



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

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 2013)

1 823 634

##### 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 or federal level	24 322 434 200
Regional / federal entity level (total for all regions / federal entities)	NA

##### 3) Per capita GDP (in €)

19 777

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

29 313

##### 5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

0,81546

##### A1. Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

1. Source: Northern Ireland Statistics and Research Agency June 2012 [Mail NC 14/05/2014 - Source: [http://www.nisra.gov.uk/archive/demography/population/midyear/Press\\_Notice\\_2012.pdf](http://www.nisra.gov.uk/archive/demography/population/midyear/Press_Notice_2012.pdf)]

2. Source: HM Treasury – Public Expenditure Statistical Analyses 2012/13

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 2012 (the latest available year).

4. Source: Northern Ireland Statistics and Research Agency – Northern Ireland Annual Survey of Hours and Earnings. Data relates to April 2013.

[Q3 mail from NC 14/05/2014 : €19,777 (Workplace based)

€20,442 (Residence based)

Source: <http://www.ons.gov.uk/ons/rel/regional-accounts/regional-gross-value-added--income-approach-/december-2013/stb-regional-gva-2012.html>]

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

##### 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	73 932 000
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	47 307 000
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	6 718 000
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	5 116 000

4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	22 100 000
5. Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	0
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	152 000
7. Other (please specify):		NAP

**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 figures provided in Q6 relate solely to the Northern Ireland Courts and Tribunal Service (NICTS). Public Prosecution Services and Legal Aid are not included within the NICTS budget.

"Other" equates to a budget of -€7,461,000 and includes auditors remuneration, income, staff travel, HR allowances, administration costs, consultancy costs, non cash costs, legal costs and other capital.

The last survey was completed using 2010/11 financial data since that a number of changes have occurred in NICTS these include:

- a major reform programme in 2011/12 resulting in a number of functions and their associated budget (4.78m euros in 2012/13) transferring to the Department of Justice. These included Criminal and Civil Policy, The Public Legal Services Division (Legal Aid Sponsorship) and Internal Audit.

- NICTS received statutory responsibility for nine Tribunals on 1 April 2011 resulting in a 1.2m euro increase in the 2012/13 NICTS budget.

- The responsibility for the Northern Ireland Parole Commissioners transferred to NICTS in May 2012, resulting in a 1.8m euro increase in the NICTS 2012/13 budget.

The austerity programme launched across public sector resulted in NICTS having to find accumulated savings of 28.7m euros across the four years of Budget 2010 (2011/12 to 2014-15). NICTS achieved accumulated savings of 12.56m euros by the end of 2012/13.

[Mail from NC sent on 08/05/2014 : The annual public budget allocated to "computerisation" has decreased compared to data for 2010. The reason is that in 2010/11 the computer hardware was replaced across the Northern Ireland Courts and Tribunal Service (NICTS) resulting in £3m of IT capital spend.

The annual public budget allocated to "justice expenses" has increased compared to data for 2010. Basically, the Parole Commissioners for Northern Ireland transferred into NICTS in May 2012, the budget for 8 Tribunals transferred to NICTS in April 2011, these transfers resulted in an increase in approximately £1.5m the justice expenses budget. Prior to 2012/13 the cost of interpreters was split across the justice family, these costs are now solely met by NICTS resulting in an increased budget requirement of £344k. There was also an increase in the budget requirement for jury expenses and the coroner's undertaker's contract.

The annual public budget allocated to "training and education" has decreased compared to data for 2010. Cost associated with generic training are now reflected in the central departmental budget and are funded through a budget transfer so are not reflected in these figures (approximately £30k per annum). NICTS has undergone major restructuring since devolution with a number of functions moving to the Department reducing the training budget. Also a part of on-going savings measures spend on areas such as external training has been reduced.]

**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 ie magistrates / county / court of judicature. Litigants can be partially or wholly exempt based on financial circumstances.

**8.1) Please briefly present the methodology of calculation of courts fees?**

Full cost recovery for civil court business.

