



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2011

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 (if possible on 1 January 2011)

1 799 392

##### 2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP)

|  | Amount         |
|--|----------------|
| State level  | 18 898 000 000 |
| Regional / federal entity level (total for all regions / federal entities) | NA             |

##### 3) Per capita GDP (in €)

18 155

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

26 895

##### 5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2011

0.8506

#### A.1

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

Source of Answer 1

Northern Ireland Statistics and Research Agency June 2010

[http://www.nisra.gov.uk/archive/demography/population/midyear/Statistics%20Press%20Notice%20-%20MYE%20NI%202010%20\(DFP%20Press%20Office\)%20-%20web.pdf](http://www.nisra.gov.uk/archive/demography/population/midyear/Statistics%20Press%20Notice%20-%20MYE%20NI%202010%20(DFP%20Press%20Office)%20-%20web.pdf)

Source of Answer 2

HM Treasury – Public Expenditure Statistical Analyses 2010/11

[http://www.hm-treasury.gov.uk/pespub\\_country\\_regional\\_analysis.htm](http://www.hm-treasury.gov.uk/pespub_country_regional_analysis.htm)

Source of Answer 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 2010 (the latest available year).

<http://www.ons.gov.uk/ons/taxonomy/index.html?nscl=Regional+Accounts>

Source of Answer 4

Northern Ireland Statistics and Research Agency – Northern Ireland Annual Survey of Hours and Earnings. Data relate to April 2011.

Q 2 : The figure 18 898 000 000 includes both state and regional levels

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

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

##### 6) Annual approved public budget allocated to the functioning of all courts, in €(if possible without the budget of the public prosecution services and without the budget of legal aid):

|  |   |            |
|--|---|------------|
| TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)  | <input checked="" type="checkbox"/> Yes | 83 154 000 |
| 1. Annual public budget allocated to (gross) salaries  | <input checked="" type="checkbox"/> Yes | 46 800 000 |
| 2. Annual public budget allocated to computerisation (equipment, investments, maintenance)   | <input checked="" type="checkbox"/> Yes | 10 000 000 |
| 3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties. | <input checked="" type="checkbox"/> Yes | 2 441 000  |
| 4. Annual public budget allocated to court buildings (maintenance, operating costs)  | <input checked="" type="checkbox"/> Yes | 23 600 000 |
| 5. Annual public budget allocated to investments in new (court) buildings  |   | NA         |
| 6. Annual public budget allocated to training and education  | <input checked="" type="checkbox"/> Yes | 313 000    |
| 7. Other (please specify):   |   | NA         |

**7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:**

The Public Prosecution Service and Northern Ireland Legal Services Commission budget are not included within the NICTS budget.

The 'Other' section of Question 6 is a minus figure (- 7 090 000) and includes: auditors remuneration, income, staff travel, HR allowances (previously recognised in staff salaries), GIA Queens University, Criminal appeals, administration costs (previously recognised in 'Court buildings'), consultancy costs and other capital. In previous years NI Legal Services Commission (NILSC) was recognised within 'Other', as NICTS is now an NI Agency it no longer accounts for NDPB's.

**8) Are litigants in general 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 to the rule to pay court a tax or fee? Please provide comments on those exceptions:

Amount of fee depends on what the case is and which court it appears in i.e. magistrates/county/supreme. Litigants can be partially or wholly exempt based on financial circumstances.

**9) Annual income of court taxes or fees received by the State (in €)**

34 556 372

**10) Annual approved public budget allocated to the whole justice system, in €(this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)**

NA 1 378 080 000

**11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.**

|                             |     |
|-----------------------------|-----|
| Court system                | Yes |
| Legal aid                   | Yes |
| Public prosecution services | No  |
| Prison system               | Yes |
| Probation services          | Yes |
| Council of the              | Yes |

|  |     |
|--|-----|
| judiciary                              |     |
| Judicial protection of juveniles       | Yes |
| Functioning of the Ministry of Justice | Yes |
| Refugees and asylum seekers services   | No  |
| Other                                  | No  |

Comment :

**12) Annual approved public budget allocated to legal aid, in €- If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

|               |  |  |  |
|---------------|--|--|--|
|               | Total annual approved public budget allocated to legal aid (12.1 + 12.2) | 12.1 Annual public budget allocated to legal aid in criminal law cases | 12.2 Annual public budget allocated to legal aid in non criminal law cases |
| Amount (in €) | 96280000   | NA   | NA   |

**13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided.**

Amount 43 500 000

Comment :

The budget of €43 500 000 represents €43 268 0000 ad €232 000 capital spend.

**14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :**

|                     | 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      | Yes                                   | 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  |

**15) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):**

Northern Ireland Court Service is an Agency of the Northern Ireland Department of Justice.

## A.2

**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

The exchange rate used to calculate the figures in Answer 9, 12 and 13 is £1 = €1.16

Answer 6

There have been a few profiling changes to ensure that court costs are accurately recorded in the correct categories. Major changes in recognition of expenses in comparison to previous years are recognised below.

- 'Other' includes auditors remuneration, income, staff travel, HR allowances (previously recognised in staff salaries), GIA Queens University, Criminal appeals, administration costs (previously recognised in 'Court buildings'), consultancy costs and other capital. In previous years NI Legal Services Commission (NILSC) was recognised within 'Other', as NICTS is now an NI Agency it no longer accounts for NDPB's.
- 'Justice' now includes coroners, interpreters, summon servers fees and income these were all previously recognised in 'Court buildings'.
- 'Court Buildings' no longer includes administration costs, coroners, interpreter costs or safety camera expenses. But

is inclusive of capital spent on buildings.

- 'Computerisation' includes capital spent on information technology.
- In the previous return all capital was categorised into 'Investment in new buildings', in this return it has been profiled into their respective category, NICTS has no new court buildings.

Answer 9

Total figure of € 34556372 is split into:

Court Fees € 27896700

Recovery Tribunal € 4304535

Other Income € 2355136

Answer 13

The allocated budget for the Public Prosecution Service represents the first year of 4 year Budget 2010 spending plan which covers the period from 2011 to 2015.

Budget 2010 sets out the Northern Ireland Executive's spending plans for Northern Ireland government departments for the 4 year period.

