THE HIGH COURT

JUDICIAL REVIEW

[2023] IEHC 602

[Record No.: 2021/568 JR]

BETWEEN:

JOHN STOKES

PLAINTIFF

AND

THE COURTS SERVICE AND THE COMMISSIONER OF AN GARDA SÍOCHÁNA AND THE MINISTER FOR JUSTICE AND EQUALITY

RESPONDENTS

JUDGMENT of Ms. Justice Siobhán Phelan, delivered on the 3rd day of November, 2023

INTRODUCTION

1. The Applicant was convicted, sentenced and fined after a criminal process in 2016. In these proceedings he complains that because of delay in the conclusion of enforcement procedures pursuant to the provisions of Fines (Payment and Recovery) Act, 2014 [hereinafter "the 2014 Act"], it would be unfair, invidious, or oppressive to expose him to risk of sanction now, including a potential custodial sentence, for non-payment of the fines imposed and due for payment more than seven years ago. The Applicant maintains that prejudice or unfairness arises from this delay because a sanction for non-payment of the fines might have been dealt with by a custodial sentence in lieu of the fines had enforcement proceedings been pursued more swiftly without any requirement for the Applicant to serve further time in custody, whereas a term of imprisonment would be prejudicial at this stage. This is because the Applicant was in custody on an unrelated matter between 2016 and 2019 and it would have been open to the District Court to order a term of imprisonment for non-payment of the fines

which could then have been "*run in*" or made concurrent with a custodial sentence he was serving anyway had the enforcement process been pursued in a timely manner.

2. It is accepted on behalf of the Respondents that there was delay both in the issue of the enforcement Fines Notice and the execution of a subsequent arrest warrant, but they nonetheless contend that the fines enforcement process should be allowed to continue. It is disputed that delay caused the Applicant any actionable prejudice or was of such a magnitude as to render the process unjust, invidious, or oppressive thereby requiring that further action for non-payment of a court ordered fine be restrained in judicial review proceedings.

BACKGROUND

3. The Applicant was convicted on the 3rd of February, 2016 in the District Court of various road traffic related dating to dates in 2014 and 2015 [see further full Chronology at Appendix 1 hereto]. Three of the convictions were for driving without insurance (S.56 Road Traffic Act 1961) on three separate occasions. Although '*driving without insurance*' is an offence which may often justify a custodial penalty, and notwithstanding the fact that the offences spanned three distinct occurrences, the District Court dealt with them by way of a fine only. The Applicant was fined a total of €1,700 (broken down into smaller constituent fines in respect of each offence) which was due to be paid in full by the 1st of August, 2016. The Applicant was, however, committed to custody for 5½ years with 18 months suspended in respect of an unrelated Circuit Court matter on 23rd of February, 2016. While he was granted temporary release on the 14th of March, 2019, he was not fully released until 6th of April, 2019.

4. On the 16th of January, 2018, a notice issued requiring the Applicant to attend before the District Court on the 11th of April, 2018 concerning the non-payment of the fines dating back to 2016. A warrant for his arrest, as "a fined person" issued on the 11th of April, 2018 when he did not attend court. The Applicant was in fact still in custody at that time on the unrelated matter having been transferred from Mountjoy Prison to Cork Prison in February, 2016 and from Cork Prison to Shelton Abbey Place of Detention in March, 2018. The said warrant was only executed by arrangement at the District Court sitting at Dún Laoghaire on 25th of February, 2021, two years, and ten months after the date of the issuance of the warrant.

5. Although the Applicant was in custody when the arrest warrant issued in April,

2018, it is not disputed that the Applicant provided his address to the prison authorities upon his release in April, 2019. The Applicant moved from Dublin to Wexford prior to his sentencing on the original offences in 2016 (as recorded on the transcript of proceedings before the District Court). The address provided to the Irish Prison Service when released from Shelton Abbey was an address in Wexford. It is not disputed that he remained at this Wexford address until November, 2020 when he and his partner obtained social housing at an address in Dún Laoghaire, Co. Dublin where they have remained since.

6. On the occasion of the execution of the arrest warrant before the District Court in February, 2021 the Applicant was represented by counsel. The case was adjourned to District Court No. 2 in the Criminal Courts of Justice on 24th of March, 2021 when the Applicant applied through his solicitor to the presiding District Judge for the proceedings to be struck out on the basis of delay. It was submitted that the Applicant had been in custody when the warrant had issued and had the warrant been executed sooner, the Applicant would have had the opportunity to have a sentence imposed in lieu of the fines which would have been concurrent with the sentence then being served by him.

7. The District Judge (His Honour Judge Hughes) referred to the decision in *DPP v Fogarty* [2019] IEHC 308 regarding the power of the Court to strike out the proceedings. The District Court Judge refused to strike the matter out stating that the Court could not predict what would have happened had the warrants been executed sooner and that accordingly it was not established that the Applicant had been prejudiced. The application for a strike out having been refused, the Court proceeded to consider a Community Service Order in accordance with s. 7(5)(a)(ii) of the 2014 Act. The case was adjourned to 16th of June, 2021 for a report to assess the Applicant's suitability for Community Service. On that date, the Court was informed of the intention to proceed by way of judicial review. The enforcement proceedings now stand adjourned pending the determination of the within proceedings.

PROCEEDINGS

8. The Applicant obtained leave *ex parte* (Meenan J.) on the 21st of June, 2021 to seek the following relief:

i. An Order of Prohibition by way of an application for Judicial Review prohibiting the further prosecution of the process of enforcement and recovery under Section 7 of the Fines (Payment and Recovery) Act 2014, in respect of fines imposed on the applicant by the Distract Court on 3rd of February, 2016;

ii. A Declaration by way of an application for Judicial Review that the prosecution of the said process in respect of the applicant is in breach of the applicant's constitutional right to fair procedures;

iii. A Declaration by way of an application for Judicial Review that the prosecution of the said process in respect of the applicant is unjust, oppressive and or/invidious by reason of delay;

iv. A Declaration by way of an application for Judicial Review that the respondents acted in breach of their duty to prosecute the said process in respect of the applicant in a timely manner;

v. A Declaration by way of an application for Judicial Review that the prosecution of the said process in respect of the applicant is in breach of the applicant's right to private and family life pursuant to Article 8 of the European Convention on Human Rights and Fundamental Freedoms.

9. A stay on the further prosecution of the District Court proceedings was granted with liberty to the Respondents to apply on 48 hours' notice to vary or remove the stay.