**8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?**

€119.50 Small Claim

€195 Civil Bill

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

38 492 000

**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. (Question modified)**

**If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:**

	Amount (in €)
Total annual approved public budget allocated to legal aid (12.1 + 12.2)	92 250 000
12.1 Annual public budget allocated to legal aid for cases brought to court	NA
12.1.1 in criminal law cases	NA
12.1.2 in other than criminal law cases	NA
12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc)	NA

Comment :

**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                      42 860 000

Comment :

**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 courts	Evaluation of the use of the budget at a national level
Ministry of Justice	No	No	No	No
Other ministry	Yes	No	No	Yes
Parliament	No	No	No	No
Supreme Court	No	No	No	No
High Judicial Council	No	No	No	No
Courts	Yes	Yes	Yes	Yes
Inspection body	No	No	No	No
Other	No	No	No	No

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

The Northern Ireland Courts and Tribunal Service (NICTS) is an agency of the Department of Justice (DOJ). Therefore the other Ministry refers to the DOJ, the Northern Ireland Executive and the Department of Finance and Personnel.

**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

E-mail from the NC sent on 8 May 2014

Q. 6 :

The annual public budget allocated to "computerisation" has decreased compared to data for 2010. The reason is that in 2010/11 the computer hardware was replaced across the Northern Ireland Courts and Tribunal Service (NICTS) resulting in £3m of IT capital spend.

The annual public budget allocated to "justice expenses" has increased compared to data for 2010. Basically, the Parole Commissioners for Northern Ireland transferred into NICTS in May 2012, the budget for 8 Tribunals transferred to NICTS in April 2011, these transfers resulted in an increase in approximately £1.5m the justice expenses budget. Prior to 2012/13 the cost of interpreters was split across the justice family, these costs are now solely met by NICTS resulting in an increased budget requirement of £344k. There was also an increase in the budget requirement for jury expenses and the coroner's undertaker's contract.

The annual public budget allocated to "training and education" has decreased compared to data for 2010. Cost associated with generic training are now reflected in the central departmental budget and are funded through a budget transfer so are not reflected in these figures (approximately £30k per annum). NICTS has undergone major restructuring since devolution with a number of functions moving to the Department reducing the training budget. Also a part of on-going savings measures spend on areas such as external training has been reduced.

[Q14 mail from NC 14/05/2014 : Mail from the NC sent on 14/05/2014:

Parliament has been defined as the UK Parliament. The NI Assembly is our local governing body]

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

Q6 and 9 - Northern Ireland Courts and Tribunal Service. Q12 - Department of Justice. Q13 - Public Prosecution Service.

1. 1. 3. Budgetary data concerning the whole justice system

**15) The following data would be useful for information**

**15.1) (Former question 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

1392000000

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

Court (see question 6)	Yes
Legal aid (see question 12)	Yes
Public prosecution services (see question 13)	No
Prison system	Yes
Probation services	Yes
Council of the judiciary	Yes
Constitutional court	Yes
Judicial management body	Yes
State advocacy	Yes
Enforcement services	Yes
Notariat	No
Forensic services	Yes
Judicial protection of juveniles	Yes
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	No

Comment :

Budget figures exclude Public prosecution Service (Seperate Non Ministerial Department), Notariat, Refugees and Asylum Seekers Services.

## 2. Access to justice

### 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:

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

#### 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:

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

#### 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 for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

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Please specify in the "comment" box below, when appropriate.

[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	57400
in criminal cases	37000
other than criminal cases	20400

Comment :

Non criminal cases includes certificates granted under the ABWOR, Children Order and Civil Legal Aid schemes.

**20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

Number of cases
N/A

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?**  
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**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 ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.**  
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**Please provide in the "comment" box below any information to explain the figures provided.**

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	N/A	N/A
for other than criminal cases?	Yes	Yes

Comment :

Non-criminal cases: There are a number of civil Legal Aid Schemes in Northern Ireland which have different financial eligibility limits. There are also cases, prescribed by statute, in which a financial eligibility test is not applied.

