

**His Honour Judge Paul Kelly
President of the District Court**

The Irish Legal System

An Overview of the Irish District Court
and Contrast with the Estonian Judicial
System



Introduction

Overview of the Irish Legal System



De Valera's cabinet in 1932

Sources:

- **Constitution (Bunreacht na hÉireann)**- supreme law
- **EU Law**- binding , principles of supremacy and direct effect
- **Statutes**- Acts of the Oireachtas - bicameral Parliament
- **Statutory Instruments**- delegated legislation
- **Common law/ case law**- judge-made law on the basis of precedent

Constitutional Review:

- Court may strike down unconstitutional laws

Article 26 Reference

- President may refer a Bill passed by the Oireachtas to the Supreme Court for a decision on its constitutionality before signing it into law
- If upheld, the bill receives a 'seal of constitutionality' and cannot be challenged in court again.

Contrast With Estonian Judicial System

1. Common law vs civil law system– emphasis on precedent (*stare decisis*) binding vs persuasive

2. Tiered Systems and Court of First Instance

Ireland's multi-tiered : District Court, Circuit Court, High Court, Court of Appeal, Supreme Court

Estonia's three-tier : county & administrative courts, circuit courts, Supreme Court.

Ireland has a unified court of first instance, organised by the President's Office which distributes

3. Constitutional Review work and unlike Estonia's four separate courts of first instance.

Ireland:

- Courts may strike down legislation
- Article 26 procedure allows pre-enactment review

Estonia:

- Constitutional review carried out by Supreme Court
- No equivalent Article 26 pre-enactment procedure

4. Languages

Ireland:

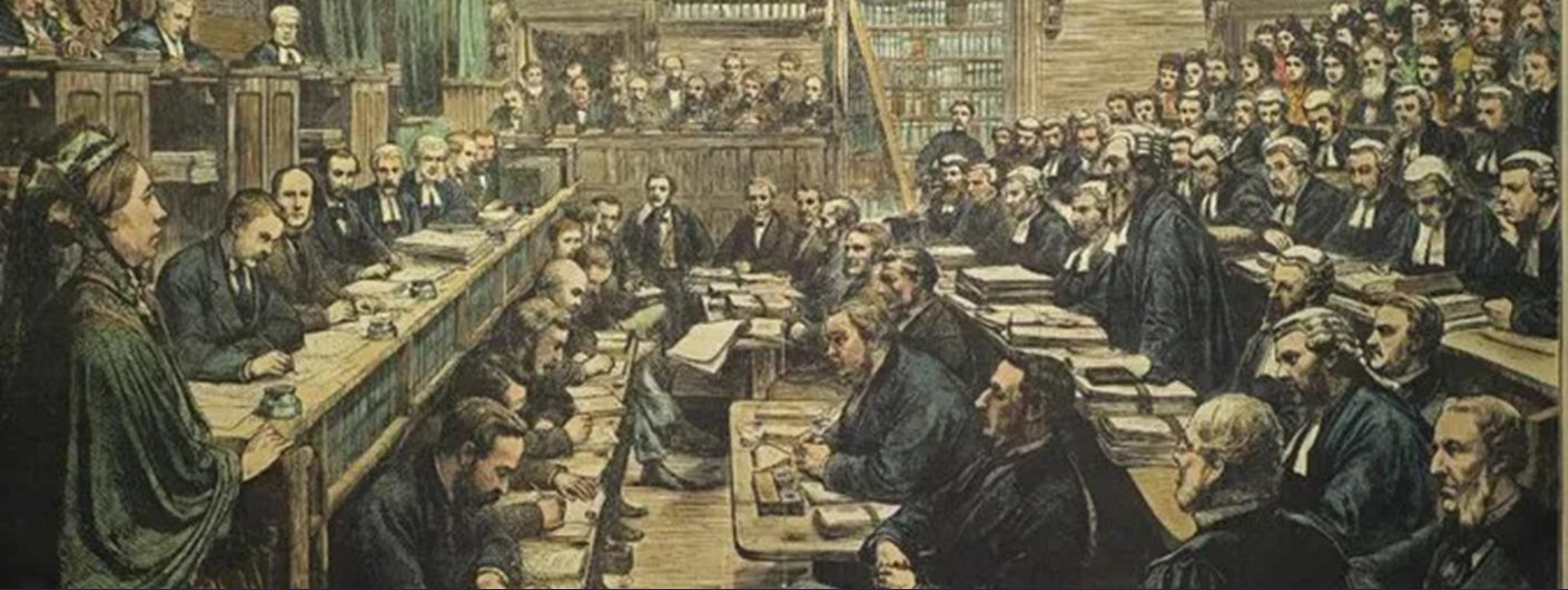
- English and Irish

Estonia:

- Estonian and Russian



Riigikohus, Estonian Supreme Court



- **Number of Judges:**

- **Ireland- 196 judges for a population of 5.4 million**
 - **District Court- 72 judges (35 women, 37 men).**

- **Estonia- 249 judges for a population of 1.3 million**

Benefits of a Common Law System for Ireland

Why Ireland?

- Only fully common law jurisdiction in the EU
- English-speaking, skilled workforce
- Strong rule of law/ political stability
- Independent judiciary
- Business-friendly tax / regulatory environment

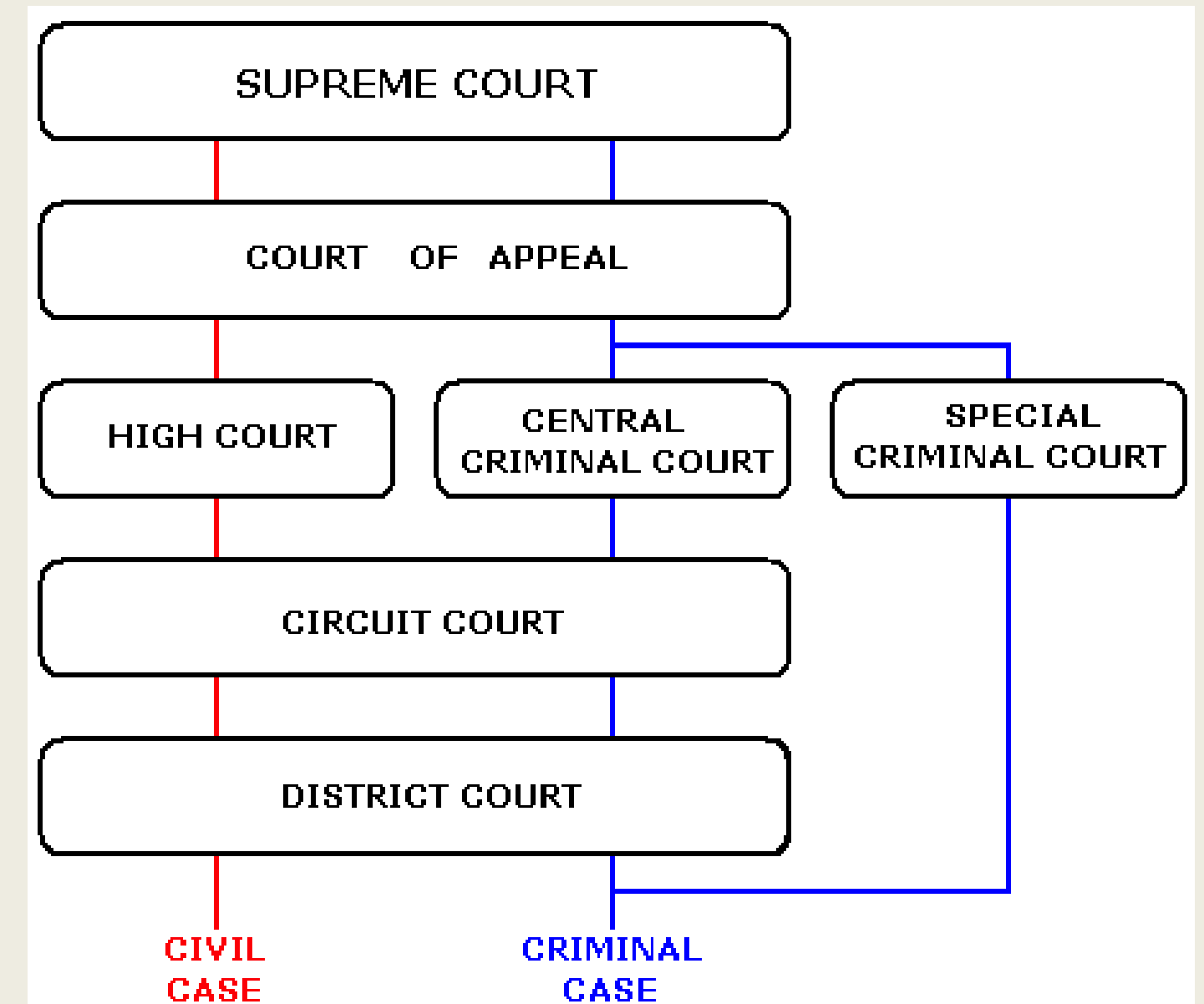
Impact:

- Hosting European / global HQs of leading companies (tech, pharmaceutical, aircraft leasing)
- Legal services exports: €1.4 billion in 2025
- Dispute resolution hub



Judicial Composition:

- **196** total judges
- District Court (71 judges + President), Circuit Court (45 judges + President), High Court (42 judges + President), Court of Appeal (18 judges + President), Supreme Court (9 judges + Chief Justice)
- Central Criminal Court = High Court exercising criminal jurisdiction. Most serious cases – rape, murder. **1 judge** sitting + jury
- Special Criminal Court (terrorist and organized crime) and Court of Appeal: panel of **3 judges**
- Supreme Court: **3 judges , 5 judges or 7 judges** exceptionally. Depending on nature of the matter being heard i.e. procedural vs one of constitutional importance.
 - When hearing matters regarding constitutional validity of Acts of the Oireachtas, **minimum of 5 judges**



District Court Structure

Judges divided into:

- Those assigned to the Dublin Metropolitan District,
- Those assigned to provincial districts
- Moveable judges (unassigned travelling judges)

Multi-judge districts: Dublin, Cork, Limerick.

There are 196 judges in Ireland, and 72 (including the President) of those are assigned to the District Court. Those judges presided over 486,972 cases in 2024.[1]

[1] [Courts Service Annual Report 2024](#)



Jurisdictional Limits

District Court

A. Criminal Jurisdiction

- Minor offences (summary offences)
- Limited power for some indictable offences (with consent)
- Maximum penalty:
 - Up to 2 years imprisonment and/or fine

B. Civil Jurisdiction

- Claims up to €15,000
- Includes contract, tort (e.g. personal injury – limited cases)