10. In March, 2022, a Statement of Opposition was delivered on behalf of the Second and Third Named Respondents (hereinafter "An Garda Síochána" and "the Minister") inviting the Court to refuse relief on discretionary grounds. Emphasis is placed on the fact that the core of this application is a claim made that the Applicant might have avoided fines imposed in a constitutionally fair process following a lawful conviction and sentencing but for the delay in enforcement procedures. In essence, he seeks to rely on the fact that he might have avoided the consequences of non-payment of the fines lawfully imposed altogether had a custodial sentence been imposed while he was serving time in custody on an unrelated matter but for the delay in enforcement proceedings. The application is further opposed, *inter alia*, on the basis that it is speculative to suggest that a period of custody arising from the enforcement proceedings could have been "*run in*" or made concurrent with the custodial sentence he was already serving as a period in custody. Furthermore, emphasis is placed on the fact that a custodial sentence for non-payment of fines is an exceptional measure of last resort and no such

sentence may be imposed. It is simultaneously contended that the Applicant should be debarred by reason of delay in commencing proceedings more than three months after the execution of the arrest warrant and should be refused relief by reason of prematurity in proceeding before the District Judge made an order pursuant to s. 7 of the 2014 Act.

11. The Court Services delivered its Statement of Opposition in May, 2022 wherein reliance was placed on the fact that the statutory role of the Courts Service and the nature of its functions under the 2014 Act. Like An Garda Síochána and the Minister, the Court Service contends that while there was some delay in the execution of its functions under the 2014 Act, much of which was caused by the introduction of the new system for the enforcement of fines, this delay did not cause the Applicant any actionable prejudice or was of not of such a magnitude as to make unenforceable an otherwise enforceable default in the payment of a court ordered fine. It is further pointed out that the Court Service is not involved in the issue (a judicial function) or execution of an arrest warrant after it has been ordered by a court. They argue that no relief should issue against the Court Service in respect of any complaint arising out of these functions. It is contended that insofar as the functions of the Court Service include the '*initiation'* of the enforcement process, this process is governed by s. 7(4) of the 2014 Act which indicates that the court official in question "*shall*" issue a notice in writing once the fined person fails to pay the fine by the due date, unless one of the specified exceptions applies. Thus, the Court Service's role in relation to the issuances of notices in accordance with the requirements of ss. 7(4) of the 2014 Act is not a judicial one, it is administrative or ministerial in nature.

12. The Court Service contends that once a Fines Notice is returned before a given court, it is a matter for the presiding judge to assess any delay which is apparent and to take the appropriate steps towards enforcement, or termination, of the process as he or she sees fit and the Court Service has no function in this regard. The Court Service maintains that in so far as the Applicant claims to have suffered an actionable prejudice by virtue of the loss of an opportunity to '*run in*' the default imprisonment penalty with a sentence which was subsequently imposed upon him and which he was serving during the relevant periods of time, there is no legitimate entitlement to expect such "*calculated advantage*". To the extent that the Applicant claims such an entitlement, the Court Service contends that the Applicant in effect claims that he was entitled to write-off the fine without reservation or substituted penalty because of his subsequent misconduct. As he had no entitlement to "*run in*" a period of

imprisonment for default on the payment of fines the Court is asked not to recognize the prejudice asserted as a valid one, nor safeguard it by granting the relief sought. It is pointed out that there is no limitation period fixed by statute in respect of the enforcement process.

EXPLANATION FOR DELAY

13. Affidavit evidence to explain delays has been produced by all Respondents. The delay between the 1st of August, 2016 and the 16th of January, 2018 is explained by the Court Services as occurring because of the need to introduce a wholly new system for the recovery of fines and to put in place, to test, and to perfect the relevant administrative and IT resources which were required to implement these new procedures following the commencement of the 2014 Act. Introducing these new systems caused delay in the issuance of the appearance notices in the months following commencement, with a consequential backlog which had to be cleared. It was further maintained that principal features of the current system for administering fines takes time. After the issue of the initial "*Fines Notice",* a subsequent *"Reminder Notice' (or Instalment Reminder Notice,* if applicable) issues. Then one or more Warning Notices issues (automatically and periodically) to afford the fined person ample opportunity to pay the fine. If the fine remains unpaid after the above steps are taken, only then will a "*Notice to Attend Court"* be issued. This involves scheduling the matter for a court date and giving sufficient time for the *Notice* to be printed and served on the addressee by post, allowing 28 days for a statutory declaration, and some further time for onwards transmission to local court offices. Altogether, it is deposed on behalf of the Court Service that a minimum of 8 weeks lead time is necessary to allow all steps to be completed before the first Court date. In this case, however, the time taken was 17 months.

14. When the matter came before the Court in April, 2018, at a time when the Applicant remained in custody at Shelton Abbey prison, an arrest warrant issued but it is common case that this warrant was not executed until February, 2021. There is a dispute as between the First and Second Named Respondent as to whether a portion of this period is attributable to the arrest warrant not being transmitted in a timely manner to An Garda Síochána. The Court Service rely on the standard process in Dublin in accordance with which warrants are delivered in hardcopy to the Bridewell Garda Station a matter of days after they issue. For the purposes of tracking the warrant for the arrest of the Applicant, which was ordered by the District Court on the 11th of April, 2018, a warrant report covering that issue date was completed on the 17th of

April, 2018. It is deposed that in total 294 warrants are referenced on that report (all of which resulted from non-appearance on enforcement notices) and the warrant in respect of the Applicant was included amongst those. It is confirmed on behalf of the Court Service that spot checks indicate that several other warrants referenced on the same report were either cancelled or executed in the months following April, 2018 (i.e. between May and October 2018), with the result that it is believed this batch of warrants was delivered to An Garda Síochána in late April, 2018.

15. According to the evidence adduced the Court Service also runs reports from its criminal case tracking system which shows summary details of the warrants which have issued within a certain time frame, including: the court office, court details, offender details and the Garda Station to which the warrant has been delivered. It is confirmed on affidavit that these reports are supplied centrally to An Garda Síochána via Garda Information Services Centre [hereinafter the "GISC"]. Such a report is confirmed as having been prepared and emailed to GISC on the 23rd of April, 2018. For their part, however, An Garda Síochána maintain that the warrant was only received by them in November, 2018.

16. Whatever about where responsibility lies for the delay between April, 2018 and November, 2018 in relation to transmission and receipt of the warrant, it is not gainsaid by the Respondents that there was unacceptable delay on the part of the Court Service between August, 2016 and January, 2018 (when the Fines Notice issued) and on the part of An Garda Siochana between November, 2018 until 25th of February, 2021 when the warrant was executed. The total period between the date the fines were due to be paid but were not in August, 2016 and the execution of the warrant by bringing the Applicant before the Court in February, 2021 amounts to almost four years even without counting the period between April, 2018 and November, 2018 the responsibility for which is the source of some dispute as between the Respondents. Even allowing that some period of time will be required in the orderly and fair administration of the fines process, the time taken was inordinate. Accordingly, both the First and Second Named Respondents contributed to the delay complained of in these proceedings to varying degrees. I am satisfied that there has been no adequate explanation for delay.