The upper limits for applicants under the Civil Legal Aid Scheme are:

Amount of annual income: £9,937 (£10,995 in personal injury cases)

Amount of assets: £6,750 (£8,560 in personal injury cases)

These limits apply after an assessment has been completed by the Legal Aid Assessment Office which is part of the Social Security Agency and is independent from the Commission.

**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:

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



**25) In other than criminal cases, is the decision to grant or refuse legal aid taken by:**

- the court?  
 an authority external to the court?  
 a mixed 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?

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

**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

E-mail from the NC sent on 8 May 2014

Q. 25: The decision is taken externally to the courts for civil legal aid.

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

Q20 and Q23 - Northern Ireland Legal Services Commission

**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)? Internet address(es):  Yes

Comment :

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

The Northern Ireland Courts and Tribunal 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  
 Yes only in some specific situations

If yes only in some specific situations, 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 (see <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 sexual violence/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, forced marriage, sexual mutilation)	No	Yes	No

Comment :

For all witnesses 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

Intepreters (including language and for those with a disability)

Court appointed mediators for people with communication and language difficulties.

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.

**31.1) Is it possible for minors to be a party to a judicial proceedings :**

- Yes  
 No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.) :

In criminal proceedings children between 10 and 17 can be defendants.

**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 illustrate with available data concerning 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?**

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**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 decision by a judge".**

 Yes No NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge 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):

There is only a remedy for wrongful arrest.

**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:

**PUBLIC 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.

**NORTHERN IRELAND COURTS & TRIBUNAL SERVICE (NICTS):**

The NICTS conducts biennial customer exit surveys. They have been conducted in 2005, 2007 and more recently 2011. These are published on the NICTS website <http://www.courtsni.gov.uk>. Occasional local surveys are carried out for satisfaction with Jury catering and small claims proceedings. A survey of witness waiting times at court was carried out in 2013 which documented satisfaction while waiting to give evidence.

**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	Yes

**40) Is there a national or local procedure for making complaints about the functioning of the judicial system (for example the handling 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
Court concerned	No	No
Higher court	No	No
Ministry of Justice	No	No
High Council of the Judiciary	No	No
Other external bodies (e.g. Ombudsman)	No	No

Comment :

Complaints and possible disciplinary matters will be investigated in accordance with the Lord Chief Justice's Code of Practice on complaints.

**41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system**

NAP

### 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)	NAP
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 data is not available, please indicate NA.**

-----  
**If the situation is not applicable in your country, please indicate NAP.**

	Number
Total (must be the same as the data given under question 42.2)	NAP
Commercial courts (excluded insolvency courts)	
Insolvency courts	
Labour courts	
Family courts	
Rent and tenancies courts	
Enforcement of criminal sanctions courts	
Fight against terrorism, organised crime and corruption	
Internet related disputes	
Administrative courts	
Insurance and / or social welfare courts	
Military courts	
Other specialised 1st instance courts	

Comment :

[Q42.3 all the courts : Please see <http://www.courtsni.gov.uk/en-GB/ContactDetails/Pages/default.aspx>]

**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:

Closure of two courthouses - Bangor and Larne.

**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
a debt collection for small claims	13
a dismissal	NAP
a robbery	17

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

In general a small claim is one where the value of the claim is not more than £3000. Examples of small claims are for debts, unsatisfactory workmanship, faulty goods, claims to damage to your property. Excluded claims include claims in

relation to a road traffic accident, personal injuries or where the matter has been sent by the High Court to the County Court.

[Mail from the NC sent on 14/05/2014 : The number of first instance courts competent for a debt collection for small claims has increased in a significant way compared to data for 2010 (7 in 2010 and 13 in 2012). The figure of 13 reflects an increase of locations where small claims courts can be heard.]

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

Court Service publication available on website [www.courtsni.gov.uk](http://www.courtsni.gov.uk)

[Mail from the NC sent on 14/05/2014 Q42 :To clarify there are 3 levels of entry into the judicial system and the figure of 27 represents the number of actual court locations.]

