



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2009

Country: UK-Northern Ireland

National correspondent

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## 1. Demographic and economic data

### 1. 1. General information

#### 1. 1. 1. Inhabitants and economic information

##### 1) Number of inhabitants

1759148

##### 2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	617400000000
Regional / entity level	17821590235

##### 3) Per capita GDP (in €)

16170

##### 4) Average gross annual salary (in €)

22169

##### 5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2009

096099

#### Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Average gross annual salary includes part-time as well as full-time average

Exchange rate 0.96099

1. Source: Northern Ireland Statistics and Research Agency
2. Department of Enterprise, Trade and Investment – Northern Ireland Annual Survey of Hours and Earnings. Data relate to April 2008.
3. Office for National Statistics – First Release. Regional, sub-regional and local gross value added. Figure for GDP is not calculated and GVA have instead been provided. Data relate to 2007 (the latest available year).
4. Source: HM Treasury – Public Expenditure Statistical Analyses 2009.
5. Figures for Q1-4 are in £ Sterling.

### 1. 2. Budgetary data concerning judicial system

#### 1. 2. 1. Budget (courts, public prosecution, legal aid, fees)

##### 6) Total annual approved budget allocated to all courts (in €)

161600000

##### 7) Please specify

Total approved budget 08/09 (NICtS spring supplementary estimates 08/09) for Northern Ireland Court Service (NICtS) including Non Departmental Public Bodies (NDPBs) - NI Legal Services Commission (NILSC) and NI Judicial Appointment Commission (NIJAC). £153.4m resource £8.2m capital. Please note that this figure is not included within the total state budget in Q2 because this is funded by HM Treasury's justice department.

**8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned or indicate NA (not available) in case that the information cannot be supplied**

**Please provide comments to explain the data provided under question 8:**

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	36300000
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	7800000
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	3300000
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	33800000
Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	8200000
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	300000
Other (please specify):	<input checked="" type="checkbox"/> Yes	71900000

**Comment :**

Annual public budget allocated to salaries includes judicial salaries. 'Other' includes cost of capital, auditors remuneration, income, legal services commission, grant in aid, Staff travel, early retirement costs, GIA Queens University and Criminal appeals.

**9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?**

- Yes  
 No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years:

04/05 £142m (resource £133.5m capital £8.5m); 05/06 £137m (resource £130m capital £7m); 06/07 £164.9m (resource £158.9m capital £6m); 07/08 £155.2m (resource £149.2m capital £6m); (source: HM Treasury Spring Supplementary Estimates)

**10) In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:**

- for criminal cases?  
 for other than criminal cases?

If yes, are there exceptions? Please specify:

Amount of fee will depend on what the case is and which court it appears in i.e. magistrates/county/supreme

**11) If yes, please specify the annual income of court fees (or taxes) received by the State (in Euros)**

25000000

**12) Total annual approved budget allocated to the whole justice system (in €)****Please provide information concerning the budgetary elements that included in the whole justice system budget:**.  Amount 161600000

Comment :

Q11 Based on total in 08/09 total of all magistrates, county, supreme courts, enforcement of judgements office, seizure and eviction fees.

Q12 This represents NI Court Service only, including the non departmental public bodies NILSC and NIJAC. Due to the segregation of the whole justice system, it's not possible to provide an overall figure.

**13) Total annual approved public budget allocated to legal aid (in €)****Please provide comments to explain the figure provided under question 13:**.  Amount 87000000

Comment :

£83.1m grant

£3.9m Grant In Aid

**14) If possible, please specify (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):**

	Annual public budget allocated to legal aid in criminal law cases	Annual public budget allocated to legal aid in non criminal law cases
Amount	50691012	32648782

Comment :

Amount 08/09 spend

Only the grant can be split between criminal and non-criminal. The grant in aid cannot be split. The split is based on unaudited figures and was provided by Legal Services Commission (LSC).

**15) Is the public budget allocated to legal aid included in the court budget ?** Yes No**16) Total annual approved public budget allocated to the public prosecution system (in €)****Please provide comments to explain the figure provided under question 16:**

Amount

Comment :

PPS budget is not included within the NICtS budget and therefore this cannot be completed by NICtS.  
PPS budget is included under the NIO.

**17) Is the budget allocated to the public prosecution included in the court budget?**

- Yes  
 No

**18) Authorities formally responsible for the budget allocated to the courts:**

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	No	No	No	No
Other ministry	No	No	No	No
Parliament	No	No	No	Yes
Supreme Court	No	No	No	No
Judicial Council	No	No	No	No
Courts	Yes	Yes	Yes	No
Inspection body	No	No	No	No
Other	No	No	No	No

**19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):**

NI Court Service is the Lord Chancellor's department in Northern Ireland

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

**Please indicate the sources for answering the questions 6, 8, 11, 12, 13, 14 and 16.**

- 6. Spring Supplementary Estimates 08/09
- 8. NICtS Budget spend report 08/09
- 11. Spring Supplementary Estimates 08/09
- 12. NA
- 13. Spring Supplementary Estimates 08/09
- 14. Legal Services Commission
- 16. NA

## 2. Access to Justice and to all courts

### 2. 1. Legal aid

#### 2. 1. 1. Principles

#### 20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes
Other	No	No

#### 21) If other, please specify (in regards to question 20):

#### 22) Does legal aid foresee the covering or the exoneration of court fees?

- Yes  
 No

If yes, please specify:

Where court fees are payable in a particular case, solicitors can include the cost of same as a disbursement when submitting their claim for fees

#### 23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

- Yes  
 No

#### 24) Number of cases granted with legal aid provided by (national, regional, local) public authorities (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
Total	85211
in criminal cases	30612
Other than criminal cases	54599

Comment :

Q23 Legal aid is available for proceedings in the Enforcement of Judgments Office in connection with any proceedings for which civil legal aid may be given.

#### 25) In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

- Yes

No

**26) Does your country have an income and asset test for granting legal aid:**

	Yes	Amount in €
for criminal cases	X	
for other than criminal cases?	X	

**Comment :**

Criminal legal aid is available if it appears to the relevant court that the means of the person before it are insufficient to enable him to obtain representation. Otherwise, there is no prescribed income and asset test.