STATUTORY PROVISIONS

17. The Courts Service is a statutory authority which was created by the Courts Service Act 1998. The principal functions of that body are described in s. 5 (as amended by s. 17 of the Civil Law (Miscellaneous Provisions) Act 2008) which sets them out as being to:

> "*provide support services for the judges; provide information on the courts system to the public, provide, manage and maintain court buildings; provide facilities for users of the courts, and to perform such other functions as are conferred on it by any other enactment.*"

18. By virtue of s. 24 of this same Act, District Court Clerks were transferred to and became members of staff of the Courts Service.

19. The 2014 Act provides for the enforcement of fines imposed in the District Court and confers administrative functions on the staff of the Courts Services to this end. Where there has been non-payment of a fine within the relevant timeframe as fixed by the District Court judge, s. 7(4) of the Fines (Payment and Recovery) Act, 2014 requires the following of the District Court Clerk (who is deemed to be the "*appropriate court official" by virtue of* s. 2(1) of the 2014 Act):

> *"The appropriate court official concerned shall, by notice in writing served on the fined person, require the person to appear before the court on the date and at the time specified in the notice, and to provide to the court a statement in writing of his or her financial circumstances."*

20. In so far as the District Court Rules address this function, O.23, r.9 of the District Court Rules 1997 (as amended) reads in relevant part as follows:

> *"9. (1) The Clerk may at any time after the due date for payment issue a notice in the Form 23.3, Schedule B, for the purposes of section 7(4) of the 2014 Act requiring the fined person who has not paid the fine (or, as the case may be, a relevant instalment) by the due date for payment in accordance with the 2014 Act, requiring a fined person to appear before the Court at a date and time specified in the notice (in this Order, the "Court date")".*

21. Service of the notice is provided for in s. 21 of the 2014 Act and warrants for arrest where there is no appearance in court in response to the enforcement notice are provided for by s. 7(7) of the 2014 Act. Section 7(7) of the 2014 Act provides:

> *"(7) Where a fined person fails, without reasonable excuse, to appear before the court as required by a notice under subsection (4), the court shall, if satisfied that the notice was served on the person— (a) issue a warrant for the arrest of the person, or (b) if the court thinks it appropriate in all the circumstances, cause a further notice under subsection (4) to be served on the person specifying a new date for the person to appear before the court, and to provide it with the statement referred to in that subsection."*

22. Section 7(8) further provides that a fined person arrested under subsection (7)(a) shall be brought before "*the next sitting of the court*".

23. When the enforcement matter comes before the Court, s. 7(5)(a) of the 2014 Act states that the Court must consider the following when making its order regarding non-payment of fines:

> *"(i) first, give consideration to making an attachment order in respect of a fined person, and*
>
> *(ii) second, if it is satisfied that it would not be appropriate for it to make an attachment order in respect of the fined person, give consideration to making ... a recovery order or community service order in respect of the fined person".*

24. Accordingly, it seems the District Court judge may not strike out the application without considering the prescribed enforcement measures but there is no obligation on the District Court judge to impose s. 7(5) sanctions where the Court is not satisfied that it is appropriate to do so. Community service orders are further addressed at s. 19 of the 2014 Act and s. 19(3) prescribes that in the Applicant's case as an offender convicted summarily the terms of such service would be not less than 30 hours and not greater than 100 hours. Of note, where the District Judge decides not to impose a community service order, ss.7(5)(b) of the 2014 Act further states:

"Where the Court is satisfied that it would not be appropriate for it to make an attachment order, recover order or community service order in respect of the fined person, it may commit the person to prison in accordance with section 2 or 2A of the Act of 1986".

25. While it is therefore mandatory for the District Court judge to consider making an attachment order, or if not appropriate, a recovery or community service order, if the District Court judge is not satisfied that enforcement through any of these means would be appropriate, he or she may commit a person to prison. This is a discretionary or enabling power and there is no statutory requirement that the District Court judge impose a prison sentence for non-payment of a fine.

26. The 2004 Act was commenced in its entirety on the 11th of January 2016. There is no statutory time-limit in which a District Court Clerk must issue the requisite Notice either under s.7(4), nor under the District Court Rules which were introduced in 2016 (the *District Court (Fines] Rules 2016 (S.I.* 19/2016).

DISCUSSION AND DECISION

<u>*Joinder of Parties*</u>

27. Much of the focus of the submission on behalf of the Court Service was directed in protest at being joined in these proceedings at all due to the nature of its statutory functions. The previous practice of the courts in enforcing the payments of fines of their own motion was considered in *The Director of Public Prosecutions v Fogarty* [2019] IEHC 308 where Eagar J. noted at para. 17 of his judgment that:

"Under the scheme that operated prior to the Act, the order of conviction and sentence would specify a specific period of imprisonment that were to apply if the fine was not paid, and in such a case, no further application was required by the DPP if the fine were not paid, but rather a warrant would issue automatically from the court."

28. In the normal course, therefore, it was not necessary for any application to be brought on behalf of the DPP or other prosecutor but, as stated by Eager J. at para. 19:

"Rather, a committal warrant issued for the arrest and detention of the accused as he had failed to pay the fine within the statutory time permitted. The warrant was signed by a nominated signatory of the Court Registrar, a person in the employ of the Courts Service. The accused was duly arrested and lodged in Mountjoy Prison."

29. In *Forde v. Judge Doyle* [2018] IECA 382 the High Court (Murphy J.) found that a committal warrant duly issued in this way had been issued *ultra vires* an employee of the Courts Service and therefore should be quashed. This finding was overturned on appeal by the Court of Appeal. One of the primary issues debated before the Court was whether the fact that the committal warrant had issued out of the Courts Service as opposed to being issued by a judge was lawful. Birmingham J. stated at para. 23:

"It is worth considering what the position would have been on 19th March 2013 had someone posed the question 'what happens if the fine is not paid within the year?' It seems to me that nobody would have answered 'Mr. Forde will be brought back before a judge who will decide what to do'. It seems to me that the universal response would have been 'Mr. Forde will be imprisoned for twelve months', that would have been the universal response because that was what the judge, acting within jurisdiction, had decided should happen and had so stated in clear and unequivocal terms. It is, of course, the case that the Courts Service or its officials cannot decide to issue a warrant, but that is not what happened here. The decision that Mr. Forde should be imprisoned for a period of twelve months if he failed to pay the fine within the prescribed time was a decision that was taken by Judge Alice Doyle (this Court's emphasis) on 19th March 2013. No further decision thereafter was required. . . ..In my view, the High Court Judge erred in concluding that an official of the Courts Service had decided or determined that Mr. Forde should serve a period of imprisonment. The decision that Mr. Forde should serve a period of imprisonment in default of payment of the fine was one taken by the Judge in the Circuit Court and the actions of the official in the Courts Service in drawing up the warrant were simply designed to give effect to the Judge's decision and order".

