the substitution of “ seven judges ” for “ six judges ” and “ six ordinary judges ” for “ five ordinary judges.” Provision for additional judge of the High Court.



Transfer of trials.

**12.**—(1) The High Court may order the transfer of the trial by the Circuit Court of a criminal issue, in which the maximum penalty exceeds one year's imprisonment or five years' penal servitude, from the place in which it is required by law to be held to a place in another circuit or may order the case to be sent for trial to the Central Criminal Court. 5

(2) Where the High Court orders the trial to be transferred to a place in another circuit, the trial shall be held at that place with a jury drawn from the jury district or other area prescribed for trials by the Circuit Court sitting at that place. 10

(3) An order under this section may be made only on the application of the Attorney General or an accused person.

(4) The order may provide for matters ancillary or incidental to the transfer.

(5) The order shall be final and unappealable. 15

Limitation on amount of plaintiff's costs in certain High Court actions.

**13.**—Section 12 of the Act of 1936 (which limits the amount of the plaintiff's costs in certain High Court actions) is hereby amended by the substitution of "fifty pounds" for "twenty-five pounds", "two hundred pounds" for "one hundred pounds" and "six hundred pounds" for "three hundred pounds". 20

Reconstitution of Superior Courts Rules Committee.

**14.**—(1) The Superior Courts Rules Committee established by section 67 of the Act of 1936 shall hereafter consist of three ex-officio members and eight nominated members.

(2) The ex-officio members shall be—

(a) the Chief Justice, who shall be chairman of the Committee, 25

(b) the President of the High Court, who shall be vice-chairman of the Committee, and

(c) the Master of the High Court.

(3) Two of the nominated members shall be practising barristers nominated by the General Council of the Bar of Ireland, of whom one shall be of the Senior Bar and the other of the Junior Bar, and two shall be practising solicitors nominated by the Council of the Incorporated Law Society of Ireland. 30

(4) To avoid doubts, it is hereby declared that the Committee has and shall be deemed always to have had the power to make rules for the trial of election petitions under any statute for the time being in force, including power to modify or adapt any such statute for the purpose of such rules. 35

## PART IV.

### THE CIRCUIT COURT. 40

Division of the State into circuits.

**15.**—(1) As soon as conveniently may be after the passing of this Act, the Government shall by order—

(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— 45

(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 50



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

16.—(1) If on the commencement of the order made under *section 15* 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.

Assignment of a judge of the Circuit Court not assigned under *section 15*.

- (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.



Number of judges  
of the Circuit  
Court.

17.—(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 15 of this Act or, if there are then ten judges, on the occurrence of the first vacancy amongst them.* 5

Extension of  
jurisdiction of  
Circuit Court  
in civil cases.

18.—(1) Section 48 of the Act of 1924 (which relates to the jurisdiction of the Circuit Court in civil cases) is hereby amended 10  
as follows:—

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

(b) by the substitution in paragraph (iv) (which relates to probate and administration) of “£2,000” for “£1,000”, 15  
and the consequential modification of paragraph (v) (which relates to equity matters), and

(c) by the substitution in paragraph (vii) (which relates to proceedings on behalf of the State) of “£600” for “£300”. 20

(2) Section 20 of the Act of 1936 (which relates to the jurisdiction of the Circuit Court in remitted actions) is hereby amended by the substitution of “six hundred pounds” for “three hundred pounds”.

(3) 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 “six hundred pounds” for “three hundred pounds”. 25

Transfer of  
part-heard action  
from one venue  
to another.

19.—A judge of the Circuit Court may on the application of any party to a civil action which has been partly heard transfer the remainder or any portion of the hearing to another venue within the circuit or within the Dublin Circuit if none of the other parties objects, and an appeal shall lie under section 38 of the Act of 1936 from the decision of the judge on any such application. 30

## PART V. 35

### THE DISTRICT COURT.

District court  
areas.

20.—(1) As soon as conveniently may be after the passing of this Act, the Minister shall by order—

(a) divide the State (apart from the Dublin Metropolitan District) into such and so many convenient areas 40  
(which shall be known as district court areas) for the purposes of the District Court as he shall think proper, and may divide the State into different district court areas for the purposes of different classes of business transacted in the District Court, and 45

(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 and hours at which, the District Court shall be held for the purpose of transacting for such area the business 50  
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.
- (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.
- (3) The district court areas created under *subsection (1)* of this section shall for all purposes take the place of and be substituted 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 is delimited shall be held in the places, on the days and at the hours for the time being appointed therefor under this Act.

21.—(1) The Minister shall by order group together such and so many district court areas, as he shall think proper, to form districts 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 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;
- (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;
- (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 20 of this Act.

22.—Where, after the commencement of the order made under section 21 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.

Assignment of justices not assigned under section 21.