Civil legal aid is available if the Northern Ireland Legal Services Commission determines that an applicant satisfies the relevant financial means test. This test is based on the applicant's disposable income and disposable capital; and the legal aid may be granted subject to payment of a contribution.

**27) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?**

Yes

No

Please provide comments to explain the answer under question 27:

A person applying for civil legal aid must satisfy a 'merits test'. That is, he must show that he has reasonable grounds for taking, defending or being a party to the proceedings in question. Furthermore, he may be refused legal aid if, in the particular circumstances of the case, it appears unreasonable that he should receive it.

**28) If yes, is the decision for granting or refusing legal aid taken by:**

the court?

an authority external to the court?

a mixed decision-making authority (court and external)?

**29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?**

Yes

No

Please specify:

Before-the-event' legal expenses insurance is available as a standard add-on with, for example, house insurance policies. There is also limited coverage available for 'after-the-event' legal expenses insurance

**30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:**



	Yes (the decision has an impact on who bears the legal costs)
criminal cases?	Yes
other than criminal cases?	Yes

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

See generally the 'Legal Aid – Northern Ireland' section of the European Commission's web-site regarding the 'European Judicial Network in civil and commercial matters'  
[http://ec.europa.eu/civiljustice/legal\\_aid/legal\\_aid\\_nir\\_en.htm](http://ec.europa.eu/civiljustice/legal_aid/legal_aid_nir_en.htm)

Re. Q26 – Criminal legal aid is available if it appears to the relevant court that the means of the person before it are insufficient to enable him to obtain representation. Otherwise, there is no prescribed income and asset test.

Civil legal aid is available if the Northern Ireland Legal Services Commission determines that an applicant satisfies the relevant financial means test. This test is based on the applicant's disposable income and disposable capital; and the legal aid may be granted subject to payment of a contribution.

Re. Q27 – A person applying for civil legal aid must satisfy a 'merits test'. That is, he must show that he has reasonable grounds for taking, defending or being a party to the proceedings in question. Furthermore, he may be refused legal aid if, in the particular circumstances of the case, it appears unreasonable that he should receive it.

Re. Q28 – The Northern Ireland Legal Services Commission is responsible for administering the legal aid scheme in Northern Ireland. It decides whether to grant or refuse legal aid in 'non-criminal' cases. The Commission's decisions are subject to the exercise by the High Court of its supervisory jurisdiction by way of an application for judicial review.

**Please indicate the sources for answering the questions 24 and 26**

Re. Q24 – The Finance Department of the Northern Ireland Legal Services Commission.

Re. Q26 – For civil legal aid, the main details are contained in Articles 9 and 12 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 [S.I. 1981/228 (N.I. 8)].

## 2. 2. Users of the courts and victims

### 2. 2. 1. Rights of the users and victims

**31) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:**

- legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es):  Yes
- case-law of the higher court/s? Internet address(es):  Yes
- other documents (for examples forms)? Internet address(es):  Yes

**32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?**

- Yes  
 No

If yes, please specify:

These are set out in various court rules and guidance notes which are available via websites eg OPSI.

**33) Is there a public and free-of-charge specific information system to inform and to help victims of crimes?**

- Yes  
 No

If yes, please specify:

The NIO leads a 5 year strategy to improve criminal justice services to victims and witnesses of crime. The strategy is entitled Bridging the Gap and is available on a range of websites – NIO & NICtS. There are other government led strategies that deal with victims – e.g. domestic violence and sexual violence and abuse. These strategies are jointly led by NIO & DHSSPS and are available on respective websites.

**34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:**

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	No	No	No	No
Victims of terrorism	No	No	No	No
Children/Witnesses/Victims	No	No	No	No
Victims of domestic violence	No	No	No	No
Ethnic minorities	No	No	No	No
Disabled persons	No	No	No	No
Juvenile offenders	No	No	No	No
Other	No	No	No	No

Comment :

Special measures applications can be made to a court to cover a range of issues, eg screening, taking of evidence by video link, and have the potential to be used in all of the categories above. Hearing modalities would affect ethnic minorities iro provision of interpreters, disabled persons with assistance in court proceedings via RNID.

**35) Does your country have a compensation procedure for victims of crimes?**

- Yes  
 No

**36) If yes, does this compensation procedure consist in:**

- a public fund?

a court decision?

a private fund?

If yes, which kind of cases does this procedure concern?

Criminal Injury cases

**37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?**

Yes

No

If yes, please specify:

**38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?**

Yes

No

If yes, please specify:

The PPS has a Victims and Witnesses policy which is available on its website. The policy details the support that the organisation provides.

**39) Do victims of crimes have the right to contest to a decision of the public prosecution to discontinue a case?**

Yes

No

If yes, please specify:

The Victims and Witnesses Policy deals with the provision of information about key milestones in the process, the provision of reasons why cases do not proceed for the offence originally directed and the opportunity for a victim to provide views for consideration. The policy also allows for a victim to request a review of a decision not to prosecute and for the giving of reasons. It is also open to a victim who is dissatisfied with a decision not to prosecute a case to challenge that decision by way of judicial review.

## 2. 2. 2. Confidence of citizens in their justice system

**40) Is there a system for compensating users in the following circumstances:**

excessive length of proceedings?

non execution of court decisions?

wrongful arrest?

wrongful condemnation?

If yes, please specify (fund, daily tariff):

Q1 - No

Q2 - Orders are normally enforced in accordance with existing rules. Where orders are breached, e.g. CSO, it is the responsibility of the supervising body to bring the matter back to court for consideration.

Q3 - Civil litigation

Q4 - Not a familiar term to me. Civil remedies may be available if the term relates to slander/libel proceedings.

I think that this question also needs consideration by P & L.

**41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction (with the services delivered by the judiciary system)?**

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

The NICTS conducts a biennial customer exit survey. This has been conducted in 2005 and 2007. The results are published on the NICTS website [www.courtsni.gov.uk](http://www.courtsni.gov.uk) .