30. In the judgment of the Court of Appeal in *Owens and Dooley v. DPP* [2017] IECA 299 (cited by Eagar J. in *DPP v. Fogarty*) that Court stated (para. 26):

"The introduction by the legislature of the 2014 Act was primarily prompted by a desire to reduce the extent to which defaulters of fines imposed by the Courts found themselves incarcerated in prison and, usually, in practice, because of prison over-crowding, then being freed almost immediately. The cost and inconvenience for the Gardaí and the prison authorities was considered to be needlessly high. The enactment of the 2014 legislation was preceded by an almost unified political and public demand for an alternative system for the collection and enforcement of fines compared to the then existing system which was heavily reliant on imprisonment".

31. While the current statutory process under the 2014 Act differs from previous practice in that there is a separate enforcement process which is distinct from the original conviction and sentencing process and the judge who imposes the fine no longer determines what should happen in the event of default, nonetheless the new statutory regime has something in common with the previous practice insofar it is indeed clear that the functions of the Court Service extend only to the automatic '*initiation*' of the enforcement process in the event of non-payment of a fine (governed by ss. 7(4) of the 2014 Act)..

32. Thus, the Court Service's role in relation to the issuance of notices in accordance with the requirements of ss. 7(4) of the 2014 Act is not a judicial one. It is entirely administrative in nature and does not embrace a decision-making function. The Court Service has no role in assessing any delay which is apparent before initiating the enforcement process and has no power to terminate that process. The issue of a Fines Notice by the Court Service cannot therefore be challenged as *ultra vires* the powers of the court official as the process is entirely derived from statute and no discretion inheres in the Court official. While I have no hesitation in accepting the submission made that the Court Service and its employees are performing purely administrative roles in relation to the issue and service of a Fine's Notice, it seems to me that the fact that the Court Service's function is administrative does not necessarily, on its own, immunize it from relief in judicial review proceedings. Administrative functions also fall to be exercised in accordance with the requirements of constitutional justice which include a requirement that the function be exercised without unreasonable delay.

33. Accordingly, a failure on the part of the Court Service to perform statutory functions in

accordance with the requirements of constitutional justice might potentially make it amenable to court ordered relief in judicial review proceedings. Such failure resulting in unacceptable delay might also render the maintenance of enforcement proceedings unsustainable depending on the circumstances of the case, albeit a question remains as to which court is best placed to address the issue of delay and its consequences.

34. While the role of the Court Services is administrative, the process before the District Court judge is clearly a judicial process in that the decision making or adjudicative function in respect of a delayed fines notice or fines enforcement process is for that Court when duly seized of the matter. Responsibility for delay which is ultimately relied upon to undermine the lawfulness of the continuation of that process may lie at the door of the Court Service. Just as in prosecutorial delay cases the discharge of functions by An Garda Síochána may be subjected to scrutiny, similarly in cases involving the discharge of statutory function by the Court Service, its' acts or omissions may fall to be examined.

35. While delay can sometimes be of a nature that it speaks for itself, the case-law in the area of delay shows that the explanation for the delay complained of is often a very relevant factor in the Court's conclusions on whether the delay is unfair, oppressive or arbitrary in all the circumstances of a given case. The explanation for delay comes in large part from the party against whom allegations of delay are made. Delay issues arising from the discharge of functions by An Garda Siochana are often responded to by the prosecutor without the necessity for separate Garda representation or joinder, an incident of the close relationship between the garda arrest and investigation and prosecution services, but it is a fact that the interest of the Court Service is not otherwise represented in proceedings before the Court of the kind at issue in these judicial review proceedings. To the extent that a justiciable issue concerning the discharge of public law functions by the Court Service arises for determination in these proceedings, I would therefore not fault the joinder of the Court Service. I am satisfied the Court Service was properly joined and is the legitimus contradictor in respect of delays complained of in the issue of the Fines Notice. It is an entirely separate question whether proceedings by way of judicial review is the appropriate remedy, in circumstances where the s. 7 process has not yet concluded.

36. Not unlike the Court Service, the Minister also contended that she ought not to have been joined in the within proceedings. The Applicant relies on the judgment in the case of

The Director of Public Prosecutions v Fogarty [2019] IEHC 308, where it is recorded (at paras. 10 to 12) that she was joined to those proceedings as a notice party by her own motion on the basis that the 2014 Act was initiated by the Minister for Justice and Equality pursuant to the Ministers and Secretaries Act 1924 and on the basis that the Minister has responsibility for the administration and business generally of public services in connection with law, justice, public order and police and all powers, duties and functions connected with the same (except such powers duties and functions as are by the Constitution or law accepted from the authority of the executive council (or an executive Minister) which includes courts policy.

37. The fact that the Minister sought to be joined as notice party of its own motion in an early case involving the discharge of functions under a new statutory process does not make the Minister a necessary party in every subsequent case concerning the same process. No relief was sought against the Minister in the case as pleaded and she was not directly involved in the administration of Fines Notices or in the execution of the warrant. In consequence, she would not normally be a necessary party as the joinder of the Court Service and An Garda Síochána means that appropriate *legitimus contradictors* had been joined. Given her oversight role and general responsibility for all State agencies involved in the delay at issue in these proceedings together with her interest in a previous similar case, there was some logic to joining the Minister in the proceedings.

38. Being an interested party does not equate with being a necessary party in legal proceedings. I would not consider the Minister a necessary party in judicial review proceedings concerning delays in the fines' enforcement process under the 2014 Act or in the execution of warrants absent some special or particular circumstances. That said, as the Minister responsible generally for public services in connection with law, justice and police including the Court Service, An Garda Síochána and the Prison Service and where, as it has transpired, there is a period of delay for which neither the Court Service nor An Garda Síochána accept responsibility, there may be more justification than normal for an involvement on the Minister in this case. The dispute as to who was responsible for a particular period of time was not apparent, however, when the proceedings commenced and does not justify the decision to join the Minister at that time as she was not a necessary party.