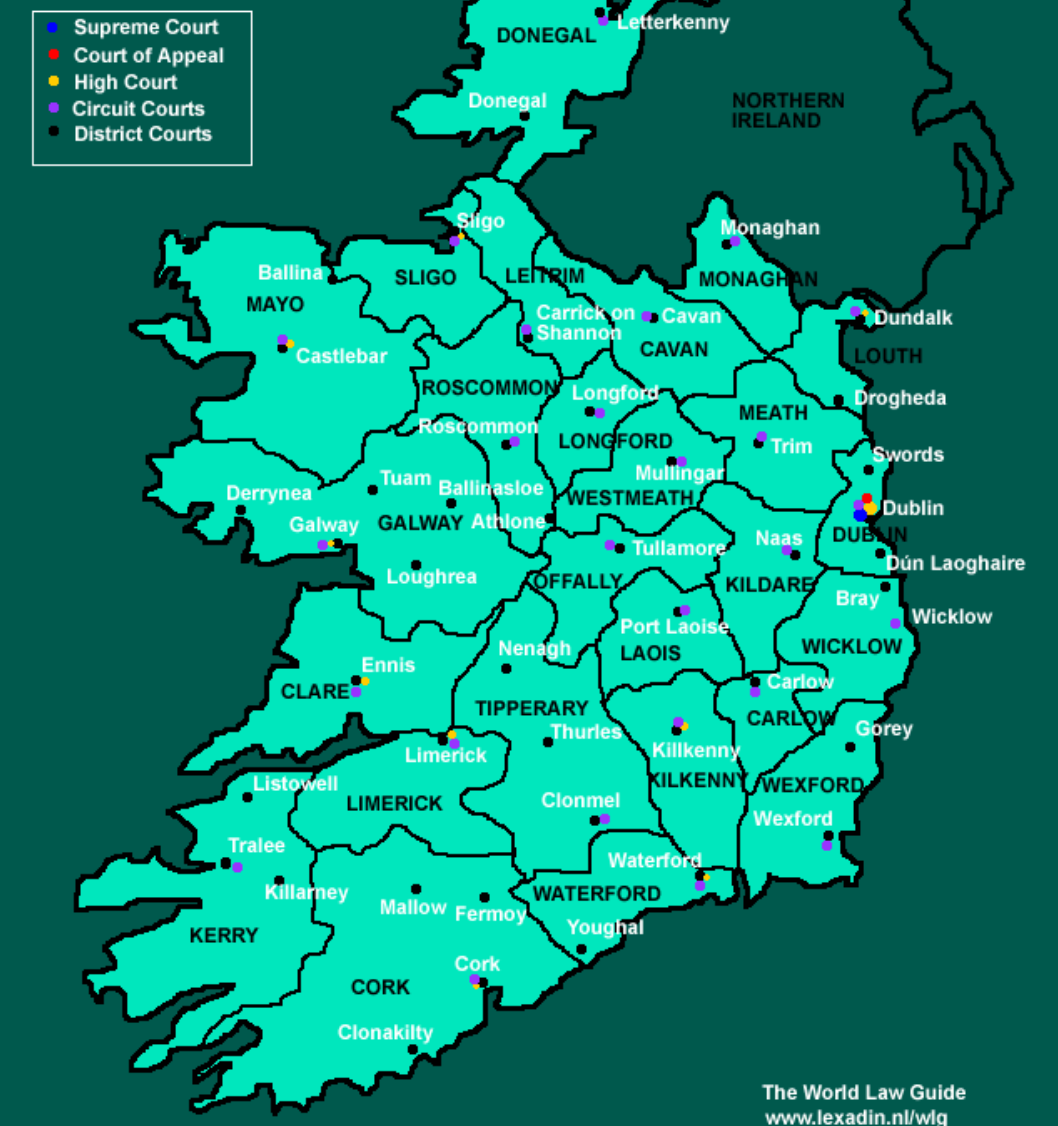
C. Family Law

- Maintenance, custody, access, guardianship
- Domestic violence orders (e.g. barring, protection orders)

Child Protection

- Care orders / supervision orders under child care legislation

Ireland Judicial Map



District Court Jurisdiction

- Summary criminal offences
- Civil and family law matters

Prosecuting bodies:

Approximately 208 bodies that can bring prosecutions:

- government agencies,
- local authorities,
- government ministers,
- regulatory bodies

Summary Offences: Orders Made: District Court													
	Dis	S/O	TIC	Fine	Bond	Disq	C/S	Prob	Imp*	Susp	Other	3rd Pay	Total
Domestic Violence	520	1,546	489	165	41	0	6	282	236	318	822	0	4,425
Drugs	56	282	221	125	2	0	10	92	58	41	124	0	1,011
Larceny/ Fraud/ Robbery	5	2	1	1	0	0	0	0	0	1	4	0	14
Other	544	8,678	5,055	5,661	51	11	54	1,399	847	458	2,482	0	25,240
Public Order/ Assault	1,173	8,193	8,741	6,029	351	3	222	3,010	1,500	1,046	4,594	0	34,862
Road Traffic	5,624	52,906	21,156	37,743	61	9,105	266	861	939	1,286	16,126	14,555	160,628
Sexual	3	16	9	15	0	0	0	21	19	8	20	0	111
Total	7,925	71,623	35,672	49,739	506	9,119	558	5,665	3,599	3,158	24,172	14,555	226,291

How cases run in the District Court

Submissions, hearings and legal argument conducted **orally**

- Court operates at a high **speed** and volume as a result
- Often **immediate** decisions made and orders made orally in court
- High **volume** of matters listed per court sitting





How cases run in the District Court

Some more complex/lengthy cases require written judgments

- Child protection proceedings
- Planning and environmental cases
- Pollution/ waste management
- Other regulatory matters

Require at times written judgments, detailed evidence and reports , possibly expert witness evidence

Section 32 Reports: court can direct an expert report be obtained on any question affecting the welfare of the child.

Section 20 Reports: The law allows a judge to ask the Child and Family Agency (CFA) to investigate a child's circumstances such as their welfare.

A DAY IN THE DISTRICT COURT



Before Court:

- ✓ Hears applications
- ✓ Search warrants
- ✓ Protection orders

10:30 AM

During the Day

- ✓ Long, fast-moving case lists
- ✓ Criminal, family, civil cases
- ✓ Procedural and decision-making workload

4-5 PM

Usual end of court session

After Court:

- Sign orders & warrants
- Prepare for next days

Benefits:

- Good salary & pension
- Prestige
- job satisfaction

On Call:

- Emergency applications
- Crime scene preservation
- Prisoner hearings

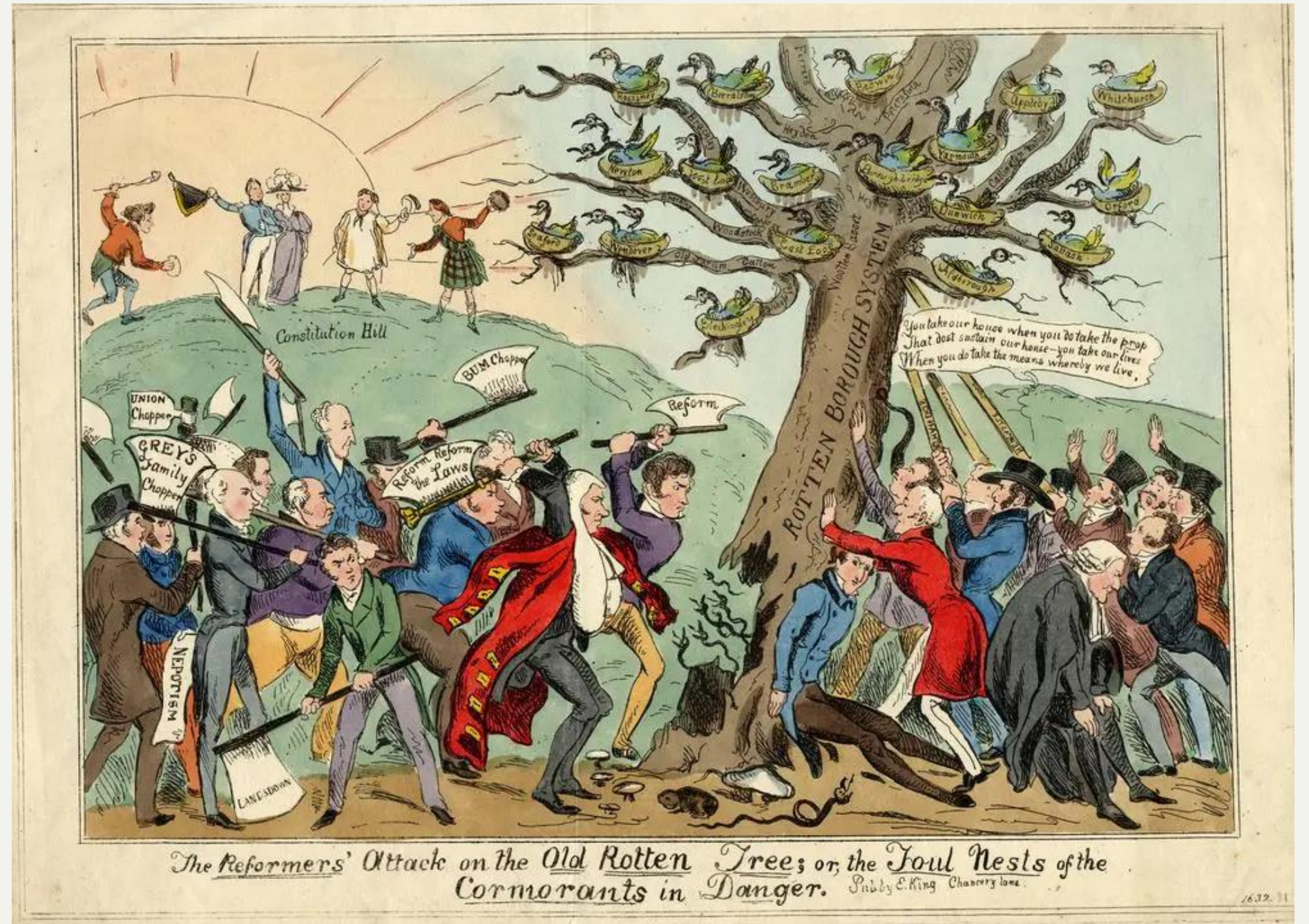


Reform of Irish Judicial System

2021: OECD commissioned to report on
**'Modernising Staffing and Court
Mangement Practices in Ireland'**

Judicial Planning Working Group

- Additional judges
- Longer working hours/ additional sitting days
- Reform of outdated court practices
- Greater powers for court presidents



Conclusion

Naked Prisoner appearing in District Court – judge willing to grant bail but looked at prisoner and said “ I can’t see your wallet!”

Kind judge used to secretly pay fines for poor defendants – repeat offender appeared, judge rebuked him, said I’ll have to be severe this time; defendant said “ah judge, don’t be too hard on yourself!”

Tänan tähelepanu eest!