**Please indicate the sources for answering the questions 6, 9, 10, 11, 12 and 13.**

Source for Answer 6 and 9 is the Northern Ireland Court Service which is an Agency of the Northern Ireland Department of Justice.

Source for Answer 10, 11 and 12 is the Northern Ireland Executive. Figures supplied for 2012/13 budget.

Answer 13

€43 500 000 was the amount allocated by DFP (Department of Finance & Personnel Northern Ireland to the Public Prosecution Service for Northern Ireland).

## 2. Access to Justice and to all courts

### 2. 1. Legal aid

#### 2. 1. 1. Principles

#### 16) Does legal aid apply to:

|                         | Criminal cases | Other than criminal cases |
|-------------------------|----------------|---------------------------|
| Representation in court | Yes            | Yes                       |
| Legal advice            | Yes            | Yes                       |

#### 17) Does legal aid include the coverage of or the exemption from court fees?

Yes

No

If yes, please specify:

Except for cases involving the statutory charge

#### 18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

Yes

No

If yes, please specify:

#### 19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

|  | Criminal cases | Other than criminal cases |
|--|----------------|---------------------------|
|  | Yes            | Yes                       |

Comment :

Additional costs of expert witnesses, medical reports, legal opinions, travel costs etc are all covered by legal aid on approval of prior authority.

#### 20) Number of cases referred to the court and for which legal aid has been granted. Please specify in the "comment" box below, when appropriate. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

|                           | Number |
|---------------------------|--------|
| Total                     | NA     |
| in criminal cases         | NA     |
| other than criminal cases | NA     |

Comment :

#### 21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer? Please specify in the "comment" box below.

| | |

|                     |     |
|---------------------|-----|
| Accused individuals | Yes |
| Victims             | No  |

Comment :

Criminal legal aid is granted by reference to two tests, the means test and the merits test, ie if the defendants means are insufficient to cover the cost of their defence and if it is in the interests of justice that the defendant is legally represented.

**22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system**

Yes

No

**23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? Please provide in the "comment" box below any information to explain the figures provided. If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.**

|                                | amount of annual income (if possible for one person) in € | amount of assets in € |
|--------------------------------|---|-----------------------|
| for criminal cases             | Yes   | NA                    |
| for other than criminal cases? | Yes   | NA                    |

Comment :

In criminal matters the means test is not fixed. It is a matter for the court to determine whether the defendant has insufficient means to pay for his defence. In civil cases legal aid is available subject to a means and merits test. Civil legal aid comprises three schemes each with its own financial eligibility test, currently each scheme has different capital and income limits.

These limits are:

Legal Aid Advice and Assistance

Disposable Income Limit - Lower Limit € 116 per week

Upper Limit € 271 per week

Disposable Capital Limit € 1160

Assistance by Way of Representation (ABWOR)

Disposable Income Limit - Lower limit € 116 per week

Upper Limit € 271 per week

Disposable Capital Limit € 3480

Civil Legal Aid

Disposable Income Limit - Lower Limit € 3892 per annum

Upper Limit €11,527per annum (except for personal injury cases €12,708 per annum )

Disposable Capital Limit - Lower Limit € 3480

Upper Limit € 7830 (except for personal injury cases €9930 )

Contributions may be payable subject to the financial eligibility assessment.

**24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?**

Yes

No

If yes, please explain the exact criteria for denying legal aid:

**25) Is the decision to grant or refuse legal aid taken by :**

the court?

an authority external to the court?



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

**26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?**

- Yes  
 No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

Needs further promotion and raised awareness

**27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:**

|                            |     |
|----------------------------|-----|
| criminal cases?            | Yes |
| other than criminal cases? | Yes |

**B.1**

**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

Exchange rate used in Answer 23 £1 = €1.16

**Please indicate the sources for answering the questions 20 and 23**

Answers 20 and 23 have been provided by the Northern Ireland Courts and Tribunal Service

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

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

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

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**The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:**

- 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 (e.g. downloadable forms, online registration)?  Yes

Comment :

A range of court documents are specified in court rules which can be accessed on <http://www.legislation.gov.uk/>

The Northern Ireland Courts and Tribunals Service also maintains a website which:-

- a) Contains case law
- b) Provides for online processing of a range of court business
- c) Provides information leaflets and court forms

<http://www.courtsni.gov.uk>

**29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?**

- Yes  
 No

If yes, please specify:

Yes, depending on the court proceedings the timeframe of proceedings may be specified in legislation.

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

Yes

No

If yes, please specify:

Victim Support Northern Ireland is the charity which helps people affected by any type of crime. They provide emotional support, information and practical help to victims, witnesses and others affected by crime.

<http://www.victimsupportni.co.uk/>

**31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.**

**[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]**

|   | Information mechanism | Special arrangements in court hearings | Other |
|---|-----------------------|--|-------|
| Victims of rape                           | No                    | Yes                                    | No    |
| Victims of terrorism                      | No                    | Yes                                    | No    |
| Children (witnesses or victims)           | No                    | Yes                                    | No    |
| Victims of domestic violence              | No                    | Yes                                    | No    |
| Ethnic minorities                         | No                    | Yes                                    | No    |
| Disabled persons                          | No                    | Yes                                    | No    |
| Juvenile offenders                        | No                    | Yes                                    | No    |
| Other (e.g. victims of human trafficking) | No                    | Yes                                    | No    |

Comment :

For all witness in proceedings special measures may be applied for which may (depending on the circumstances) permit:-

Evidence to be given by way of video link

Screened Evidence

Evidence in chief by video evidence

Electronic evidence presentation

Interpreters (including language and for those with a disability).

Special arrangements exist for juveniles (called Youth in Northern Ireland) where the court sits without the usual formality of wigs and gowns, and the defendants are not required to sit in the dock.

**32) Does your country allocate compensation for victims of crime?**

Yes

No

If yes, for which kind of offences

Offences arising from crimes of violence.

**33) If yes, does this compensation consist in:**

a public fund?

damages to be paid by the responsible person (decided by a court decision)?

a private fund?

**34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?**

Yes No

If yes, please inform about the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

**35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?**

 Yes No

If yes, please specify:

Prosecutors are required to apply the PPS Code for Prosecutors, PPS Victims & Witnesses Policy and the Policy on the Giving of Reasons in case of No prosecution in all relevant instances. Though the prosecutor does not represent the victim or witness, they ensure for example that they are provided with information in relation to case progression and outcomes, ensure that applications are made to the court for special measures and anonymity where witnesses are eligible and provide reasons for decisions not to prosecute.