39. In the ordinary course the unnecessary joinder of a party gives rise to costs considerations and implications for the party who improperly or unnecessarily joined the Minister, this may be

somewhat academic in this case noting that the Minister was, in any event, jointly represented with An Garda Síochána and the circumstances of this case as they have emerged include a period of delay for which neither the Court Service nor An Garda Síochána accept responsibility (a feature of the case which became apparent only after the proceedings had already commenced). Without foreclosing any argument which may be made following delivery of this judgment, it seems to me that little may turn on the Applicant's decision to go a step further than necessary in joining Minister in the proceedings at the outset in this case.

Whether Proceedings in Time

40. It is maintained on behalf of An Garda Síochána and the Minister that the application should be dismissed on delay grounds in circumstances where the warrant was executed on the 25th of February, 2021 but leave was not sought in these proceedings until the 21st of June, 2021, more than three months after the execution of the warrant. In response, the Applicant contends that the grounds for these proceedings arose when the District Judge refused to strike out the summons on the 24th of March, 2021 and that accordingly the proceedings are within time.

41. In my view it would have been precipitous and premature to commence the within proceedings without first making the case that the fines notice should be struck out to the sitting District Court judge. I am satisfied that the within proceedings have been commenced within time limits fixed under the Rules of the Superior Court 1986 measured from the refusal of the Applicant's application to strike out on the 24th of March, 2021 and no extension of time is required.

Whether Maintenance of Enforcement Proceedings Unlawful

42. The Applicant relies on a series of delay cases including: *Cunningham v Governor of Mountjoy* [1987] I.L.R.M. 33, *Long v. Assistant Commissioner O'Toole* (2001) 3 LR. 548, *Dalton v. Governor of the Training Unit* [2000] IESC 49, *Cormack & Farrell v. DPP* (2009] 2 LR. 208 and most recently *Finnegan v. Superintendent of Tallaght Garda Station and Governor of Wheatfield Prison* [2021] 1 I.L.R.M. 206 in support of his contention that further enforcement proceedings should be prohibited. These were all cases in which delay was claimed to render the process unfair, albeit not always successfully.

43. The Court (Egan J.) in *Cunningham v. Governor of Mountjoy* [1987] I.L.R.M. 33 found the purported re-activation of the sentence "*after such a long period and with no explanation for the delay was unfair*". That case concerned an individual who was required to report to his probation officer as requested on foot of the conditions of his temporary release. The probation officer reported to the Governor that Mr. Cunningham breached the terms of his temporary release by failing to contact her. The Governor later sought Mr. Cunningham's re-arrest and return to custody. Seven months following this request by the Governor to the Superintendent at Clondalkin Garda Station, Mr. Cunningham was informed that he was being recommitted to serve the balance of his sentence due to breaching the terms of his release. While the Court confined its view to the particular facts of the case, it found that a delay of seven months in informing the Applicant that he was required to serve the balance of his sentence and the lack of an explanation for the delay rendered the said reactivation unfair, excessive, and ultimately, unlawful.

44. Similarly, in *Long v. Assistant Commissioner O'Toole* (2001] 3 LR. 548, the High Court (Kearns J.) found that the extradition of the Appellant was unjust, oppressive, and invidious due to a delay of four and a half years by the English authorities in initiating extradition proceedings after locating Mr. Long. No explanation, *"be it good, bad or indifferent"* was offered for the delay. The Court noted that the lack of any explanation for the delay in the case meant that the fairness element of fair procedures was lacking and thus led to a finding that the delay was unjust, oppressive, and invidious.

45. In *Dalton v. Governor of the Training Unit* [2000] IESC 49, Denham J. held that the lack of any explanation for the two year and nine-month delay in executing the warrant for Mr. Dalton's arrest following his failure to pay fines rendered the process unfair. The Court emphasized the importance of exercising any lawful power in a constitutional fashion which imports fair procedures, saying that the checks and balances of a democratic government so require. In the course of her deliberations in *Dalton*, Denham J. considered the law on the execution of warrants including the decisions of Barron J. in the *State (Flynn and McCormick) v. the Governor of Mountjoy Prison* (6th of May, 1987), Lynch J. in *O'Driscoll v. Governor of Cork Prison* [1989] ILRM 239 and Barron J. in *Dutton v. District Justice O'Donnell* [1989] I.R. 218. She also referred to the statutory power to

issue a warrant in the case of non-payment of a penal sum in question in those proceedings which derived from s. 1(1) of the Courts (No.2) Act, 1991 and created a six-month time frame within which a warrant could be issued arising from the non-payment which Denham J. observed reflected the clear policy of the legislature as to the time within which warrants could be issued.

46. In *State (Flynn & McCormack)* Barron J. found that once a warrant issues it should be executed "*as soon as possible*" because if not, a defendant sentenced to a term of imprisonment may find himself or herself serving such sentence at a future date merely through a failure of administrative processes. Barron J. observed that the term of a sentence is not its only feature; its commencement date is equally important. In the later case of *Dutton*, Barron J. observed that the question in each case must be at what point in time should the line be drawn. He found the delay in that case to be in the issue of the warrant and not its execution but that this did not affect the general principle:

> *"because the period which is important is the time between the affirmation of the sentences and the arrest on foot of the warrants."*

47. In *O'Driscoll* Lynch J. found the duty to execute a warrant to be discharged where there was no unreasonable delay on the part of the State authorities and the warrants were executed within a reasonable time in that instance which involved a two-month delay. Similarly, in *Cormack & Farrell v D.P.P.* [2009] 2 LR. 208, Kearns J. dismissed the Appellant's claims that there had been an unreasonable delay by the Gardaí in executing bench warrants that issued in respect of each of them. The Court found that each appellant contributed to the delay.

48. Most recently in *Finnegan v Superintendent of Tallaght Garda Station and Governor of Wheatfield Prison* [2021] 1 I.L.R.M. 206 the Supreme Court considered the situation of an individual who escaped from custody at Shelton Abbey in October 2009 by walking out without permission. Mr. Finnegan became unlawfully at large, and so the prison authorities notified Arklow Garda Station. However, through human error the appellant's abscondment was not registered on the Garda PULSE system. Following his escape, Mr. Finnegan returned home to his family in Tallaght and

resumed the normal duties of family life. Notably, he resided with his partner in the locality of his natural habitat, had a child with his partner and claimed social welfare payments from his address. In 2011, Mr. Finnegan re-located to an alternate address in Tallaght with his partner where he continued to claim social welfare payments. The gardai first made efforts to locate Mr. Finnegan in 2014, some four years and seven months after he walked out of Shelton Abbey. Following efforts to locate Mr. Finnegan, he presented himself by request at Tallaght Garda Station, where he was arrested, taken into custody, and lodged in prison in respect of the sentence imposed on him in 2009. Mr. Finnegan commenced judicial review proceedings and sought a declaration that his arrest in 2014 was in breach of constitutional justice and thus unlawful. The Supreme Court held, in allowing the appeal that there is an obligation on gardai to execute warrants expeditiously and that while gardai should not have forced upon them immediate responsibility for a failure to execute warrants, the actions and activities of the subject person would always be relevant. McKechnie J. held at para. 83 of his judgment that:

> *"Persons ... who deliberately evade the authorities may be looked upon differently to those who have returned to their natural habitat so to speak, who have lived openly, have engaged with state agencies and have lived openly, have engaged with state agencies and have otherwise got on with their lives.*

49. McKechnie J. identified (at para. 88) the following factors to be considered in determining at what point and in what circumstances the exercise of the power of arrest is unjust, oppressive or invidious to the person in question:

i. The crime for which the subject person was convicted;

ii. The sentence or other penalty or sanction imposed;

iii. How and in what manner it became necessary to have the warrant issued;

iv. The part played by the subject person;

v. The length of time said to constitute the delay; and

vi. Any reasons given or explanation offered in respect thereof.