**42) If possible, please specify:**

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	Yes	No
Surveys at court level	Yes	No

**43) Is there a national or local procedure for making complaints about the functioning (for example the treatment of a case by a judge or the duration of a proceeding) of the judicial system?**

- Yes
- No

**44) If yes, please specify:**

**Please give elements of information concerning the efficiency of this complaint procedure:**

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	No	Yes
Higher court	No	Yes
Ministry of Justice	No	No
High Council of the	No	No

Judiciary		
Other external organisations (e.g. Ombudsman)	No	No

**Comment :**

Separate procedure for complaints against Judiciary and against service received by court staff. Four stage process more effective.

### 3. Organisation of the court system

#### 3. 1. Functioning

##### 3. 1. 1. Courts

**45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation.**

	Total number
First instance courts of general jurisdiction	20 + 7
Specialised first instance Courts (legal entities)	
All the Courts (geographic locations) * (this includes Supreme Courts and/or High Courts)	

**46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):**

Magistrates Courts – Criminal Court, Youth Court, Civil Prosecutions, Domestic Proceedings, Family Proceedings, Licensing  
 County Court – Family Care Cases, Small Claims, Civil Debts up to and including £15,000.00, Licensing, Equity, Uncontested Divorces, Adoption  
 Crown Court – Serious Criminal Cases  
 Coroners Court – Findings on death  
 High Court – Civil Debt over £15,000.00, House Repossession, Bankruptcy, Chancery, Companies, Contested and uncontested Divorces, Adoption  
 (number of courts are per above)

**47) Is there a change in the structure in the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?**

- Yes  
 No

If yes, please specify:

Please see the answer to question 183

**48) Number of first instance courts competent for a case concerning (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):**

	Number
a debt collection for small claims	7
a dismissal	
a robbery	20

**Please specify what is meant by small claims in your country (answer only if the definition has been changed since the previous evaluation cycle):**

A defined by Order 26 of the County Court Rules (Northern Ireland) 1981.

**Please indicate the sources for answering the questions 45 and 48:**

Organisational reference documentation.

3. 1. 2. Judges, courts staff

**49) Number of professional judges sitting in courts (please give the information in full time equivalent and for permanent posts; if there is no data please indicate this with NA)**

**Please provide comments to explain the answer under question 49:**

Number  . 123

Comment :

68 full time

55 part time

**50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:**

	Number
gross figure	123
if possible, in full time equivalent	

**51) Please provide comments to explain the answer under question 50:**

As per the information provided in question 49

**52) Is there in the legal system non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs? (Please indicate NA if no figures are available).**

**Please provide comments to explain the answer under question 52:**

	Yes	Number
Do you have non-professional judges?	yes	239

Comment :

239 Lay Magistrates who sit with professional members of the Judiciary in Family and Youth Courts. Lay Magistrates are also empowered to deal with Emergency Protection Orders in the Family Proceedings Court.

**53) Does your judicial system include trial by jury with the participation of citizens?**

Yes

No

If yes, for which type of case(s)?

Crown Court Criminal trials  
High Court Civil actions

**54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?**

24890

**55) Number of non-judge staff who are working in courts (in full time equivalent and for permanent posts). Please indicate NA if no figures are available.**

**Please provide comments to explain the answer under question 55:**

Number  . 795

Comment :

439 Court staff - 795 in total

Includes staff who work part time hours. The total figure includes staff who work in support services including finance and legal aid departments.

**56) If possible, could you distribute this staff according to the 4 following categories. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).**

- non-judge staff (Rechtspfleger or similar bodies), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal  Yes 29
- non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars  Yes 35
- staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)  Yes 731
- technical staff  Yes

Comment :

Please see below as regards non-judge staff.

35.23 staff directly support the Judiciary with their administrative and legal duties and includes 29.33 court criers/tipstaff and 5.9 Legal Officers.

**57) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and functions:**

There are 29 "Designated Officers" within the NI Court Service who have statutory authority to:-  
Administer Oaths  
Sign certain court summons/orders



Administer other functions including Admiralty Marshall

### 3. 1. 3. Prosecutors

**58) Number of public prosecutors (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).**

Number

NA

Comment :

**59) Do any other persons have similar duties as public prosecutors?**

Yes

No

If yes, please specify:

**60) Number of staff (non prosecutors) attached to the public prosecution service (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).**

**Please provide comments to explain the answer under question 60:**

Number

.

Comment :

### 3. 1. 4. Court budget and new technologies

**61) Who is entrusted with the individual court budget?**

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	Yes	Yes	Yes	Yes
Court President	No	No	No	No
Court administrative director	Yes	Yes	Yes	Yes
Head of the court clerk office	Yes	No	Yes	Yes
Other	No	No	No	Yes

**62) You can indicate below:**

- any useful comments for interpreting the data mentioned above
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process in the court

Other includes administrative staff who provide analysis reports, process invoices and escalate budgetary issues to their office managers which may arise.

**63) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?**

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Word processing	Yes	No	No	No
Electronic data base of jurisprudence	Yes	No	No	No
Electronic files	Yes	No	No	No
E-mail	Yes	No	No	No
Internet connection	Yes	No	No	No

**64) For administration and management, what are the computer facilities used within the courts?**

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	Yes	No	No	No
Court management information system	Yes	No	No	No
Financial information system	Yes	No	No	No

**65) For the communication between the court and the parties, what are the computer facilities used within the courts?**

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	No	No	Yes	No
Special Website	Yes	No	No	No
Other electronic communication facilities	No	No	Yes	No

**66) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?**

- Yes  
 No

If yes, please specify the name and the address of this institution:

NISRA – Business Development Group, 4th Floor, Laganside House, Belfast

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that has been implemented over the last two years

### 3. 2. Monitoring and evaluation

#### 3. 2. 1. Monitoring and evaluation

**67) Are the courts required to prepare an annual activity report?**

- Yes  
 No

**68) Do you have a regular monitoring system of court activities concerning the**

- number of incoming cases?  
 number of decisions?  
 number of postponed cases?  
 length of proceedings (timeframes)?  
 other?

Please specify:

We also record case disposal types, and defendant details.

