

TERMS OF REFERENCE OF THE COURTS SERVICE BOARD

The Courts Service Board was established under the Courts Service Act with effect from 9th November, 1999. The Courts Service Act, 1998 states that subject to the Act the Board of the Service shall regulate, by standing orders or otherwise the procedure and business of the Board. The Act itself regulates certain aspects of Board business including meetings of the Board and the establishment of committees and these provisions are included in the terms of reference.

The purpose of this document is to set out the terms of reference of the Board of Courts Service.

1. Function of the Board

The business or functions of the Board as specified in section 13 of the Act are as follows;

- a) To consider and determine policy in relation to the Service, and
- b) To oversee the implementation of that policy by the Chief Executive.

It further provides that in the performance of its functions the Board shall have regard to

- c) The resources of the Service for the purposes of such performance and the need to secure the most beneficial, effective and efficient use of such resources, and
- d) Any policy or objective of the Government or a Minister of the Government insofar as it may affect or relate to the functions of the Service.

2. Membership

- The Board of the Courts Service shall consist of 18 members in accordance with section 11(1) of the Courts Service Act, 1998.
- The term of office of Board members shall be in accordance with section 12 of the Courts Service Act, 1998.
- The Chief Justice shall be the Chairperson of the Board or, if the Chief Justice is not a member, the judge of the Supreme Court nominated by the Chief Justice, shall be the Chairperson.

- The Board may act notwithstanding one or more vacancies in its membership.

3. Meetings

- The Board shall hold such and so many meetings as may be necessary for the performance of its functions but in any case shall meet not less frequently than one in every period of three months.
- The Chairperson of the Board shall preside at all meetings of the Board at which he or she is present and in the absence of the Chairperson the members present shall elect one of their number to preside at the meeting.
- The Chairperson may call a meeting of the Board at any time and meetings will be summoned by the Secretary.
- The Secretary of the Board will ensure that the Board receives information and papers in a timely manner to enable full and proper consideration to be given to the issues. Where possible, Board documentation including notice of each meeting confirming the venue, time and date together with an agenda of items to be discussed and reports, shall be forwarded to each member of the Board and any other person required to attend, no later than four working days before the date of the meeting.
- The confidentiality of Board reports and documents issued to members must be maintained as appropriate and in particular, reports must be treated as confidential, unless otherwise stated, until such time as the Board has had an opportunity to discuss their contents and make decisions on any proposals contained therein.
- Members who wish to put forward proposals for consideration by the Board should submit same to the Secretary prior to the meeting. Urgent matters may be raised by any member with the permission of the Chairperson under Any Other Business.
- Each member present at a meeting of the Board shall have a vote.
- The quorum for a meeting of the board shall be seven or such greater number of members as the Board may from time to time determine. A duly convened meeting of the Board at which a quorum is present shall be competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by the Board.

- Decisions of the Board shall be determined by a majority of the votes of the members present and voting and, in the case of an equal division of votes the Chairperson or other member presiding at the meeting shall have a second or casting vote.
- Where a Board member or a connected person has a material interest in a matter for deliberation or decision by the Board, which could represent a conflict of interest, the Board member should disclose such an interest and absent himself/herself when the Board is deliberating or deciding on the matter. Any such disclosure and abstention will be recorded in the minutes of the proceedings of the Board. The Chairperson shall determine the matter where a question arises as to whether or not a conflict of interest exists.
- The Board shall meet twice yearly or as required without Executive members of management present to address any relevant issues.
- Only members of the Board have the right to attend Board meetings. The Board may invite other individuals to attend for all or part of any meeting, as and when appropriate or necessary.

4. Minutes of Meetings

- The Secretary of the Board shall minute the proceedings and resolutions of all meetings of the Board, including recording the names of those present and in attendance.
- The minutes shall record where there are concerns of Board members that cannot be resolved.
- Minutes of Board meetings shall be circulated to all members of the Board.
- Minutes of the proceedings of a meeting of the Board shall be drawn up and signed by the Chairperson at the next meeting at which the minutes are presented.

5. Duties

- The Board is authorised to seek the information it requires from the State body in order to perform its duties and shall monitor performance through regular reports from the Chief Executive and committees of the Board.
- The Chief Executive shall provide the Board with such information in relation to the performance of his or her functions as the Board may from time to time require.

- The Board shall advise and support the Chairperson, Chief Executive Officer and management.
- The Board shall satisfy themselves that financial controls and systems of risk management are robust.
- The Board shall keep itself up to date and fully informed about strategic issues and changes affecting the State body and the environment in which it operates.
- The Board shall ensure that on appointment to the Board, non-executive Board members receive a formal letter of appointment setting out clearly what is expected of them in terms of time commitment, committee service and involvement outside Board meetings.
- The Board shall review the results of the Board performance evaluation process that relate to the composition of the Board and corporate governance generally.
- The Board shall keep under review corporate governance developments (including ethics-related matters) that might affect the State body, with the aim of ensuring that the State body's corporate governance policies and practices continue to be in line with best practice.
- The Board shall ensure that the principles and provisions set out in the Code of Practice for the Governance of State Bodies (and any other corporate governance codes that apply to the State body) are adhered to.

6. Confidentiality

- Serving and former Board members must respect the confidentiality of sensitive information received while acting as members of the Board. This includes commercially sensitive information, personal information, and information received in confidence by the Service.
- Board members should not retain documentation obtained during their terms as member and should return such documentation to the Secretary or otherwise indicate to the Secretary that all such documentation in their possession has been disposed of in an appropriate manner. In the event that former members require access to Board papers from the time of their term on the Board, this can be facilitated by the Board Secretary

7. Evaluation

- • The Board shall, at least once a year, review its own performance, constitution and terms of reference to ensure it is operating at maximum effectiveness and implement any changes it considers necessary.

8. Committees

- The Board may from time to time establish such committees of the Board to advise it in relation to the performance of its functions as it thinks fit.
- The Board may appoint to a committee, persons who are not members of the Board but have a special knowledge and experience related to the business of the committee.
- The appointment of a person to a committee shall be subject to such terms and conditions as the Board may determine.
- Whenever a vacancy occurs in the membership of a committee of the Board by reason of death, disqualification or resignation of a member of the committee the Board may if it so wishes fill the vacancy as soon as possible.
- The Board may at any time dissolve a committee.
- The acts of a committee shall be subject to confirmation by the board unless the board dispenses with the necessity for such confirmation.
- Minutes of committee meetings shall be circulated to all Board members.
- The Board may regulate the procedure of a committee but subject to any such general regulation, a committee may regulate its own procedure.
- The Chief Executive shall notify the Minister of the establishment of a committee, the purpose of the committee and names of the committee members.

9. Training

- The Secretary of the Board shall arrange induction training for new Board members and ongoing training as required.

10. Authority

- The Board is authorised to obtain, at the body's expense, outside legal or other professional advice where they judge it necessary to discharge their responsibilities.

11. Miscellaneous

- The Chairperson shall have the power to deal with any matter of Board procedure and his ruling on any question or his interpretation of Board procedure shall be final.
- These terms of reference shall continue in force unless altered, amended or repealed by a decision of the Board.

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