50. Ultimately, in *Finnegan*, the Court found that a delay of almost four and a half years before taking any step against the Appellant, the fact that he resided openly in the locality of his natural habitat, the fact that he engaged in family life and had a daughter with his partner meant that, notwithstanding the seriousness of absconding, it would be oppressive and invidious to return the Appellant to prison to serve the remainder of his sentence.

51. None of the cases identified were directly comparable to this case. In many of the cases time was clearly of the essence by reason of statutory time limitations on the issue of summons unlike here where the amended O.23, r.9 of the District Court Rules now specifies (in relevant part) that the relevant notice may issue, *"at any time after the due date for payment"* and there are no prescribed time limits. Nonetheless, there is an established duty to execute warrants for arrest without delay and I consider it to be well established and do not understand it to be seriously contested by the Respondents, that extreme delay when accompanied by demonstrated prejudice may sometimes defeat an otherwise valid process in respect of which no time limits have been prescribed. The absence of a time limit does not mean that the execution of fines can be delayed indefinitely, without any justification.

52. Although the parties all identify the decision of the Supreme Court in *Finnegan* as setting out the principles to be applied and rely on it to different ends, and principles may be distilled from the judgments in *Finnegan* and the cases addressed in argument before me, no single or determinative rule emerges. These cases were decided by the facts and with reference to the conduct of the individual applicants and the power to restrain a process of this nature in judicial review proceedings is a power to be exercised only in exceptional circumstances (*Minister for Justice and Equality v. Ivo Smits* [2021] IESC 27).

53. A common feature of many of the cases considered was the inevitability of serving a prison sentence and delay affecting the commencement date of such sentence. Accordingly, unlike this case, the facts in each of the cases addressed above and relied upon by the Applicants, included the almost certain fact or high likelihood of a requirement to serve a prison sentence after a period of delay. In this case we are concerned not with a certainty or high likelihood of imprisonment but the mere possibility of same at the end of an adjudicative process which has yet to conclude. Following the issuing of a notice to the offending party to attend Court and upon receiving a statement of his or her financial circumstances in accordance with s. 7(4) of the 2014 Act, the Court can make an attachment order, a recovery order, a

community service order and finally an order of imprisonment but the Court can equally refuse to make any of these orders.

54. Notwithstanding the distinguishing features between this case and the authorities relied upon before me, what is clear is that the checks and balances provided under the Constitution require that the administrative enforcement process which flows from non-payment of a court ordered fine, the execution of warrants as part of that process and the ultimate decision of the judge who determines the penalty for non-payment of the fine are subject to the requirements of fairness and constitutional justice.

Application of the Principles to the Present Case

55. The Applicant's convictions on eight separate road traffic charges in February, 2016, albeit made in summary proceedings, were considered serious by the sentencing judge who observed:

> *"one would be serious, but three in the space of a number of months. And when I say three, I mean three no insurance charges which are compounded by fraudulent discs and the like."*

56. Notwithstanding the serious view taken of the charges, the judge had regard to the facts that nobody was injured and that the probation report made for "*positive reading*", before proceeding to impose fines on each of the charges and accumulating to a total of €1,700.00 concluding:

> *"I am not sure that there is anything to be benefitted from Mr. Stokes being imprisoned as long as he is making progress".*

57. The Applicant did not appeal the fines imposed but nor did he pay them. It is common case that within weeks of this conviction being recorded, the Applicant was sentenced to a custodial sentence on an unrelated charge. He remained in custody for the ensuing three years and did not pay the fines before the expiry of the period allowed in August, 2016. He was still in custody when the Fines Notice finally issued in January,

2018 (a delay of one year and five months) and several months later when the warrant issued in April, 2018 pursuant to s. 77(7) of the 2014 Act. He remained in State detention for 11 months thereafter and he provided his address upon release to the authorities. He continued to reside at that address for 20 months before moving to Dún Laoghaire and at all material times he lived openly and engaged with State authorities including the Department of Social Welfare from whom he was in receipt of Jobseeker's Allowance. Despite the fact that the Applicant made no attempt to conceal his whereabouts or evade service, the arrest warrant which issued in April, 2018 was not given effect to until February, 2021 (a further delay of two years and ten months).

58. In the circumstances the Applicant can bear no responsibility for delay in the enforcement process in this case which did not commence until January, 2018 with the issue of a fines notice and was only advanced through the execution of the arrest warrant which issued in April, 2018 when he was finally arrested and brought before the Court in February, 2021. On any view this period comprising more than 16 months in respect of the issue of the Fines Notice and almost three years in respect of the execution of the arrest warrant, is plainly excessive. From no perspective can this period be considered reasonable. All this delay must lie at the door of the State parties.

59. Given that both the First and Second Named Respondents are culpable as regards excessive delay, I see no need to apportion degrees of responsibility between them for present purposes. As a matter of fact, however, the period of time which passed without active steps being taken is less from the part of the Courts Service than An Garda Síochána, particularly as some time is required in the enforcement process in any event. Accordingly, delay by the Court Service is the less significant delay in the overall scheme of delay. The issue for me, however, is not whether the period of delay involving either the Court Service or An Garda Síochána is acceptable or excusable, as it plainly is not, but rather what the legal consequence of such significant delay is for the maintenance of the enforcement process before the District Court and what supervisory role this Court may properly have in judicial review proceedings.