**69) Do you have a regular system to evaluate the performance of each court?**

- Yes  
 No

Please specify:

The NI Court Service has a number of strategic and corporate objectives which are reported on, on a quarterly basis.

**70) Concerning court activities, have you defined performance indicators (if no, go to question 72)?**

- Yes  
 No

**71) Please select the 4 main performance and quality indicators that is used for a proper functioning of courts:**

- incoming cases  
 length of proceedings (timeframes)  
 closed cases  
 pending cases and backlogs  
 productivity of judges and court staff  
 percentage of cases that are treated by a single sitting judge  
 enforcement of penal decisions  
 satisfaction of employees of the courts  
 satisfaction of clients (regarding the services delivered by the courts)  
 judicial quality and organisational quality of the courts  
 costs of the judicial procedures  
 other:

Please specify:

These are a number of these targets which apply as contained within the NI Court Service Business Plan 2009/10.

<http://www.courtsni.gov.uk/NR/rdonlyres/57A0C9CB-373F-4982-A750-98B1303C615F/0/BusinessPlan310709.pdf>

**72) Are there performance targets defined for individual judges (if no go to question 74) ?**

- Yes  
 No

**73) Please specify who is responsible for setting the targets:**

- executive power (for example the ministry of Justice)?  
 legislative power  
 judicial power (for example a High Judicial Council or a Higher Court  
 other

If other, please specify:

**74) Are there performance targets defined at the level of the courts (if no go to question 77)?**

- Yes  
 No

**75) Please specify who is responsible for setting the targets:**

- executive power (for example the ministry of Justice)?  
 legislative power  
 judicial power (for example a High Judicial Council or a Higher Court)  
 other

If other, please specify:

**76) Please specify the main targets applied**

Case listing targets and case disposal targets apply in all court tiers along with various other targets in relation to responding to correspondence, and issued administrative judgements etc.

**77) Which authority is responsible for the evaluation of the performances of the courts:**

- High Council of judiciary  
 Ministry of justice  
 inspection authority

- Supreme Court
- external audit body
- other

If other, Please specify:

NISRA provide quality assured statistical reports. All management grades are also responsible for evaluating the performance of their business areas/teams on a periodic basis to ensure targets are on track to be met.

**78) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?**

- Yes
- No

If yes, please specify:

Customer Service Excellence Standards apply for how we interact and inform customers of services etc. An NVQ is also being developed for Court Clerks, but this is not yet in place.

**79) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?**

- Yes
- No

**80) Is there a system which measures the backlogs and which detects the cases not processed within a reasonable timeframe for:**

- civil cases?
- criminal cases?
- administrative cases?

**81) Do you have a way of analysing waiting time during court procedures?**

- Yes
- No

If yes, please specify:

This area is under review.

**82) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?**

- Yes
- No

Please specify (including an indication of the frequency of the evaluation):

Quarterly performance reports, annual customer service surveys & periodic Courts Inspectorate assessments.

**83) Is there a system for monitoring and evaluating the functioning of the prosecution services?**

Yes

No

If yes, please specify:

They are a separate organisation.

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your court monitoring and evaluation system**

## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General principles

**84) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements)? If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).**

NA

**85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?**

Yes

No

If possible, number of successful challenges (in a year):

**86) Please give the following data concerning the number of cases regarding Article 6 of the European Convention of Human Rights (on duration and non-execution), for the year of reference. If there is no data available, please indicate it (NA).**

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	NA	NA	NA	NA
Civil proceedings - Article 6§1 (non-execution)	NA	NA	NA	NA
Criminal proceedings - Article 6§1 (duration)	NA	NA	NA	NA

### 4. 2. Timeframes of proceedings

#### 4. 2. 1. General information

**87) Are there specific procedures for urgent matters as regards:**

civil cases?

criminal cases?

administrative cases?

Please specify:

Emergency applications can be made in each of these areas.

**88) Are there simplified procedures for:**

civil cases (small claims)?

criminal cases (petty offences)?

administrative cases?

Please specify (for example if you have introduced a new law on simplified procedures):  
Default judgement procedures exist in the civil cases and administrative cases. Criminal cases include fixed penalty cases issued by prosecuting authorities and enforced by the Court.

**89) Do courts and lawyers have the possibility to conclude agreements on the modalities for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?**

Yes

No

If yes, please specify:

Case Progression Officers are in place in the Criminal Courts, and case management by the Judiciary exists in the majority of the business areas.

4. 2. 2. Penal, civil and administrative law cases

**90) Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non litigious)*	NA	NA	NA	NA
1 Civil (and commercial) litigious cases*	NA	NA	NA	NA
2 Civil (and commercial) non-litigious cases*	NA	NA	NA	NA
3 Enforcement cases	NA	NA	NA	NA
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	NA	NA	NA	NA
7 Other	NA	NA	NA	NA
Total criminal cases (8+9)	NA	NA	NA	NA
8 Criminal cases (severe criminal offences)	NA	NA	NA	NA
9 Misdemeanour and / or minor offences cases	NA	NA	NA	NA

**91) Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases - definition of misdemeanour cases, minor offences and severe criminal cases):**

**92) Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations).**



**\* Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**\*\* if applicable**

**Please check the consistency of data as mentioned under question 91.**

**Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases and possibly the existence of appeal rates for some case categories):**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non-litigious)*	NA	NA	NA	NA
1 Civil (and commercial) litigious cases*	NA	NA	NA	NA
2 Civil (and commercial) non-litigious cases*	NA	NA	NA	NA
3 Enforcement cases	NA	NA	NA	NA
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	NA	NA	NA	NA
7 Other	NA	NA	NA	NA
Total criminal cases (8+9)	NA	NA	NA	NA
8 Criminal cases (Severe criminal offences)	NA	NA	NA	NA
9 Misdemeanour and/or minor offences cases	NA	NA	NA	NA

Comment :

**93) Total number of cases in the highest instance courts (litigious and non-litigious): please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**\* Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**\*\* if applicable**

**Please check the consistency of data as mentioned under question 88.**

**Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and on possible limitations to the appeal to the highest instance court):**