**36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?**

-----

**Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a judicial decision".**

 Yes No

NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A judicial decision is needed).

If necessary, please specify:

A Public Prosecutor will take a decision not to prosecute and will take decisions to discontinue a case or withdraw charges where appropriate. There is a process of referral by a prosecutor to their line management for advice where required.

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**

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

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

**38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)**

- (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 the parties

(Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)

(Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

#### PROSECUTORS

There are numerous surveys which enable Public Prosecutors to express views in relation to different aspects of the criminal justice system in general. Views are also captured through a large number of working groups in which the Public Prosecution Service participates.

#### NORTHER IRELAND COURT SERVICE

The NICTS conducts biennial customer exit surveys. These have been conducted in 2005, 2007 and more recently 2011. These are published on the NICTS website <http://www.courtsni.gov.uk>

#### 39) If possible, please specify:

|                           | Surveys at a regular interval (for example annual) | Occasional surveys |
|---------------------------|--|--------------------|
| Surveys at national level | Yes  | No                 |
| Surveys at court level    | No   | No                 |

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

Yes

No

#### 41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

|  | Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.) | Time limit for dealing with the complaint | No time limits |
|--|--|---|----------------|
| Court concerned                        | No   | No  | No             |
| Higher court                           | No   | No  | No             |
| Ministry of Justice                    | No   | No  | No             |
| High Council of the Judiciary          | No   | No  | No             |
| Other external bodies (e.g. Ombudsman) | No   | No  | No             |

Comment :

### 3. Organisation of the court system

#### 3. 1. Functioning

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

**42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

|   | Total number |
|---|--------------|
| 42.1 First instance courts of general jurisdiction (legal entities)   | 27           |
| 42.2 First instance specialised Courts (legal entities)   | NA           |
| 42.3 All the Courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts) | NA           |

**43) Number (legal entities) of first instance specialised courts (or specific judicial order). If "other specialised 1st instance courts", please specify it in the "comment" box below. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

|  |    |
|--|----|
| Total (must be the same as the data given under question 42.2) | NA |
| Commercial courts  | NA |
| Labour courts  | NA |
| Family courts  | NA |
| Rent and tenancies courts                                      | NA |
| Enforcement of criminal sanctions courts                       | NA |
| Administrative courts  | NA |
| Insurance and / or social welfare courts                       | NA |
| Military courts  | NA |
| Other specialised 1st instance courts                          | NA |

Comment :

**44) Is there a foreseen change in the structure of courts [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:

The Northern Ireland Court and Tribunal Service is in the midst of a consultation process relating to the proposed closure of five courthouses.

**45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

|                                    | Number of courts |
|------------------------------------|------------------|
| a debt collection for small claims | 7                |
| a dismissal                        | NA               |
| a robbery                          | 20               |

**Please give the definition for small claims and indicate the monetary value of a small claim:**

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

**Please indicate the sources for answering questions 42, 43 and 45:**

Answer 42 and 45

Source of answer is the Northern Ireland Court and Tribunal Service. Definitions used are;  
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)

## 3. 1. 2. Judges and non-judge staff

**46) Number of professional judges sitting in courts (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Please provide in the "comment" box below any useful comment for interpreting the data above.**

\*\*\*\*\*

**[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.**

**Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]**

|  | Total | Males | Females |
|--|-------|-------|---------|
| Total number of professional judges (1 + 2 + 3)                    | NA    | NA    | NA      |
| 1. Number of first instance professional judges                    | NA    | NA    | NA      |
| 2. Number of second instance (court of appeal) professional judges | NA    | NA    | NA      |
| 3. Number of supreme court professional judges                     | NA    | NA    | NA      |

Comment :

**47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

|   | Total | Males | Females |
|---|-------|-------|---------|
| Total number of court presidents (1 + 2 + 3)                    | NA    | NA    | NA      |
| 1. Number of first instance court presidents                    | NA    | NA    | NA      |
| 2. Number of second instance (court of appeal) court presidents | NA    | NA    | NA      |
| 3. Number of supreme court presidents                           | NA    | NA    | NA      |

**48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2010). If necessary, please provide in the "comment" box below any information to explain the answer under question 48.**

Gross figure NA  
If possible, in full-time equivalent NA

Comment :

**49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2010) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury).**

Gross figure NA

**50) 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, Coroner's Court and some High Court civil cases.

**51) Number of citizens who were involved in such juries for the year of reference:**

25 000

**52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2010) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.**

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) NA

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal NA

2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars NA

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) NA

4. Technical staff NA

5. Other non-judge staff NA

Comment :

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

NAP

**54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?**

Yes

No

If yes, please specify:

**C.1**

**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 have been implemented over the

last two years

Please indicate the sources for answering questions 46, 47, 48, 49 and 52

3. 1. 3. Public prosecutors and staff

**55) Number of public prosecutors (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.**

|   | Total | Males | Females |
|---|-------|-------|---------|
| Total number of prosecutors (1 + 2 + 3)                             | 169   | NA    | NA      |
| 1. Number of prosecutors at first instance level                    | NA    | NA    | NA      |
| 2. Number of prosecutors at second instance (court of appeal) level | NA    | NA    | NA      |
| 3. Number of prosecutors at supreme court level                     | NA    | NA    | NA      |

Comment :

**56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.**

|  | Total | Males | Females |
|--|-------|-------|---------|
| Total number of heads of prosecution offices (1 + 2 + 3)                             | 4     | NA    | NA      |
| 1. Number of heads of prosecution offices at first instance level                    | NA    | NA    | NA      |
| 2. Number of heads of prosecution offices at second instance (court of appeal) level | NA    | NA    | NA      |
| 3. Number of heads of prosecution offices at supreme court level                     | NA    | NA    | NA      |

Comment :

**57) Do other persons have similar duties to public prosecutors?**

Yes

No

Number (full-time equivalent)

**58) If yes, please specify their title and function:**

**59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?**

Yes

No

**60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2010) (without the number of non-judge staff, see question 52) (in full-time equivalent and for**



permanent posts actually filled).