60. When considering the delay jurisprudence of the Irish courts and its implications for this case I consider it important to recall that the fine which is sought to be enforced in the impugned process was imposed by a judge of the District Court as a penalty for criminal

offences which had been committed. The amount of that fine was assessed by the sentencing judge by reference to the Applicant's financial circumstances (pursuant to s. 5 of the 2014 Act). The Applicant did not appeal the severity of this penalty at the time it was imposed; its lawfulness was accepted then and must be assumed for the purpose of these proceedings also. District Court practice and procedure makes provision for the extension of the period in which a fine must be paid, and any unexpected difficulties which occur *ex post facto* can therefore be addressed by means of a timely application to that Court. While the Applicant says he did not receive the Fines Notice, it is no part of the Applicant's case that it was not served in accordance with law and it is not disputed that the fines, lawfully imposed, have not been paid. Accordingly, unlike many prosecutorial delay cases, there is no question of an impairment of rights of defence and consequent unfairness in this case. The core issue for me instead is whether the cumulative effect of delays in the enforcement process since the fines became due in August 2016 is such as to render the maintenance of enforcement proceedings at this remove contrary to the requirements of constitutional justice as being unfair or oppressive or invidious.

61. It is possible that the imposition of a sentence of imprisonment for default on a fine after a delay in the enforcement process of so many years would be considered so unfair or oppressive to warrant an order of prohibition in reliance on the *Finnegan* line of authorities. This would depend on the facts of a given case. This may be so even though the penalty of imprisonment arises not from the original wrongdoing, as was the case in *Finnegan* and was not a sanction fixed historically when the original conviction was recorded as in some of the other cases considered, but rather is a new penalty imposed because of the intervening failure to pay the fine. I express no concluded view on this question because it seems to me that before reaching a conclusion on the proper discharge of this Court's supervisory role in a case involving the imposition of a term of imprisonment against a background of excessive delay, it is important to consider the position of the District Court judge and the capacity of the District Court judge to ensure fair procedures.

62. It is true that the transcript of proceedings before the District Judge records the Judge's observation that he did not have jurisdiction to strike out the Fines Notice having regard to the decision in DPP v. Fogarty but it seems to me that his position in this regard changed as the argument unfolded before him. It was urged on the District Court judge by the Applicant's solicitor that the Applicant should have been taken out of prison for the purpose of executing

the warrant and this would have allowed for a term of imprisonment to be imposed in respect of the outstanding fines running concurrently with the sentence he was serving. It was submitted that executing the warrant late after the Applicant had been released back into society following a lengthy prison sentence was unfair to the Applicant. The District Judge clearly heard these arguments and understood the case being made.

63. Ultimately, as matters unfolded during the hearing before him, I do not read the District Judge's refusal to strike out the Fines Notice on the 24th of March, 2021 to be a decision on his part that he did not have jurisdiction to strike the fines matter out at all. From the transcript it is evident that he acknowledged that he had a function in ensuring the administration of justice in a fair manner. In this regard he expressly observed that unlike the old system where imprisonment followed automatically, the new system under the 2014 Act has a range of options available to the Court, with prison being that of last resort. Finding that there was no guarantee that the District Court would have rolled up a term of imprisonment for non-payment of the fines with the term then being served had the matter been brought before the Court earlier and noting that the Applicant was the subject of court ordered fines which he had neither appealed nor paid, he stated:

> *"What the Court must consider as to – in relation to whether there are various options to include a receiver, instalments, the community service or imprisonment, as various options that are available. The Court must, and should, examine a statement of affairs from the defendant so that the Court can be aware of his financial circumstances."*

64. In adjourning the matter, the District Court judge added:

> *"I want him Mr. Stokes to be present in person. He is to file with the Court a statement of affairs, a vouched statement of affairs in accordance with the Act. He – I'm also enquiring from Mr. Stokes at this juncture as to whether he is willing to complete community service, if he's eligible. Is he?"*

65. It seems to me that the District Judge's decision on 24th of March, 2021 should not be understood as a denial of any jurisdiction to strike out the fines matter but rather a

decision that he could not strike out the fines summons without first engaging in a consideration of prescribed matters identified under s. 7(5) of the 2014 Act. As he properly recognised, the District Court has several options open to it in the event of non-payment of fines.

66. It is my view that as a matter of law the District Judge was quite correct in the position, he took in refusing to strike out the Fines Notice on the 24th of March, 2021 at a time when he had not received a statement of the Applicant's financial affairs nor a report as to his suitability for community service. In line with the decision in *DPP v. Fogarty*, he had no discretion to strike out the Fines Notice at that juncture because s. 7(5)(a) and (b) requires the judge to consider prescribed matters in a sequential manner and he had not yet done so. This is not to say that the judge, having considered the prescribed matters, is not then free in the exercise of his judicial function and having regard to the requirements of constitutional justice including considerations of proportionality to reject the prescribed options such as community service or imprisonment. Having considered them, the District Court is not obliged to exercise any of the options identified in s. 7(5). In short, the District Court is quite free, if it proceeds to consider the imposition of a term of imprisonment, to conclude that it would not be appropriate to do so in view of the circumstances of the case, including delay.

67. It is maintained on behalf of the Applicant that an attachment order or receiver is not appropriate because of the Applicant's means. The Applicant may be correct in this submission, but whether he is correct is for the District Court (not the High Court in judicial review proceedings) to determine following consideration of the Applicant's statement of affairs. It is also a matter for the District Court to consider whether a term of community service of between 30 and 100 hours would be an appropriate sanction for non-payment of the fines imposed in 2016. While the Applicant maintains that even the imposition of a period of community service arising from non-payment of fines dating to 2016 would be unfair or oppressive or invidious at this remove, I do not agree.

68. Although ultimately this is a matter for the District Judge with the benefit of all relevant information, I cannot and do not conclude that every possible sanction under the 2014 Act is necessarily oppressive, invidious or unfair to the Applicant because of the delay

in the enforcement process in this case and that any of the possible sanctions open to the District Court would reach the level of injustice at this remove in a manner akin to that which prompted the Supreme Court to intervene in the *Finnegan* scenario.

69. The position might be otherwise based on the authorities considered in argument were there an inevitability of a return to prison for the Applicant but quite unlike the position in the cases relied on in argument on behalf of the Applicant and as already noted, there is no certainty of a return to prison for the Applicant but merely a possibility. The prospect of a requirement to perform hours of community service is more likely than a term of imprisonment (noting that the transcript from the 16th of June, 2021 records that the Applicant had been found suitable for community service), although still not inevitable, on the facts of this case.

70. Treating a requirement to perform community service as a reasonably likely outcome in view of the evidence to the effect that the Applicant has been found suitable for same, I do not consider that a community service order to be such a manifestly unfair or oppressive potential outcome as to make the further maintenance of enforcement proceedings untenable thereby warranting an order by me restraining the process. Afterall, the fines in question were imposed following a constitutionally fair process and no appeal was lodged. While the Applicant may have hoped to avoid paying the fines by "*running in*" a sanction of imprisonment for non-payment of the fines with the sentence he was serving on the unrelated matter, such tactical strategy or "*calculated advantage*" cannot properly be relied upon to excuse the Applicant's failure to pay fines properly ordered by a court. Put otherwise, the lost opportunity to "*run in*" a sentence for non-payment of a fine with a sentence being served if capable of being considered a prejudice at all, is not sufficient prejudice to justify restraining the enforcement process.