3. 1. 2. Judges, court staff

**46) Number of professional judges sitting in courts (if possible on 31 December 2012) (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	NAP
Total number of professional judges (1 + 2 + 3)	70.2	54.6	15.6	
1. Number of first instance professional judges	57.2	41.6	15.6	
2. Number of second instance (court of appeal) professional judges	3	3	0	
3. Number of supreme court professional judges	10	10	0	

Comment :

Group 1 includes Masters, County Court Judges, District Judges, Coroners, Commissioners, President and Legal Member of Appeals Tribunal, Member of Lands Tribunal, Official Solicitor.

**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	NAP
Total number of court presidents (1 + 2 + 3)	6	5	1	
1. Number of first instance court presidents	4	3	1	
2. Number of second instance (court of appeal) court presidents	0	0	0	
3. Number of supreme court presidents	2	2	0	

**48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2012).**

**Please provide in the "comment" box below any information to explain the answer under question 48.**

Gross figure  Yes 563  
If possible, in full-time equivalent NA

Comment :

375 Judicial Officers and 188 Lay Magistrates.

This figure also includes Appeal Tribunal members who the Northern Ireland Court and Tribunal Service (NICTS) has administrative responsibility for (the Department for Social Development has statutory responsibility).

**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 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):**  
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**If such non-professional judges exists in your country, please specify it in the "comment" box below:**

Gross figure

NA

Comment :

**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, Coroners Court and some High Court civil cases.

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

25000

**52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2012) (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)  Yes (among which women) 739

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

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  Yes (among which women) 4 89

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)  Yes (among which women) 1 16

4. Technical staff  Yes (among which women) 6

5. Other non-judge staff  Yes (among which women) 128

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:

Cleaning, security, Catering for Jury Meals and IT Services.

**C1 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

In terms of Q47, the Presiding roles are held in concurrence with substantive Judicial Appointments: Presiding Coroner, President of Lands Tribunal, Presiding County Court Judge, Presiding District Judge (Magistrates' Courts), Presiding Lay Magistrate.

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

Northern Ireland Courts and Tribunal Service

3. 1. 3. Public prosecutors and staff

**55) Number of public prosecutors (if possible on 31 December 2012) (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	NAP
Total number of prosecutors (1 + 2 + 3)	176	67	109	
1. Number of prosecutors at first instance level	111	36	75	
2. Number of prosecutors at second instance (court of appeal) level	61	28	33	
3. Number of prosecutors at supreme court level	4	3	1	

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	NAP
Total number of heads of prosecution offices (1 + 2 + 3)	7	4	3	
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 :

Heads of prosecution offices are responsible for prosecutions at all levels.

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

- Yes  
 No  
 NA

Number (full-time equivalent)

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

NA

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

- Yes  
 No

**59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?**

Yes

**60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

Number  NA 390  
Among which women  NA 246

**C2 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.**

Public Prosecution Service

3. 1. 4. Management of the court budget

**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.

3. 1. 5. Use of Technologies in courts

**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 caselaw	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 ?**

-----

**Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.**

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	100% of courts
Electronic processing of undisputed debt recovery	100% of courts
Electronic submission of claims	-50% of courts
Videoconferencing	+50% of courts
Other electronic communication facilities	-10% of courts

Comment :

**65) The use of videoconferencing in the courts (details on question 63).**

-----

**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 or victims?	Yes
65.2 Can such court hearing be held in the police station and/or in the prison?	Yes
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?	Yes
65.4 Is videoconferencing used in other than criminal cases?	Yes

Comment :

**C3 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

**3. 2. Monitoring 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:

Analytical Services Group (Northern Ireland Court and Tribunal Service) - 4th Floor  
Laganside House, Oxford Street, Belfast, Northern Ireland, BT1 3LA.