Number

Yes

377

## C.2

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 have been implemented over the last two years

Please indicate the sources for answering questions 55, 56 and 60

Information supplied by the Public Prosecution Service, Northern Ireland.

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

**61) Who is entrusted with responsibilities related to the budget within the court? If "other", please specify it in the "comment" box below.**

|                                | 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                                  | No  |

Comment :

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

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

|                                       |                |
|---------------------------------------|----------------|
| Word processing                       | 100% of courts |
| Electronic data base of jurisprudence | 100% of courts |
| Electronic files                      | 100% of courts |
| E-mail                                | 100% of courts |
| Internet connection                   | 100% of courts |

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

|                                     |                |
|-------------------------------------|----------------|
| Case registration system            | 100% of courts |
| Court management information system | 100% of courts |
| Financial information system        | 100% of courts |
| Videoconferencing                   | +50% of courts |

**64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts?**

|  |                |
|--|----------------|
| Electronic web forms                     | -50% of courts |
| Website                                  | 100% of courts |
| Follow-up of cases online                | 100% of courts |
| Electronic registers                     | 100% of courts |
| Electronic processing of small claims    | 0 % of courts  |
| Electronic processing of undisputed debt | 0 % of courts  |

|   |               |
|---|---------------|
| recovery                                  |               |
| Electronic submission of claims           | 0 % of courts |
| Videoconferencing                         | 0 % of courts |
| Other electronic communication facilities | 0 % of courts |

**65) The use of videoconferencing in the courts (details on question 65). Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.**

|  |   |   |   |  |
|--|---|---|---|--|
|  | 65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses? | 65.2 Can such court hearing be held in the police station and/or in the prison? | 65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence? | 65.4 Is videoconferencing used in other than criminal cases? |
|  | No  | No  | Yes   | Yes  |

Comment :

### C.3

**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. Performance and evaluation

### 3. 2. 1. Performance and evaluation

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

Yes

No

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

Northern Ireland Statistics and Research Agency - 4th Floor Laganside House, Oxford Street, Belfast, Northern Ireland.

**67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?**

Yes

No

**68) Do you have, within the courts, a regular monitoring system of court activities concerning:**

**The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).**

number of incoming cases?

number of decisions delivered?

number of postponed cases?

length of proceedings (timeframes)?

other?

If other, please specify:

Also record case disposal types and defendant details.

**69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?**

-----  
The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).

- Yes  
 No

Please specify:

The Northern Ireland Courts and Tribunal Service has a number of strategic and corporate objectives which are report on, on a quarterly basis.

**70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)**

- Yes  
 No

**71) Please select the 4 main performance and quality indicators that have been defined:**

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

If other, please specify:

**72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?**

- Yes  
 No

**73) Who is responsible for setting the targets for each judge?**

- 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 court (if no please skip to question 77)?**

- Yes  
 No

**75) Who is responsible for setting the targets for the courts?:**

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

If other, please specify:

**76) Please specify the main targets applied to the courts:**

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) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)**

- High Council of judiciary
- Ministry of justice
- inspection authority
- Supreme Court
- external audit body
- other

If other, please specify:

Northern Ireland Statistics and Research Agency provide quality assured statistical reports. All management grades are also responsible for evaluating the performance of their business area/teams on a periodic basis to ensure targets are on track to be met.

**78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?**

- Yes
- No

If yes, please specify:

Customer Service Excellence Standards apply to interaction with customers and how they are informed of services. There is also have an National Vocational Qualification in place for Court Clerks which includes customer service modules.

**79) Do you have specialised court staff that is entrusted with these quality standards?**

- Yes
- No

**80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:**

- in civil law cases
- in criminal law cases
- in administrative law cases

**81) Do you monitor waiting time during court procedures?**

- Yes
- No

If yes, please specify:

**82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?**  
-----

**This question does not concern the specific evaluation of performance indicators.**

Yes

No

Please specify 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 performance of the public prosecution service?**

Yes

No

If yes, please give further details:

Specific arrangements are in place to monitor the quality of Public Prosecution Service (PPS) legal casework. For example line Managers carry out regular dip sampling of casework to check quality of the work produced. The PPS also has a Quality Assurance Programme in place. Thematic reviews are carried out of practices and processes to ensure that best practice is implemented and that the strategic objectives set out in the PPS Corporate Plan for 2011-2014, in particular the provision of a first class prosecution service for Northern Ireland, are achieved. In common with other Northern Irish Civil Service Departments a performance management framework is maintained within the PPS. On an annual basis the PPS publishes an annual business plan which includes the organisation's performance objectives for the year ahead. Performance against these objectives must be accounted for in the PPS Annual Report, which is subject to audit by the NI Audit Office and may be scrutinised by the Northern Irish Assembly. The Chief Inspector of Criminal Justice Inspection Northern Ireland may, with the consent of the Attorney General, carry out an inspection or review of the Public Prosecution Service. A number of inspections are typically carried out each year. It should be noted that decisions to prosecute are subject to public scrutiny at trial. Decisions not to prosecute are also capable of being judicially reviewed.

**C.4**

**You can indicate below:**

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

## 4. Fair trial

### 4. 1. Principles

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

**84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a legal professional)?**

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) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate 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                                      |

**Please indicate the sources:**

### D.1

**You can indicate below any useful comments for interpreting the data mentioned in this chapter**

### 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?  
 there is no specific procedure

If yes, please specify:

Emergency applications can be made in each of these areas

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

- civil cases (small disputes)?  
 criminal cases (small offences)?  
 administrative cases?  
 there is no simplified procedure

If yes, please specify:

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 arrangements 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. Caseflow management and timeframes of judicial proceedings

**90) Comment:**

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

**91) First instance courts: number of other than criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note 1:** cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

**Note 2:** check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should reflect the total number of other than criminal law cases.

|   | Pending cases on 1 Jan. '10 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '10 |
|---|-----------------------------|----------------|----------------|------------------------------|
| Total of other than criminal law cases (1+2+3+4+5+6+7)*   | NA                          | NA             | NA             | NA                           |
| 1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*   | NA                          | NA             | NA             | NA                           |
| 2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)* | 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 (litigious and non-litigious)   | NA                          | NA             | NA             | NA                           |
| 7. Other cases (e.g. insolvency registry cases)   | NA                          | NA             | NA             | NA                           |

**92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:**

NA

**93) If "other cases", please indicate the case categories included:**

NA

**94) First instance courts: number of criminal law cases. If data is not available, please indicate NA. If the**

situation is not applicable in your country, please indicate NAP.

**Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.**

|   | Pending cases on 1 Jan. '10 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '10 |
|---|-----------------------------|----------------|----------------|------------------------------|
| 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                           |

**95) The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases may be difficult. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedures).**

-----  
**Please indicate, if feasible, what case categories are included under "severe criminal cases" and the cases included under "misdemeanour and /or minor criminal cases".**

NA

**96) Comments on questions 91 to 95. You can indicate, for instance, the specific situation in your country, give explanations on NA or NAP answers or explain the calculation of the total number of other than criminal law cases or differences in horizontal consistency, etc.**

**97) Second instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: the total of "other than criminal" cases includes all of the following categories (categories 1 to 7).**

|   | Pending cases on 1 Jan. '10 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '10 |
|---|-----------------------------|----------------|----------------|------------------------------|
| Total of other than criminal law cases (1+2+3+4+5+6+7)  | NA                          | NA             | NA             | NA                           |
| 1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*   | NA                          | NA             | NA             | NA                           |
| 2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)* | 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 (litigious and non-litigious)   | NA                          | NA             | NA             | NA                           |
| 7. Other cases (e.g. insolvency registry cases)   | NA                          | NA             | NA             | NA                           |

**98) Second instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

|                            | Pending cases on 1 Jan. '10 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '10 |
|----------------------------|-----------------------------|----------------|----------------|------------------------------|
| 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 :

**99) Highest instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: the total of "other than criminal law cases" includes all of the following categories (categories 1 to 7).**

|  | Pending cases on 1 Jan. '10 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '10 |
|--|-----------------------------|----------------|----------------|------------------------------|
| Total of other than criminal law cases (1+2+3+4+5+6+7)   | NA                          | NA             | NA             | NA                           |
| 1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)   | NA                          | NA             | NA             | NA                           |
| 2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7) | 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 (litigious and non-litigious)  | NA                          | NA             | NA             | NA                           |
| 7. Other cases (e.g. insolvency registry cases)  | NA                          | NA             | NA             | NA                           |

**100) Highest instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

|  | Pending cases on 1 Jan. '10 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '10 |
|--|-----------------------------|----------------|----------------|------------------------------|
| 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 :

**101) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

|                            | Pending cases on 1 Jan. '10 | Incoming cases | Resolved cases | Pending cases on 31 Jan. '10 |
|----------------------------|-----------------------------|----------------|----------------|------------------------------|
| Litigious divorce cases    | NA                          | NA             | NA             | NA                           |
| Employment dismissal cases | NA                          | NA             | NA             | NA                           |
| Robbery cases              | NA                          | NA             | NA             | NA                           |
| Intentional homicide       | NA                          | NA             | NA             | NA                           |

**102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

-----

**[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure. New: the question concerns first, second and third instance proceedings.]**

|                            | % of decisions subject to appeal | % pending cases more than 3 years | Average length in 1st instance (in days) | Average length in 2nd instance (in days) | Average length in 3rd instance (in days) | Average total length of the total procedure (in days) |
|----------------------------|----------------------------------|-----------------------------------|--|--|--|---|
| Litigious divorce cases    | NA                               | NA                                | NA                                       | NA                                       | NA                                       | NA  |
| Employment dismissal cases | NA                               | NA                                | NA                                       | NA                                       | NA                                       | NA  |
| Robbery cases              | NA                               | NA                                | NA                                       | NA                                       | NA                                       | NA  |
| Intentional homicide       | NAP                              | NAP                               | NAP                                      | NAP                                      | NAP                                      | NAP   |

**103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):**

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

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

NA

**105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):**

- to conduct or supervise police investigation
- to conduct investigations
- 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 discontinue a case without requiring a judicial decision (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "other significant powers", please specify:

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

- Yes
- No

If yes, please specify:

**107) Case proceedings managed by the public prosecutor: total number of 1st instance criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

|   | Received by the public prosecutor | Cases discontinued by the public prosecutor (see 108 below) | Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor | Cases charged by the public prosecutor before the courts |
|---|-----------------------------------|---|--|--|
| Total number of 1st instance criminal cases | NA                                | NA  | NA   | NA   |

**108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

|  | Number |
|--|--------|
| Total cases which were discontinued by the public prosecutor (1+2+3)   | NA     |
| 1. Discontinued by the public prosecutor because the offender could not be identified                            | NA     |
| 2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation | NA     |
| 3. Discontinued by the public prosecutor for reasons of opportunity  | NA     |

**109) Do the figures include traffic offence cases?**

Yes

No

**D.2**

**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 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.**

## 5. Career of judges and public prosecutors

### 5. 1. Recrutement and promotion

#### 5. 1. 1. Recrutement and promotion

##### 110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If other, please specify:

The Northern Ireland Judicial Appointments Commission (NIJAC) post devolution of justice is now a recommending and an appointing body. NIJAC selects and appoints to non Crown judicial offices which are mainly fee-paid offices in various courts and tribunals throughout Northern Ireland. It continues to select and make recommendations for Crown appointments to Her Majesty The Queen via the Lord Chancellor, up to and including, High Court Judge.

In addition, NIJAC now has a statutory obligation to determine some non-pecuniary items in Terms and Conditions (of those not set by the Lord Chancellor) and has a joint responsibility with the Department of Justice for the judicial complement and succession planning.

##### 111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

**[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].**

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

NA

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

- Yes
- No

If no, which authority is competent for the promotion of judges ?

NA

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

NA

##### 114) Is there a system of qualitative individual assessment of the judges' activity?

- Yes
- No

##### 115) Is the status of prosecution services:

- Indépendant?
- Under the authority of the Minister of justice ?

Other?

Please specify:

**116) How are public prosecutors recruited?**

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If "other", please specify:

**117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:**

**[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]**

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

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

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

- Yes
- No

If no, please specify which authority is competent for promoting public prosecutors:  
All legal post are publicly advertised. Normally there is no internal promotion.