71. Unlike the old regime where a prison term in default of payment was fixed at the time of original sentence and did not fall to be revisited, whether to impose a term of imprisonment in respect of the non-payment of a fine remains a matter of judicial discretion and is not mandated under the terms of the 2014 Act. While the Court did not have jurisdiction on 24th March 2021 to strike out the matter on application from the Applicant's solicitor without considering matters prescribed under s. 7(5) of the 2014 Act, I am quite satisfied that the exercise of judicial discretion under s. 7(5) embraces a power to strike out on delay

grounds where other options are not appropriate, and it is considered necessary to vindicate rights to constitutional justice. No argument to the contrary was voiced during submissions before me. This strike out power may only be properly exercised once there has been due consideration of matters prescribed under s.7(5). Accordingly, the District Court retains a jurisdiction to ensure fair procedures for individuals subject to the procedure under s. 7 of the 2014 Act.

72. The Applicant maintains that he is not suitable for a recovery or attachment order as he is not a man of means or in employment. The remaining options for the District Court identified under s. 7 are a Community Service Order or imprisonment. It seems to me, however, that the District Judge, having considered community service and rejected it as appropriate has a power to consider imprisonment or at that stage to make an order striking out the Fines Notice on grounds which include oppressive or unfair delay in the process. Whether the Applicant's claim that he would be inconvenienced by having to do Community Service in lieu of the fine which he neglected to pay is sufficient to outweigh the public interest in the enforcement of fines which have been lawfully imposed as penalties in respect of criminal offending so found is a question for the District Court in the first instance. For my part, it has not been demonstrated that exposure to the possibility of some such sanction under the 2014 Act, even if belated, would be manifestly unfair or disproportionate such that I should intervene now to restrain the continuation of the statutorily prescribed process which is designed to ensure respect for court orders. Furthermore, where the District Court has yet to assess the appropriate penalty arising from the admitted default in payment, I consider it premature to seek relief in judicial review proceedings in this case. The District Court retains a jurisdiction to ensure fair procedures for a person the subject of the process under s. 7 of the 2014 Act and there is no inevitability of an unfair, disproportionate, invidious, oppressive or unjust sanction.

CONCLUSION

73. The duty to observe the requirements of constitutional justice extends to the discharge of the administrative function (the Court Service), the executive function (execution of the arrest warrant) and the subsequent judicial function (imposition of sanction). Constitutional justice protects against unreasonable delay but whether that means a process should be terminated requires a weighing of competing interests including the

Applicant's interests on the one hand and the public interest in court ordered sanctions being respected on the other.

74. In the situation at issue in these proceedings the administrative and executive authorities are subject to judicial supervision by the District Court judge when the matter comes before it for imposition of a sanction for non-payment of the fine. These public authorities may also be subject to the supervisory jurisdiction of the High Court in judicial review proceedings in appropriate cases when determining the validity or legality of bringing a person before the Court to face charge or the legality of the decision of the judge in the discharge of a judicial function thereafter.

75. While the delays at issue are clearly inordinate and have not been explained, unlike other cases where the Court has intervened by way of judicial review, there is no inevitability of a return to prison or the imposition of a manifestly unfair or disproportionate penalty in this case. The District Judge dealing with an application under s. 7 of the 2014 Act has a range of options open. While these options include the possibility of imprisonment for non-payment of the fine, it also includes the possibility of a community service order or a strike out of the Fines Notice by reason of delay. The judge of the District Court is well placed in the first instance to safeguard the Applicant's rights to due process deriving from the requirements of constitutional justice. Special circumstances have not been demonstrated in this case to warrant the exceptional measure of restraining that process by way of judicial review.

76. For all these reasons, I refuse the relief sought in these proceedings.

APPENDIX 1

CHRONOLOGY:

DATE	EVENTS
25th of November, 2014	The Applicant commits three road traffic offences: driving without insurance (s.56 Road Traffic Act), driving without a driving licence (s.38 RTA) and careless driving (s.52 RTA).
30th of January 2015	The Applicant commits three further road traffic offences: driving without insurance (s.56 RTA), driving without a driving licence (s.38 RTA) and fraudulent use of a number plate.
22nd of February, 2015	The Applicant commits two further road traffic offences being driving without insurance (s.56 RTA) and driving without a driving licence (s.38 RTA).
3rd of February, 2016	The Applicant is imprisoned on an unrelated matter.
1st of August, 2016	The specified due date for the payment of the fines, by which the fines remained unpaid.
16th of January, 2018	This was the date of issue of the s.7(4) notice by the District Court Clerk, posted six days later, per the affidavit on behalf of the Courts Service sworn 30 May 2022.
11th of April, 2018	On this occasion the Applicant had been required to attend before the District Court by virtue of the Notice issued under s.7(4) of the 2014 Act and when he did not, a warrant issued for his arrest.
14th of March, 2019	The Applicant was given temporary release in respect of the sentence of imprisonment he was then serving.
6th April, 2019	The Applicant's sentence was fully served, free from all conditions.
25th of February, 2021	The warrant which had issued on the 11th of April, 2018 was executed by An Garda Síochána at Dún Laoghaire District Court and the matter was adjourned to the Criminal Courts of Justice on the 24th of March, 2021.
24th of March, 2021	An application to strike out of the proceedings on delay grounds was refused and the proceedings were adjourned to the 16th of June, 2021 for a report to be prepared on the suitability of the Applicant to carry out a Community Service Order and for him to provide a vouched statement of affairs, or as it is described in the Act *"a statement in writing of his or her financial circumstances."*.

16th of June, 2021	The matter again came before the District Court and Applicant indicated his intention to bring judicial review proceedings resulting in the matter being adjourned to 8th of September, 2021.
21st of June, 2021	Leave was granted by Meenan J. and returned to 12th of October, 2021.
2nd of July, 2021	Notice of motion issued returnable to the 12th of October, 2021.
28th of March, 2022	Statement of Opposition of Second and Third named Respondents, grounded upon the affidavit of David Freeman
3rd of May, 2022	Statement of Opposition First named Respondents, grounded on the affidavit of Shay Keary
21st of November 2021	Affidavit of John Stokes
24th of May, 2023	Applicant Submissions filed
28th of July, 2023	Second and Third named Respondents Submissions filed
29th of September 2023	First named Respondent Submissions