**66.1) Does this institution publish statistics on the functioning of each court on the internet:**

Yes

No, only in an intranet website

No

**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, only in an intranet website

**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

If yes, please specify:

The Northern Ireland Courts and Tribunal Service has a number of strategic and corporate objectives which are reported on a quarterly basis. Additionally, data on business volumes are reported 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, Higher Court)  
 President of the 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)  
 President of the court  
 other

If other, please specify:

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

Case listings targets and case disposal targets apply in all court tiers along with various other targets in relation to responding to correspondence, and issued administrative judgments 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 :

The Analytical Services Group (NICTS), resourced by statisticians from the Northern Ireland Statistics and Research Agency (NISRA), 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 Services Excellence Standards apply to interaction with customers and how they are informed of services. There is also a National Vocational Qualification in place for Court Clerks which include customer service modules.

There are also performance standards set by the Lord Chief Justice for the processing of cases.

**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 and 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.

In addition, two Advocacy Monitors have recently been appointed in the PPS and their function will be to monitor the advocacy standards of prosecutors in court and make recommendations with regards to training to be provided where appropriate.

**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 principles

**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 lawyer)?**

NA

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

- Yes  
 No

Number of successful challenges (in a year):

NA

**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:**

NA

**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.



**88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?**

Yes

No

**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. Case flow 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 and criminal law cases.**

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 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 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
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. General 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. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases**	NA	NA	NA	NA
5. Non litigious business registry cases**	NA	NA	NA	NA
6. Administrative law cases	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) 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 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	NA	NA	NA	NA
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and / or minor criminal cases	NA	NA	NA	NA

**95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of deprivation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":**

NA

**96) Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)**

NA

**97) Second instance courts: total number of cases**

**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.**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
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. General 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. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases	NA	NA	NA	NA
5. Non litigious business registry cases	NA	NA	NA	NA
6. Administrative law cases	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

**98) 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	NA	NA	NA	NA
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and/or minor criminal cases	NA	NA	NA	NA

Comment :

**99) Highest instance courts: total number of cases**

**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.**

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
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. General 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. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases**	NA	NA	NA	NA
5. Non litigious business registry cases	NA	NA	NA	NA
6. Administrative law cases	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

**99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?**

Yes. If yes, please indicate the number of cases closed by this procedure?

No

Number

**100) 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	NA	NA	NA	NA
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and/or minor criminal cases	NA	NA	NA	NA

Comment :

**101) Number of litigious divorce cases, employment dismissal cases, insolvency, 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 January 2012	Incoming cases	Resolved cases	Pending cases on 31 December 2012
Litigious divorce cases	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA
Insolvency	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.]**

	% 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
Insolvency	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA	NA

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

In Northern Ireland, marriage and Civil Partnership Agreements (civil contracts between same sex couples) can be dissolved through divorce, nullity, and dissolution proceedings. All are litigious and there is no non-litigious option in Northern Ireland. Proceedings are commenced by way of petition and in the case of marital or civil partnership breakdown the petition may not be presented to the court before the expiration of the period of two years from the date of the marriage or civil partnership agreement. There is no time requirement for Nullity proceedings. Parties may also petition the court for judicial separation proceedings which if a decree is granted means that the petitioner is no longer obliged to cohabit with the respondent and effects how property is devolved on the death of an intestate party to the marriage.

**104) How is the length of proceedings calculated for the five 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 request 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 the enforcement procedure
- to discontinue a case without needing a decision by a judge (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:

Public prosecutors have other significant powers namely to take the decision to prosecute in all cases submitted by police.

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

- Yes
- No

If yes, please specify:

**106.1) Does the public prosecutor also have a role in insolvency 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	35180	17451		

**107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?**

	Before the court case:	During the court case:
If possible, please distinguish the number of guilty plea procedure:	NAP	NAP

**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)	17 451
1. Discontinued by the public prosecutor because the offender could not be identified	
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	
3. Discontinued by the public prosecutor for reasons of opportunity	

**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**

E-mail from the NC sent on 8 May 2014

QQ. 91-102:

Northern Ireland Courts and Tribunal Service (NICTS) considered but were not able to provide any data as the categories were very prescriptive eg non litigious/ litigious for civil / criminal and commercial and the data they collect is not the same way, so response they provided was NA.

**Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.**

## 5. Career of judges and public prosecutors

### 5. 1. Recruitment and promotion

#### 5. 1. 1. Recruitment 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.

##### 110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- Yes
- No

If "yes", please specify:

E-mail from the NC sent on 8 May 2014

NIJAC, as an appointing and recommending body is tasked by statute essential to appoint on merit from the widest possible eligible pool. There is no positive discrimination allowable. NIJAC has been working within a Joint Liaison Committee with the Bar Council and Law Society examining the position of women in the legal profession, and barriers particular to them regarding securing senior appointments. Various initiatives are in place such as mentoring and Women in the Law lecture series. I noticed NIJAC was described as having no judges on the commission. Our commissioners are drawn from Lay (5), legal profession (2) and judicials (5 including a Law Magistrate).

##### 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:

The Department of Justice (DOJ) and Northern Ireland Judicial Appointments Commission (NIJAC) agree any change to judicial complement (exception being High Court judges, as number set in statute. For replacement judges NIJAC agrees the Business Case provided DOJ.

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

Yes No

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

E-mail from the NC sent on 8 May 2014

Judges are not automatically promoted, if they wish to be appointed to a higher tier they must apply in open competition when the opportunity arises.

**112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?**

 Yes No

If "yes", please specify:

E-mail from the NC sent on 8 May 2014

NIJAC, as an appointing and recommending body is tasked by statute essential to appoint on merit from the widest possible eligible pool. There is no positive discrimination allowable. NIJAC has been working within a Joint Liaison Committee with the Bar Council and Law Society examining the position of women in the legal profession, and barriers particular to them regarding securing senior appointments. Various initiatives are in place such as mentoring and Women in the Law lecture series. I noticed NIJAC was described as having no judges on the commission. Our commissioners are drawn from Lay (5), legal profession (2) and judicials (5 including a Law Magistrate).

**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

If yes, please indicate the frequency

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

 Independent? 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:

E-mail from the NC sent on 8 May 2014

This information relates specifically to Public Prosecution Service of Northern Ireland.

**117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?**

- Yes
- No

If "yes", please specify:

E-mail from the NC sent on 8 May 2014

These questions have been answered specifically in relation to prosecutors by Public Prosecution Service of Northern Ireland.

**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.

**119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?**

- Yes
- No

If "yes", please specify:

E-mail from the NC sent on 8 May 2014

These questions have been answered specifically in relation to prosecutors by Public Prosecution Service of Northern Ireland.

**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)?**

-----

**If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below**

Yes. If yes, please indicate the compulsory retirement age	70
No	



Comment :

**121.1) Can a judge be transferred to another court without his consent:**

- For disciplinary reasons  
 For organisational reasons  
 For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards

**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 the probation period (in years)
Yes	
No	
NAP	X

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

-----

**If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:**

Yes. If yes, please indicate the compulsory retirement age	Yes
No	

Comment :

Normal NICS Terms & Conditions apply in terms of retirement and disciplinary actions.

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

	Duration of the probation period (in years)
Yes	1
No	
NAP	

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

NAP

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

- Yes Renewable  
 No

For public prosecutors : length of the mandate (in years):

**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 public prosecutors and the main reforms that have been implemented over the last two years

## 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 / Regular (e.g. every 3 months)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Occasional (e.g. at times)
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 / Regular (e.g. every 3 months)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Annual / Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Annual / Regular (e.g. every 3 months)
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 the budget of such institution(s) in the "comment" box below.

-----

**If your judicial training institutions do not correspond to these criteria, please specify it:**

	Initial training only	Continuous training only	Initial and continuous training	2012 budget of the institution, in €
One institution for judges	No	No	Yes	NA
One institution for prosecutors	NA	NA	NA	NA
One single institution for both judges and prosecutors	No	No	No	NA

Comment :

The 2012 budget of the institution, in Euros was 130,000.

**131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?**

Judges and Prosecutors are both recruited by means of an external competition and in house training is provided by Northern Ireland Judicial Appointments Commission in respect of judges and the PPS in respect of prosecutors.

**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 public prosecutors and the main reforms that have been implemented over the last two years**

Response / Comments:

Attendance at continuous training events is voluntary.