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

External Recruitment

**120) Is there a system of qualitative individual assessment of the public prosecutors' activity?**

- Yes
- No

**121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

- Yes
- No

If yes, are there exceptions? (e.g. dismissal as a disciplinary sanction)? Please specify:

**122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.**

|  |   |
|--|---|
|  | Duration of probation period (in years) |
|  |   |

|  |    |
|--|----|
|  | NA |
|--|----|

**123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

- Yes  
 No

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:  
 Normal attendance / performance management issues. Surplus situations, public spending cuts to services. Temporary appointments.

**124) If there is a probation period for public prosecutors, how long is this period? If the situation is not applicable in your country, please indicate NAP.**

|  |   |
|--|---|
|  | Duration of the probation period (in years) |
|  | 1   |

**125) If the mandate for judges is not for an undetermined period (see question 121), is it renewable? What is the length of the mandate (in years)?**

NA

**126) If the mandate for public prosecutors is not for an undetermined period (see question 123), is it renewable? What is the length of the mandate (in years)?**

NA

#### E.1

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

The Public Prosecution Service recruits temporary legals to cover maternity leave.

## 5. 2. Training

### 5. 2. 1. Training

**127) Training of judges**

|   |            |
|---|------------|
| Initial training (e.g. attend a judicial school, traineeship in the court)                                | Optional   |
| General in-service training   | Optional   |
| In-service training for specialised judicial functions (e.g. judge for economic or administrative issues) | Compulsory |
| In-service training for management functions of the court (e.g. court president)                          | Optional   |
| In-service training for the use of computer facilities in courts  | Optional   |

**128) Frequency of the in-service training of judges:**

|  |                            |
|--|----------------------------|
| General in-service training  | Annual                     |
| In-service training for specialised judicial functions (e.g. judge for economic or | Occasional (e.g. at times) |

|  |                            |
|--|----------------------------|
| administrative issues)   |                            |
| In-service training for management functions of the court (e.g. court president) | Occasional (e.g. at times) |
| In-service training for the use of computer facilities in courts                 | Occasional (e.g. at times) |

### 129) Training of public prosecutors

|   |            |
|---|------------|
| Initial training  | Compulsory |
| General in-service training   | Compulsory |
| In-service training for specialised functions (e.g. public prosecutor specialised on organised crime) | Compulsory |
| In-service training for management functions of the court (e.g. Head of prosecution office, manager)  | Compulsory |
| In-service training for the use of computer facilities in office                                      | Optional   |

### 130) Frequency of the in-service training of public prosecutors

|   |                            |
|---|----------------------------|
| General in-service training   | Annual                     |
| In-service training for specialised functions (e.g. public prosecutor specialised on organised crime) | Annual                     |
| In-service training for management functions of the court (e.g. Head of prosecution office, manager)  | Annual                     |
| In-service training for the use of computer facilities in office                                      | Occasional (e.g. at times) |

**131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate in the "comment" box below the budget of such institution(s). If your judicial training institutions do not correspond to these criteria, please specify it.**

|  | Initial training only | Continuous training only | Initial and continuous training |
|--|-----------------------|--------------------------|---------------------------------|
| One institution for judges                             | No                    | No                       | Yes                             |
| One institution for prosecutors                        | NA                    | NA                       | NA                              |
| One single institution for both judges and prosecutors | No                    | No                       | No                              |

Comment :

The budget for the institution for training judges is € 106,963.52

## E.2

**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

It will be noted that very little judicial training is compulsory – and that is limited to specialist functions such as hearing rape type cases or presiding in family proceedings where the judge doesn't sit until 'ticketed' for that type of hearing and the ticketing involves specialist training. While all other training is optional in the sense that no-one is compelled to avail of it all judges are strongly encouraged to present themselves for training and, by and large, they all do for induction training and the vast majority do for in service training. The budget figure was that set for last year's judicial training and includes the budget for training lay magistrates.

### 5. 3. Practice of the profession

#### 5. 3. 1. Practice of the profession

#### 132) Salaries of judges and public prosecutors.

|   | Gross annual salary in €, on 31 December 2010 | Net annual salary in €, on 31 December 2010 |
|---|---|---|
| First instance professional judge at the beginning of his/her career  |   |   |
| Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)                                      |   |   |
| Public prosecutor at the beginning of his/her career  |   |   |
| Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General) |   |   |

Comment :

#### 133) Do judges and public prosecutors have the following additional benefits?

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

#### 134) If other financial benefit, please specify:

NA

#### 135) Can judges combine their work with any of the following other functions ?

|                          | With remuneration | Without remuneration |
|--------------------------|-------------------|----------------------|
| Teaching                 | No                | No                   |
| Research and publication | No                | No                   |
| Arbitrator               | No                | No                   |
| Consultant               | No                | No                   |
| Cultural function        | No                | No                   |
| Political function       | No                | No                   |
| Other function           | No                | No                   |

#### 136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

NA

#### 137) Can public prosecutors combine their work with any of the following other functions ?

|          | With remuneration | Without remuneration |
|----------|-------------------|----------------------|
| Teaching |                   |                      |



|                          |    |    |
|--------------------------|----|----|
|                          | No | No |
| Research and publication | No | No |
| Arbitrator               | No | No |
| Consultant               | No | No |
| Cultural function        | No | No |
| Political function       | No | No |
| Other function           | No | No |

**138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:**

NA

**139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?**

Yes

No

If yes, please specify the conditions and possibly the amounts:

NA

## 5. 4. Disciplinary procedures

### 5. 4. 1. Disciplinary procedures

**140) Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?**

- Citizens
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other?
- This is not possible

If "executive power" and/or "other", please specify:

**141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):**

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other?
- This is not possible

If "executive power" and/or "other", please specify:

Northern Ireland Civil Service - Employer

**142) Which authority has disciplinary power on judges? (multiple options possible):**

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other?

If "executive power" and/or "other", please specify:

**143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):**

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other?