Total of civil, commercial and administrative law cases* (litigious and non-litigious)	NA	NA	NA	NA
1 Civil (and commercial) litigious cases*	NA	NA	NA	NA
2 Civil (and commercial) non-litigious cases*	NA	NA	NA	NA

3 Enforcement cases	NA	NA	NA	NA
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	NA	NA	NA	NA
7 Other	NA	NA	NA	NA
Total criminal cases (8+9)	NA	NA	NA	NA
8 Criminal cases (severe criminal offences)	NA	NA	NA	NA
9 Misdemeanour cases (minor offences)	NA	NA	NA	NA

Comment :

**94) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Jan. '08
Litigious divorce cases*				
Employment dismissal cases*				
Robbery cases				
Intentional homicide				

**95) Average length of proceeding (from the date of lodging of court proceedings) in days, number of pending cases more than 3 years and percentage of cases subject to appeal: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 92:**

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance (average length)	2d instance (average length)	Total procedure (average total length)
Litigious divorce cases*	NA	NA	NA	NA	NA
Employment dismissal cases*	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA

Comment :

**96) Where appropriate, please specify the specific procedure as regards (litigious and non-litigious) divorce:**

As contained within the Matrimonial Causes Rules (Northern Ireland) 1981

**97) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.**

NA

**98) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):**

- to conduct or supervise police investigation
- to conduct investigation
- when necessary, to demand investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise enforcement procedure
- to end the case by dropping it without the need for a judicial decision
- to end the case by imposing or negotiating a penalty without a judicial decision
- other significant powers

Please specify:

**99) Does the prosecutor also have a role in civil and/or administrative cases?**

- Yes
- No

Please specify:

**100) Functions of the public prosecutor in relation to criminal cases – please complete this table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 100 and indicate in particular if the data given include traffic offences:**

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases						

Comment :

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

**Please indicate the sources for answering the questions 90 to 95 and 100:**

## 5. Career of judges and prosecutors

### 5. 1. Appointment and training

#### 5. 1. 1. Recruitment, nomination and promotion

##### 101) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

Other, please specify:

Judges, other than the posts of Lord Chief Justice and Lord Justices of Appeal, are recommended for appointment by an independent Commission that determines the selection process. All judicial posts have an eligibility criteria set by statute - additional criteria can be included. The Commission (Northern Ireland Judicial Appointments Commission) conduct the selection process and make recommendations to the Lord Chancellor. On occasions there is a statutory duty to consult the Lord Chief Justice etc. The Lord Chancellor may accept the recommendation and he or the Monarch makes the appointment.

##### 102) Are judges initially/at the beginning of their carrier recruited and nominated by:

- An authority composed of judges only?
- An authority composed of non-judges only?
- An authority composed of judges and non-judges?

##### 103) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, please specify which authority is competent for the promotion of judges:

There is restricted promotion for judges in NI as most posts are filled by open competition organised by an independent Commission. However the posts of Lord Chief Justice and Lord Justices of Appeal are made from existing judicial office holders. The process of appointment/promotion is agreed with the Lord Chancellor.

##### 104) Which procedures and criteria are used for promoting judges? Please specify.

The eligibility criteria for appointment to the 2 judicial offices that are filled by promotion are set in statute. Additional criteria and the actual promotion process/procedures are agreed with the Lord Chancellor on each occasion an appointment/promotion is to take place.

##### 105) How are prosecutors recruited?

- Through a competitive exam? (for example after a law degree)
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?

- A combination of both
- Other

Other, please specify:

**106) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:**

- An authority composed of prosecutors only?
- An authority composed of non-prosecutors only?
- An authority composed of prosecutors and non-prosecutors?

**107) Is the same authority formally responsible for the promotion of prosecutors?**

- Yes
- No

If no, please specify which authority is competent for promoting prosecutors:

**108) Which procedures and criteria are used for promoting prosecutors? Please specify:**

**109) Is the mandate given for an undetermined period for judges?**

- Yes
- No

Are there exceptions? Please specify:

**110) Is there a probation period for judges? If yes, how long is this period?**

	Yes	Duration of the probation period (in years)
Probation period for judges		

**111) Is the mandate given for an undetermined period for prosecutors?**

- Yes
- No

Are there exceptions? Please specify:

**112) Is there a probation period for prosecutors? If yes, how long is this period?**

	Yes	Duration of the probation period (in years)

Probation period for prosecutors	
----------------------------------	--

**113) If the mandate for judges/prosecutors is not for an undetermined period, what is the length of the mandate? Is it renewable?**

**Please specify the length**

- for judges?  Yes
- for prosecutors?  Yes

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

5. 1. 2. Training

**114) Nature of the training of judges. Is it compulsory?**

- Initial training
- General in-service training
- In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- In-service training for management functions of the court (e.g. court president)
- In-service training for the use of computer facilities in the court)

**115) Frequency of the training of judges**

	Annual	Regular	Occasional
Initial training	No	Yes	No
General in-service training	No	Yes	No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	No	No	Yes
In-service training for management functions of the court (e.g. court president)	No	No	Yes
In-service training for the use of computer facilities in the court	No	No	Yes

**116) Nature of the training of prosecutors. Is it compulsory?**

- Initial training
- General in-service training
- Specialised in-service training (specialised public prosecutor)
- In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)

In-service training for the use of computer facilities in the public prosecution service)

### 117) Frequency of the training of prosecutors

	Annual	Regular	Occasional
Initial training	No	No	No
General in-service training	No	No	No
Specialised in-service training (specialised public prosecutor)	No	No	No
In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)	No	No	No
In-service training for the use of computer facilities in the public prosecution service)	No	No	No

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that has been implemented over the last two years

## 5. 2. Practice of the profession

### 5. 2. 1. Salaries

**118) Salaries of judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 118:**

	Gross annual salary (€)	Net annual salary (€)
First instance professional judge at the beginning of his/her career	105515	58988
Judge of the Supreme Court or the Highest Appellate Court	176899	101273
Public prosecutor at the beginning of his/her career		
Public prosecutor of the Supreme Court or the Highest Appellate Instance		

Comment :

With judicial pay there is no such thing as standard net pay because it varies depending on each judicial officers National Insurance code, tax code and rate of contribution to the pension scheme. Averages have been provided to the answer to question 118.