The programme in any given year will reflect the perceived needs for judicial training in that year and is determined by a number of factors including: developments in case law; newly commenced legislation; feedback from the judiciary; and, initiatives of the Lord Chief Justice (LCJ).

Most continuous training events are approximately one and a half hours duration. Induction training will cover a range of topics delivered over a sequence of days, some of which will involve residential attendance.

JSB is a member of the European Judicial Training network (EJTN), The International Organisation for Judicial Training (IOJT) and the International Association of Judges (IAJ).

Human Rights Law is mainstreamed into all judicial training and this applies for all tiers. More detailed data is not available. As JSB is a member of the EJTN, Judges from Northern Ireland occasionally attend training events which include the case law of the court.

### 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 2012	Net annual salary, in €, on 31 December 2012
First instance professional judge at the beginning of his/her career	122553	82228
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)	234229	129502
Public prosecutor at the beginning of his/her career	41000	
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)	53000	

Comment :

For a first instance professional judge we have included the salary of a District Judge and for the Highest Appellant Instance a Lord Justice of Appeal.

**133) Do judges and public prosecutors have 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:**

NAP

**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.**

NAP

**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:**

NAP

**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:

## 5. 4. Disciplinary procedures

### 5. 4. 1. Disciplinary procedures

**140) Who has been 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:

Lord Chief Justice

**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:

Lord Chief Justice

**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)	0	NA
1. Breach of professional ethics		
2. Professional inadequacy		
3. Criminal offence		
4. Other		

Comment :

**145) Number of sanctions pronounced in 2012 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.**

	Judges	Public prosecutors
Total number (total 1 to 9)	0	NA
1. Reprimand		
2. Suspension		
3. Removal of cases		
4. Fine		
5. Temporary reduction of salary		
6. Position downgrade		
7. Transfer to another geographical (court) location		
8. Resignation		
9. Other		

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 public prosecutors and the main reforms that have been implemented over the last two years

The below link provides a copy of the Protocol on Judicial Discipline as published on the Northern Ireland Courts and Tribunal Service website:

<http://www.courtsni.gov.uk/SiteCollectionDocuments/Northern%20Ireland%20Courts%20Gallery/About%20Us/Protocol%20on%20Discipline%20-%20Revised%205%20August%202011.pdf>

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

Office of the Lord Chief Justice

## 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.**

804 practicing barristers which includes full time, employed, external and independent members of the Bar Library

**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 with specific practices are organised in Bar Associations which provide specialist professional training and representation. Barristers who wish to become Senior Counsel must complete an independent appointment process to attain the credential of Queens Counsel.

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

The Bar Council of Northern Ireland.

**F1 Comments for interpreting the data mentioned in this chapter:**

[Q146 Mail from NC 14/05/2014: There is a number of influencing factors explaining the increase of the number of lawyers compared to 2010 – an increase in the number being called to the Bar, an increase in the number of applications from solicitors to transfer to the Bar, an increase in number of temporary call applications from outside the jurisdiction (i.e. Republic of Ireland, England and Wales), and a different administrative system now in operation for recording the issue of practicing certificates.]

## 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

**F2 Useful comments for interpreting the data mentioned in this chapter:**

Question 154 - This varies between criminal and civil practice.

Question 155 - In publically funded work, fees are increasingly laid out in statutory rules / practice directions / guidelines as standardised or scale fees. In privately funded work, fees are open to negotiation.

Question 156 - Practicing barristers are subject to the Bar Council Code of Conduct and Constitution of Bye Laws of the Inn of Court of Northern Ireland - Fitness to Practice Rules. Fees for publicly funded work laid out in statutory rules are accompanied by explanatory notes and guidelines on the procedure for claiming fees from the Legal Services Commission.

## 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?



Practicing barristers are subject to the Bar Council Code of Conduct and Constitution of 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. Newly qualified barristers must complete a mandatory period of pupillage under the supervision of a more senior practitioner. The Bar Council has instituted a mandatory Advocacy Training programme which must be completed a various stages.