If "executive power" and/or "other", please specify:

Northern Ireland Civil Service - Employer

**144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

|                                  | Judges | Public prosecutors |
|----------------------------------|--------|--------------------|
| Total number (1+2+3+4)           | NA     | NA                 |
| 1. Breach of professional ethics | NA     | NA                 |
| 2. Professional inadequacy       | NA     | NA                 |
| 3. Criminal offence              | NA     | NA                 |
| 4. Other                         | NA     | NA                 |

Comment :

**145) Number of sanctions pronounced against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

|                             |    |    |
|-----------------------------|----|----|
| Total number (total 1 to 9) | NA | NA |
| 1. Reprimand                | NA | NA |
| 2. Suspension               | NA | NA |
|                             |    |    |

|  |    |    |
|--|----|----|
| 3. Removal of cases                                  | NA | NA |
| 4. Fine  | NA | NA |
| 5. Temporary reduction of salary                     | NA | NA |
| 6. Position downgrade                                | NA | NA |
| 7. Transfer to another geographical (court) location | NA | NA |
| 8. Resignation                                       | NA | NA |
| 9. Other   | NA | NA |

Comment :

### E.3

**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

**Please indicate the sources for answering questions 144 and 145**

## 6. Lawyers

### 6. 1. Status of the profession and training

#### 6. 1. 1. Status of the profession and training

**146) Total number of lawyers practising in your country.**

604

**147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?**

Yes

No

**148) Number of legal advisors who cannot represent their clients in court:**

NA

**149) Do lawyers have a monopoly on legal representation in (multiple options are possible):**

Civil cases?

Criminal cases - Defendant?

Criminal cases - Victim?

Administrative cases?

There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

NGO, Personal Litigants, Solicitors, Solicitor Advocates.

**150) Is the lawyer profession organised through? (multiple options possible)**

a national bar?

a regional bar?

a local bar?

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

Yes

No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

**152) Is there a mandatory general system for lawyers requiring in-service professional training?**

Yes

No

**153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?**

Yes

No

If yes, please specify:

Barristers who practice in specific areas of legal practice are organised in Bar Associations which provide specialist professional training. Barristers who wish to become Senior Counsel must complete an independent appointment process to attain the credential of Queens Counsel

### F.1

**Please indicate the sources for answering questions 146 and 148:**

-----

**Comments for interpreting the data mentioned in this chapter:**

Answer 146 - this figure only relates to barristers who are members of the Bar Council in Northern Ireland. Information has been provided by the Bar Council of Northern Ireland The total number of lawyers is unavailable.

## 6. 2. Practising the profession

### 6. 2. 1. Practising the profession

**154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?**

- Yes  
 No

**155) Are lawyers' fees freely negotiated?**

- Yes  
 No

**156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?**

- Yes laws provide rules  
 Yes standards of the bar association provide rules  
 No, neither laws nor bar association standards provide rules

### F.2

**Useful comments for interpreting the data mentioned in this chapter:**

## 6. 3. Quality standards and disciplinary proceedings

### 6. 3. 1. Quality standards and disciplinary proceedings

**157) Have quality standards been determined for lawyers?**

- Yes  
 No

If yes, what are the quality criteria used?

Practising barristers are subject to the Bar Council Code of Conduct and Constitution and Bye Laws of the Inn of Court of Northern Ireland - Fitness to Practice Rules  
 Barristers must also satisfy criteria annually on their application for a practicing certificate

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

- the bar association?  
 the Parliament?  
 other?

If "other", please specify:

The Bar Council as the regulatory body

**159) Is it possible to file a complaint about :**

- the performance of lawyers?  
 the amount of fees?

Please specify:

The Bar Council is the regulatory body and complaints against barristers are investigated by the Professional Conduct Committee of the Bar Council.

**160) Which authority is responsible for disciplinary procedures?**

- the judge  
 the Ministry of justice  
 a professional authority  
 other

If other, please specify:

**161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

|        | Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4) | 1. Breach of professional ethics | 2. Professional inadequacy | 3. Criminal offence | 4. Other |
|--------|--|----------------------------------|----------------------------|---------------------|----------|
| Number | 1  | NA                               | NA                         | NA                  | NA       |

Comment :

Information only available for barristers in Northern Ireland.

**162) Sanctions pronounced against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

|        | Total number of sanctions (1 + 2 + 3 + 4 + 5) | 1.Reprimand | 2. Suspension | 3. Removal | 4. Fine | 5. Other (e.g. disbarment) |
|--------|---|-------------|---------------|------------|---------|----------------------------|
| Number | 4   | NA          | NA            | NA         | NA      | 4                          |

Comment :

Professional guidance, training and advice.

Information only available for barristers in Northern Ireland.

**F.3**

**You can indicate below any useful comments for interpreting the data mentioned in this chapter**

## 7. Alternative Dispute Resolution

### 7. 1. Alternative Dispute Resolution

#### 7. 1. 1. Alternative Dispute Resolution

**163) Does the legal system provide for mediation procedures? If no skip to question 168**

-----

**[Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).]**

- Yes
- No

**164) Please specify, by type of cases, the organisation of judicial mediation:**

|                                | Court annexed mediation | Private mediator | Public authority (other than the court) | Judge | Public prosecutor |
|--------------------------------|-------------------------|------------------|---|-------|-------------------|
| Civil and commercial cases     | Yes                     | Yes              | No                                      | No    | No                |
| Family law cases (ex. Divorce) | Yes                     | Yes              | No                                      | No    | No                |
| Administrative cases           | No                      | Yes              | No                                      | No    | No                |
| Employment dismissals          | No                      | No               | No                                      | No    | No                |
| Criminal cases                 | No                      | No               | No                                      | No    | No                |

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

- Yes
- No

If yes, please specify:

**166) Number of accredited or registered mediators who practice judicial mediation:**

NA

**167) Number of judicial mediation procedures.**

-----

**Please indicate the source in the "comment" box below:**

|   |     |
|---|-----|
| Total number of cases (total 1+2+3+4+5) | NA  |
| 1. civil cases                          | NA  |
| 2. family cases                         | NA  |
| 3. administrative cases                 | NA  |
| 4. employment dismissals cases          | NAP |
| 5. criminal cases                       | NAP |

Comment :

**168) Does the legal system provide for the following ADR.**

**If "other", please specify it in the "comment" box below:**

|  |     |
|--|-----|
| Mediation other than judicial mediation? | Yes |
| Arbitration?                             | No  |
| Conciliation?                            |     |

|                                       |    |
|---------------------------------------|----|
|                                       | No |
| Other alternative dispute resolution? | No |

Comment :

Provisions are made for ADR outside of the legal system in Northern Ireland. There is momentum behind the enhanced development of ADR.