**119) Do judges and public prosecutors have additional benefits?**

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	Yes	No
Housing	No	No
Other financial benefit	Yes	No

**120) If other financial benefit, please specify:****121) Can judges combine their work with any of the following other functions ?**

	Yes with remuneration	Yes without remuneration	No
Teaching	No	No	Yes
Research and publication	Yes	Yes	No
Arbitrator	No	No	Yes
Consultant	No	No	Yes
Cultural function	No	Yes	No
Other function	Yes	Yes	No

**122) If other function, please specify:**

Judicial appointments in Northern Ireland are for life. Any offer of appointment is made in the understanding that the appointee will not return to practice. No member of the judiciary should hold a commercial directorship. There is no objection to a member of the judiciary having shares in commercial companies or taking part in the management of a family estate or farming his/her own land. Equally, there are some forms of non-commercial directorship, which a member of the judiciary may hold without objection.

The Judiciary can be involved in a charitable organisation.

**123) Can prosecutors combine their work with any of the following other functions ?**

	Yes with remuneration	Yes without remuneration	No
Teaching	No	No	No
Research and publication	No	No	No
Arbitrator	No	No	No
Consultant	No	No	No
Cultural function	No	No	No
Other function	No	No	No

**124) If other function, please specify:****125) Do judges receive bonus based on the fulfilment of quantitative objectives relating**



**to the delivering of judgments?**

Yes

No

If yes, please specify:

**Please indicate the source for answering the question 118**

5. 2. 2. Disciplinary procedures

**126) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:**

**127) Which authority has the disciplinary power on judges and prosecutors? Please specify:**

**128) Number of disciplinary proceedings initiated against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 128:**

	Judges	Prosecutors
Total number (1+2+3+4)	2	
1. Breach of professional ethics		
2. Professional inadequacy		
3. Criminal offence		
4. Other		

Comment :

**129) Number of sanctions pronounced against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 129**

	Judges	Prosecutors
Total number (total 1 to 9)	2	
1. Reprimand		
2. Suspension		
3. Withdrawal of cases		
4. Fine		
5. Temporary reduction of salary		
6. Degradation of post		

7. Transfer to another geographical (court) location		
8. Dismissal		
9. Other		

Comment :

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years**

## 6. Lawyers

### 6. 1. Statute of the profession

#### 6. 1. 1. Profession

**130) Total number of lawyers practising in your country. If there is no data available, please indicate it (NA).**

3057

2439 solicitors

618 barristers

**131) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court? If no go to question 133.**

- Yes
- No
- Not applicable

**132) Number of legal advisors. If there is no data available, please indicate it (NA)**

**133) Do lawyers have a monopoly of representation in (multiple options are possible):**

- Civil cases\*?
- Criminal cases - Defendant\*?
- Criminal cases - Victim\*?
- Administrative cases\*?

\* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases:

Non lawyer representation might occur in some tribunals.

A victim is not separately represented in a criminal case.

Parties may represent themselves in any case.

**134) Is the lawyer profession organised through?**

- a national bar?
- a regional bar?
- a local bar?

Please specify:

The Law Society of Northern Ireland

The Bar Council

**Please indicate the source for answering the questions 130 and 132:**

#### 6. 1. 2. Training

**135) Is there a specific initial training and/or examination to enter the profession of lawyer?**

- Yes  
 No

**136) Is there a mandatory general system for lawyers requiring continuing professional training?**

- Yes  
 No

**137) Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?**

- Yes  
 No

If yes, please specify:

### 6. 1. 3. Fees

**138) Can users establish easily what the lawyers' fees will be?**

- Yes  
 No

Please provide comments to explain the answer under question 138

It is difficult to predict in advance the fee for court proceedings where the case is complex and the length of any trial unknown.

**139) Are lawyers fees**

- regulated by law?  
 regulated by Bar association?  
 freely negotiated?

Please provide comments to explain the answer under question 139:

Costs in proceedings are prescribed or determined after the proceedings by a judicial office holder where they cannot be agreed.

## 6. 2. Evaluation

### 6. 2. 1. Complaints and sanctions

**140) Have quality standards been formulated for lawyers?**

- Yes  
 No

**141) If yes, who is responsible for formulating these quality standards:**

- the bar association?  
 the legislature?  
 other?

Please specify (including a description of the quality criteria used):

All lawyers are required to be educated to a particular standard and to have completed professional training before being entitled to practice.

**142) Is it possible to complain about**

- the performance of lawyers?  
 the amount of fees?

Please specify:

The legal profession has a complaints system. It is possible to challenge the fees billed.

**143) Which authority is responsible for disciplinary procedures**

- the judge?  
 the Ministry of justice?  
 a professional authority or other?

Please specify:

The legal profession is responsible for its own disciplinary procedures.

**144) Disciplinary proceedings initiated against lawyers: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 141:**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number				

Comment :

During 2008 the Law Society (responsible for solicitors) examined 317 complaints and the Bar Council (responsible for barristers) 29. We are not able to break the numbers down into categories. Further information would have to be obtained by Council of Europe from the professions directly.

**145) Sanctions pronounced against lawyers : please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 145:**

	Reprimand	Suspension	Removal	Fine	Other

Annual number					
---------------	--	--	--	--	--

Comment :

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

## 7. Alternative Dispute Resolution

### 7. 1. Mediation and other forms of ADR

#### 7. 1. 1. Mediation

**146) Does the legal system provide for mediation procedures? If no go to question 151**

Yes

No

**147) If applicable, please specify, by type of cases, the organisation of mediation**

	Possibility for private mediation proposed by the judge or court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Prosecutor
Civil and commercial cases	Yes	Yes	No	No	No
Family law cases (ex. Divorce)	Yes	Yes	Yes	No	No
Administrative cases	No	Yes	No	No	No
Employment dismissals	No	No	No	No	No
Criminal cases	No	No	No	No	No

**148) Is there a possibility to receive legal aid for mediation procedures?**

Yes

No

If yes, please specify:

Northern Ireland Legal Services Commission (NILSC) currently funds mediation services in family proceedings. By the end of 2010/11, NILSC plans to have developed a network of civil legal service providers to promote development of alternative approaches to dispute resolution and proposed new funding code procedures should also assist in this aim. There is no provision for mediation in employment tribunals or criminal cases.