23.—(1) Section 69 of the Act of 1924 (which provides for six years standing as a barrister or solicitor as a qualification for appointment as justice) is hereby amended by the substitution of "ten years' standing" for "six years' standing".

Qualification for appointment as justice.

(2) Section 14 of the Act of 1946 is hereby amended by the substitution of "ten years" for "six years".



Number of  
justices.

**24.**—On the occurrence after the commencement of the order made under *section 21* 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, 5 and *section 16* of the Act of 1946 (inserted therein by *section 3* of the Courts of Justice (District Court) Act, 1949 (No. 8 of 1949)) shall stand modified accordingly.

Power to create,  
vary, abolish  
districts and  
areas.

**25.**—(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 10 following things:—

- (a) vary or abolish any district court district,
- (b) create any new district court district,
- (c) vary or abolish any district court area,
- (d) create any new district court area, 15
- (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.

- (2) (a) Whenever the Minister makes an order under *subsection 20* (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 25 before that date.

- (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.

- (3) The abolition of a district court district under *subsection 30* (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 35* (1) of this section and the District Court Districts (Dublin) Order, 1945 (S.R. & O., No. 279 of 1945), shall have effect accordingly.

Extension of  
jurisdiction in  
civil cases.

**26.**—Paragraph A of *section 77* of the Act of 1924 (which 40 relates to the jurisdiction of the District Court in civil cases) is hereby amended as follows:—

- (a) by the substitution in clause (i) (which relates to contract) of “£50 ” for “£25 ”,
- (b) by the substitution in clause (ii) (which relates to certain 45 actions in tort) of “£25 ” for “£10 ”,
- (c) by the substitution in clause (iii), as amended by *section 16* of the Courts of Justice Act, 1928 (No. 15 of 1928), (which relates to ejectment) of “£53 ” for “£27 ”, and
- (d) by the substitution in clause (iv) (which relates to pro- 50 ceedings on behalf of the State) of “£50 ” for “£25 ”.

Extension of  
jurisdiction in  
interpleader  
cases.

**27.**—*Subsection (1)* of *section 22* of the Enforcement of Court Orders Act, 1926 (No. 18 of 1926), (which relates to the bringing of interpleader proceedings by an undersheriff before the District Court) is hereby amended by the substitution of “fifty pounds” 55 for “twenty-five pounds”.



- 28.—Notwithstanding anything in section 79 of the Act of 1924, proceedings by a married woman under section 1 of the Married Women (Maintenance in case of Desertion) Act, 1886, may be brought, heard and determined, and shall be deemed always to have been capable of being brought, heard and determined, either before and by a justice for the time being assigned to the district wherein her husband ordinarily resides or carries on business or before and by a justice for the time being assigned to the district wherein she ordinarily resides. Exercise of jurisdiction in desertion cases.
- 10 29.—Section 68 of the Dublin Police Act, 1842 (which provides for the delivery to the owner of goods unlawfully detained) is hereby amended by the substitution of “a justice of the District Court” for “any of the said divisional justices”, the deletion of “within the Limits of the Police District” and the substitution of “twenty-five pounds” for “Fifteen Pounds”, and the section Amendment of section 68 of Dublin Police Act, 1842.
- 15 of “twenty-five pounds” for “Fifteen Pounds”, and the section as so amended shall have effect throughout the State.
- 30.—An appeal shall lie to the Circuit Court from an order of the District Court under subsection (1) of section 1 of the Probation of Offenders Act, 1907. Appeal from order under Probation of Offenders Act, 1907.

## SCHEDULE.

Section 3.

### ENACTMENTS REPEALED.

#### PART I.

*Enactments repealed from passing of this Act.*

Number and Year (1)	Short title (2)	Extent of Repeal (3)
No. 10 of 1924.	Courts of Justice Act, 1924.	Sections 15, 42 and 54, and, in section 74, from “The several salaries” to the end of the section.
No. 15 of 1928.	Courts of Justice Act, 1928.	Subsection (1) of section 16.
No. 48 of 1936.	Courts of Justice Act, 1936.	Subsections (2), (3) and .5) of section 67.  Section 77.
No. 20 of 1947.	Courts of Justice Act, 1947.	Section 19.

#### PART II.

*Enactment repealed from the commencement of the order under section 15 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 III.

*Enactments repealed from the commencement of the orders made under section 20 and section 21 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.



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BILLE

(*mar a tugadh isteach*)

*dá ngairmtear*

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

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BILL

(*as introduced*)

*entitled*

An Act to amend the Courts of Justice Acts, 1924 to 1949, and other enactments.

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*An tAire Dlí agus Cirt a thug isteach.*

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*Introduced by the Minister for Justice.*

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*Do hordáíodh, ag Dáil Éireann, do chlo-bhualodh, 18ú Meitheamh, 1953.*

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*Ordered by Dáil Éireann, to be printed, 18th June, 1953.*

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