**G.1**

- 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

**Please indicate the source for answering question 166:**

Northern Ireland Courts and Tribunal Service



## 8. Enforcement of court decisions

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

#### 8. 1. 1. Functioning

**169) Do you have enforcement agents in your judicial system?**

- Yes  
 No

**170) Number of enforcement agents**

16

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

- judges?  
 bailiffs practising as private professionals under the authority (control) of 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.

**172) Is there a specific initial training or examination to become an enforcement agent?**

- Yes  
 No

**173) Is the profession of enforcement agents organised by?**

- a national body?  
 a regional body?  
 a local body?  
 NAP (the profession is not organised)

**174) Are enforcement fees easily established and transparent for the court users?**

- Yes  
 No

**175) Are enforcement fees freely negotiated?**

Yes

No

**176) Do laws provide any rules on enforcement fees (including those freely negotiated)?**

Yes

No

**Please indicate the source for answering question 170:**

Northern Ireland Courts and Tribunal Service

8. 1. 2. Efficiency of enforcement services

**177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?**

Yes

No

**178) Which authority is responsible for supervising and monitoring enforcement agents?**

a professional body?

the judge?

the Ministry of justice?

the public prosecutor?

other?

If 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.

**179) Have quality standards been determined for enforcement agents?**

Yes

No

If yes, what are the quality criteria used?

**180) If yes, who is responsible for establishing these quality standards?**

a professional body

the judge

the Ministry of Justice

other

If "other", please specify:

**181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?**

Yes

No

if yes, please specify

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

- Yes  
 No

If yes, please specify

**183) What are the main complaints made by 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?

If other, please specify:

**184) 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:

**185) Is there a system measuring the timeframes of the enforcement procedures:**

- for civil cases?  
 for administrative cases?

**186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:**

NA

**187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

|   |    |
|---|----|
| Total number of disciplinary proceedings<br>(1+2+3+4) | NA |
| 1. for breach of professional ethics                  | NA |
| 2. for professional inadequacy                        | NA |
| 3. for criminal offence                               | NA |
| 4. Other  | NA |

Comment :

**188) Number of sanctions pronounced against enforcement agents.**

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

|                                       |    |
|---------------------------------------|----|
| Total number of sanctions (1+2+3+4+5) | NA |
| 1. Reprimand                          | NA |
| 2. Suspension                         | NA |
| 3. Dismissal                          | NA |
| 4. Fine                               | NA |
| 5. Other                              | NA |

Comment :

**H.1**

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 186, 187 and 188:

Northern Ireland Courts and Tribunal Service

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

### 8. 2. 1. Execution of decisions in criminal matters

**189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)**

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

The Enforcement of Judgements Office, under the Northern Ireland courts and Tribunal Service.

**190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?**

- Yes
- No

**191) If yes, what is the recovery rate?**

- 80-100%
- 50-79%
- less than 50%
- it cannot be estimated

Please indicate the source for answering this question:

**H.2**

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. Notaries

#### 9. 1. 1. Notaries

**192) Do you have notaries in your country? If no go to question 197**

- Yes  
 No

**193) Are notaries:**

-----

**If other, please specify it in the "comment" box below.**

private professionals (without control from public authorities)?

NA

private professionals under the authority (control) of public authorities?

number

public agents?

number

other?

number

Comment :

**194) Do notaries have duties (multiple options possible):**

- within the framework of civil procedure?  
 in the field of legal advice?  
 to certify the authenticity of legal deeds and certificates?  
 other?

If "other", please specify:

**195) Is there an authority entrusted with supervising and monitoring the the notaries' activity?**

- Yes  
 No

**196) Which authority is responsible for supervising and monitoring notaries:**

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

If other, please specify:

NA

### I.1

**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**

## 10. Court interpreters

### 10. 1. Court interpreters

#### 10. 1. 1. Court interpreters

**197) Is the title of court interpreters protected?**

Yes

No

**198) Is the function of court interpreters regulated by legal norms?**

Yes

No

**199) Number of accredited or registered court interpreters:**

NA

**200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?**

Yes

No

If yes, please specify (e.g. having passed a specific exam):

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.

**201) Are the courts responsible for selecting court interpreters? If no, please indicate in the "comment" box below which authority selects court interpreters.**

Yes  for recruitment and/or appointment for a specific term of office

Yes  for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

-  No

Comment :

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.

### J.1

**You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

**Please indicate the sources for answering question 199:**

Northern Ireland Courts and Tribunal Service

## 11. Judicial experts

### 11. 1. Judicial experts

#### 11. 1. 1. Judicial experts

**202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):**

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation
- "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal
- "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision)

**203) Is the title of judicial experts protected?**

- Yes
- No

**204) Is the function of judicial experts regulated by legal norms?**

- Yes
- No

**205) Number of accredited or registered judicial experts (technical experts)**

NAP

**206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?**

- Yes
- No

If yes, please specify, in particular the given time to provide a technical report to the judge:

**207) Are the courts responsible for selecting judicial experts?**

-----

**If no, please indicate in the "comment" box below which authority selects judicial experts?**

- Yes  for recruitment and/or appointment for a specific term of office
- Yes  for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No .

Comment :

#### **K.1**

**You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

Expert witnesses are bound by their own professional codes of conduct e.g. Doctors, Engineers.

**Please indicate the sources for answering question 205:**



## 12. Foreseen reforms

### 12. 1. Foreseen reforms

#### 12. 1. 1. Reforms

**208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged. If possible, please observe the following categories:**

- 1. (Comprehensive) reform plans**
- 2. Budget**
- 3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**
- 4. High Judicial Council**
- 5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.**
- 6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**
- 7. Enforcement of court decisions**
- 8. Mediation and other ADR**
- 9. Fight against crime and prison system**
- 10. Other**

The Department of Justice Northern Ireland are planning a number of reforms aimed at reducing delay in the criminal justice system and speeding up processing times for criminal cases. The reforms include:

- introduction of statutory time limits for criminal cases involving young offenders;
- removing the taking of oral evidence and cross examination of witnesses in proceedings to commit a case for trial in the Crown Court;
- providing better information to offenders about the credit available for a guilty plea to encourage those who will eventually plead guilty to do so at an early stage in proceedings; and
- streamlining the process for laying a complaint in court and issuing a summons.