**149) Number of accredited mediators. If there is no data available, please indicate it (NA)**

NA

**150) Please Indicate the total number of judicial mediation procedures per case category. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

civil cases?	NA
family cases?	NA
administrative cases?	NA
employment dismissals?	NAP
criminal cases?	NAP

**Please indicate the source for answering the question 150:**

## 7. 1. 2. Other forms of alternative dispute resolution

### **151) Can you give information concerning other forms of alternative dispute resolution (e.g. arbitration, conciliation)? Please specify:**

Commercial actions in the Court of Judicature of Northern Ireland may benefit from a voluntary mediation practice, Alternative Dispute Resolution (ADR). Mediation is suggested to the parties as part of the judicial process of review of commercial actions. The process is conducted by neutral, professionally trained experts.

The Law Society of Northern Ireland operates a Dispute Resolution Service (DRS) which is not limited to court-referred matters but can be undertaken at any stage of a dispute. The DRS operates through a panel of solicitors and barristers who are trained and accredited to act as mediators on behalf of the parties.

Barnardo's Newry Family Resource Centre (NFRC) has developed a mediation model to be used in the family court arena. The model entails a court-associated practice that sits within the context of the family proceedings court and benefits from supportive judiciary and legal representatives. Evaluation suggests that the model is effective, resolving disputes amicably and saving valuable court time.

From 01 October 2009, with the introduction of the 'Guide to Case Management in Public Law Proceedings' if a Health & Social Care Trust has concerns which lead it to believe that a child has suffered or is likely to suffer significant harm, the Trust must invite parents/those with parental responsibility to a meeting where the parties try to reach agreement to prevent the issue of court proceedings or where this is not possible, to narrow the issues so that such proceedings can be dealt with more quickly. In this instance, parents/those with parental responsibility are entitled to seek free legal advice and assistance which is funded by the NILSC.

#### **You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years**

The Department of Health, Social Services and Public Safety have commissioned Family Mediation Northern Ireland (FMNI) to publish the guide 'Separation in Northern Ireland – Family Mediation' and associated DVD as a resource to assist families experiencing separation or divorce. A number of referrals to mediation services come through the courts. The Department (in association with FMNI) are taking forward accredited training for mediators to increase the availability and capacity of appropriate mediation services in Northern Ireland.



## 8. Enforcement of court decisions

### 8. 1. Execution of decisions in civil matters

#### 8. 1. 1. Functioning

**152) Do you have in your system enforcement agents (judicial officers)? If no go to question 154**

- Yes  
 No

**153) Number of enforcement agents. If there is no data available, please indicate it (NA).**

16

**154) Are enforcement agents (multiple options are possible):**

- judges?  
 bailiff practising as private profession ruled by public authorities?  
 bailiff working in a public institution?  
 other enforcement agents?

Please specify their status and powers:

In the Enforcement of Judgments Office (EJO) an Enforcement Agent are the Master (Enforcement of Judgments Office) the Chief Enforcement Officer and Enforcement Officers. All have a Statutory powers made under the Judgments Enforcement (NI) Order 1981. They also exercise their functions in accordance with Article 8 of the Judgments Enforcement (NI) Order 1981.

The Master is appointed under Section 70 of the Judicature (NI) Act 1978. His role is to

- Exercise of judicial functions and discretion in determining contested cases
- Ensure the all legislative requirements are followed
- To make orders of enforcement (by application of the Chief Enforcement Officer)

The Chief Enforcement Officer is designated by the Lord Chancellor has the powers to issue summons to compel debtors to a means examination, issue specific enforcement orders and make certain applications for enforcement to the EJO Master.

An Enforcement Officer is designated by the Lord Chancellor and is responsible for the completion of means reports, the service of certain enforcement orders and the execution of Orders for Delivery of Possession of Land and Orders for the Delivery of Possession of Goods and Orders of Seizure.

**155) Is there a specific initial training or examination to enter the profession of enforcement agent?**

- Yes  
 No  
 Not applicable

**156) Is the profession of enforcement agent organised by?**

- a national body?
- a regional body?
- a local body?
- not applicable

**157) Can users establish easily what the fees of the enforcement agents will be?**

- Yes
- No
- Not applicable

**158) Are enforcement fees:**

- regulated by law?
- freely negotiated?
- not applicable

**Please indicate the source for answering the question 153:**

8. 1. 2. Supervision

**159) Is there a body entrusted with the supervision and the control of the enforcement agents?**

- Yes
- No
- Not applicable

**160) Which authority is responsible for the supervision and the control of enforcement agents:**

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?

Please specify:

The Lord Chief Justice for Northern Ireland would have supervision and control of the EJO Master, whilst the Chief Enforcement Officer and Enforcement Officers are under the supervision and control of the Northern Ireland Court Service.

**161) Have quality standards been formulated for enforcement agents?**

- Yes

- No  
 Not applicable

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

**162) Is there a specific mechanism for executing court decisions rendered against public authorities, including the follow up to this execution?**

- Yes  
 No

if yes, please specify

**163) Is there a system for monitoring the execution?**

- Yes  
 No

If yes, please specify

8. 1. 3. Complaints and sanctions

**164) What are the main complaints of users concerning the enforcement procedure? Please indicate a maximum of 3.**

- no execution at all?  
 non execution of court decisions against public authorities?  
 lack of information?  
 excessive length?  
 unlawful practices?  
 insufficient supervision?  
 excessive cost?  
 other?

Please specify:

Most complaints regarding length of time to wait or delays.

**165) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?**

- Yes  
 No

If yes, please specify:

**166) Is there a system measuring the timeframes of the enforcement of decisions :**

- for civil cases?  
 for administrative cases?

**167) As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court sits:**

- between 1 and 5 days  
 between 6 and 10 days  
 between 11 and 30 days  
 more

If more, please specify

**168) Number of disciplinary proceedings initiated against enforcement agents. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

Total number of disciplinary proceedings	NA
for breach of professional ethics	NA
for professional inadequacy	NA
for criminal offence	NA
Other	NA

**169) Number of sanctions pronounced against enforcement agents. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

Total number of sanctions	NA
Reprimand	NA
Suspension	NA
Dismissal	NA
Fine	NA
Other	NA

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter  
 the characteristics of your enforcement system of decisions in civil matters and the main reforms that has been implemented over the last two years

**Please indicate the source for answering the questions 167, 168 and 169:**

## 8. 2. Execution of decisions in criminal matters

### 8. 2. 1. Functioning

**170) Is there a judge who is in charge of the enforcement of judgments?**

Yes

No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor):

**171) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?**

Yes

No

If yes, please specify:

Work is on going to improve the recovery rate of court fines through the use of Fine Collection Officers.

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

## 9. Notaries

### 9. 1. Statute

#### 9. 1. 1. Functioning

**172) Do you have notaries in your country? If no go to question 177**

- Yes  
 No

**173) Is the status of notaries (if the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations):**

- |   |  |
|---|--|
| a private one (without control from public authorities)?    | <input checked="" type="checkbox"/> number |
| a status of private worker ruled by the public authorities? | <input type="checkbox"/> number            |
| a public one?   | <input type="checkbox"/> number            |
| other?  | <input type="checkbox"/> number            |

Comment :

Notaries public in Northern Ireland must be practising solicitors. They are appointed, and may have their appointment revoked, by the Lord Chief Justice.

**174) Do notaries have duties:**

- within the framework of civil procedure?  
 in the field of legal advice?  
 to authenticate legal deeds?  
 other?

Please specify:

**Please indicate the source for answering the question 173**

#### 9. 1. 2. Supervision

**175) Is there an authority entrusted with the supervision and the control of the notaries?**

- Yes  
 No

**176) Which authority is responsible for the supervision and the control of the notaries:**

- a professional body?

- the judge?
- the Ministry of justice?
- the prosecutor?
- other?
- not applicable

Please specify:

See below

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years**

Section 112(1) of the Judicature Act (NI) 1978 provides for the Lord Chief Justice, in accordance with rules of court, to appoint notaries public. Order 107 of the Rules of the Court of Judicature of Northern Ireland provides that the Lord Chief Justice may at any time revoke the appointment or vary the conditions or limits of any appointment. This is subject to the Lord Chief Justice's right to specify the conditions, territory, duration or purpose of an appointment.

A notary public in Northern Ireland must be a practising solicitor of at least 6 years' standing. A notary public who ceases to practise as a solicitor shall cease to be a notary public.

The College of Notaries of Northern Ireland is preparing a Code of Conduct which will provide a common framework of regulations within which all notaries public in NI shall operate.

## 10. Court interpreters

### 10. 1. function

#### 10. 1. 1. Statute

**177) Is the title of court interpreter protected?**

- Yes  
 No

**178) Is the function of court interpreter regulated?**

- Yes  
 No

**179) Number of certified court interpreters. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations**

NA

**180) Are there binding provisions regarding the quality of court interpreting in judicial proceedings?**

- Yes  
 No

If yes, please specify:

Interpreters (in all court hearings other than Crown Court trials) are bound by their agency's Code of Practice and by Terms of Reference agreed between Northern Ireland Court Service and the interpreting agency. All interpreters must have attained OCN Level III in Community Interpreting. Interpreters in Crown Court trials are subject to the National Register of Public Service Interpreters Code of Conduct and as part of their admission to this Register must possess the Institute of Linguists Diploma in Public Service Interpreting (DPSI) / CCI (forerunner to DPSI) or Metropolitan Police Test (post 1997) or Equivalent Level Interpreting Qualification at Honours Degree level and have more than 400 hours of proven Public Service Interpreting (PSI) experience undertaken in the UK.

**181) Are the courts responsible for the selection of court interpreters?**

- Yes  
 No

Please provide comments to explain the answers to question 178 (in particular, if no, which authority selects court interpreters?) :

An agency, CONNECT-NICEM, provides interpreters to the criminal justice system in Northern Ireland. This agency is a social economy enterprise and charity which was successful in winning a contract to provide interpreting services to government agencies in the criminal justice system in Northern Ireland in April 2009. Although not a signatory to this contract, Northern Ireland Court Service also uses this agency to provide interpreters for in-court foreign language interpreting services. CONNECT-NICEM is responsible for selecting individual interpreters from their list of approved interpreters, or from the National Register of Public Service Interpreters for Crown Court trials.



## 11. Functioning of justice

### 11. 1. Foreseen reforms

#### 11. 1. 1. Reforms

**182) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? For example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc. Please specify:**

Currently responsibility for justice matters in Northern Ireland (including the courts and judiciary) lies with the UK Parliament. When the NI Assembly requests that these matters be devolved to it, Parliament will bring forward the necessary legislation which is currently being drafted. On devolution of justice a new Department of Justice will be created in Northern Ireland. Planning for the creation of that Department is underway.

We are considering the jurisdiction of county courts with a view to allowing more civil cases to be heard at local venues rather than in the High Court in Belfast. The geographical jurisdiction of courts is also under consideration with a view to minimising unnecessary boundaries.

There is an on-going programme to reform our legal aid legislation, covering both 'criminal' and 'other than criminal' cases. In broad terms, the intention is neither to enlarge, nor to reduce, the scope of the legal aid scheme. Rather, the Government's intention is to target the public funding made available for legal aid to those areas of work which are regarded as having the highest priority.

We have committed to taking forward a range of reforms aimed at improving fine collection and reducing the number of offenders who end up in prison for defaulting on a fine.

The reforms include:

- providing better information about the offender's means to the court to help it decide whether a fine should be imposed, and if so, the appropriate level;
- providing alternatives to committal for default;
- extending an administrative fine collection scheme to encourage payment before default mechanisms are implemented;
- considering powers for civilian based enforcement of fines.

We are considering reforms in other areas of work. However, these proposals have not yet been given ministerial clearance or obtained judicial approval. If the Committee so wishes, we can provide further details on these reforms once agreement has been obtained.