**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 and representative 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:

If the complaints handling process finds evidence of misconduct, a disciplinary panel consisting of High Court Judiciary, senior barristers and lay persons is convened to determine the matter and recommend any discipline required.

**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.]**

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

Comment :

**162) Sanctions pronounced against lawyers.**

**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	1
2. Suspension	NA
3. Removal	NA
4. Fine	1
5. Other (e.g. disbarment)	NA

Comment :

**F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

## 7. Alternative Dispute Resolution

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

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

**163) Does the judicial system provide for judicial 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

**163.1) In some fields, does the judicial system provide for mandatory mediation procedures?**  
 -----

**If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.**

- Before going to court
- Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:

NAP

**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	Yes	No	No
Criminal cases	No	No	No	No	No

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

- Yes
- No

If yes, please specify:

Legal aid may be available for mediation of family disputes in certain circumstances.

**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	NA
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?	Yes
Conciliation?	Yes
Other alternative dispute resolution?	No

Comment :

**G.1 You can indicate below:**

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

Q164 E-mail from the NC sent on 8 May 2014:

Mediation is available for Employment dismissals via a public authority, other than the court (the Labour Relations Agency).

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

## 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

The Enforcement of Judgments Office has 58 Enforcement Agents. Please note that some officers have a more than one designation as described below.

#### 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 Enforcements of Judgments Office (EJO) an Enforcement Agent are the Master (Enforcements of Judgments Office), the Chief Enforcement Officer (including his Deputy), Enforcement Officers, Nominated Officers and the Registration Officer. 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 all the 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.

A Nominated Officer is an officer nominated by the Chief Enforcement Officer to conduct an examination of the means of a debtor and that officer has the power to administer oaths (so that the questions put to the debtor by a nominated officer) will be subject to the Perjury (NI) Order 1979.

A Registration Officer is the Officer designated for the time being to keep the Register of Judgments.

#### 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:**

Efficiency of enforcement services

E-mail from the NC sent on 8 May 2014

Q. 170:

Differences between data provided respectively in 2010 and 2012 are due to the fact that the previous return did not take account of those officers who have been designated as Nominated Officers, or the Registration Officer. It is not known if it was an oversight or not, but as both have a specific responsibility within EJO legislation, a decision was made to include them in this return. In addition, the number of enforcement officers was increased by 3 since the previous return.

[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, Enforcement Officers and Nominated Officers are under the supervision and control of the Northern Ireland Courts and Tribunal Service.

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

- Yes  
 No

If yes, what are the quality criteria used?

The quality of work of the Chief Enforcement Officer, Enforcement Officers and Nominated Officers are managed within the NICS Performance Management System and their conduct is governed by the NICS code of ethics.

**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:

The Lord Chief Justice for Northern Ireland would have responsibility for establishing judicial standards and control of the EJO Master, whilst NICTS would have responsibility of establishing standards of the Chief Enforcement Officer, Enforcement Officers and Nominated Officers.

**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 how the enforcement procedure is conducted by the enforcement agent?**

- Yes
- No

If yes, please specify

Line management are responsible for monitoring how enforcement procedure is conducted by the Chief Enforcement Officer, Enforcement Officers and Nominated Officers. Separate systems are in place for judicial functions.

**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 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 length of 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 initiated disciplinary proceedings (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 initiated 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 have been implemented over the last two years**

**Please indicate the sources for answering questions 186, 187 and 188:**

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

### 8. 2. 1. Functioning

**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 Police Service of Northern Ireland executes warrants.  
E-mail from the NC sent on 8 May 2014:

The position changed from 2010 in that we have been more specific in answering the 2012 return and literally applied the definition of enforcement as being all parties that are involved in the enforcement of judgements in criminal matters. Hence we have selected - Judge, Prison and Probation Services and Other Authority. Other Authority relates to the involvement of the Police Service of NI who execute warrants and also to the NI 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%  
 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. Statute

#### 9. 1. 1. Functionning

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

- Yes  
 No

**193) Are notaries:**

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

- private professionals (without control from public authorities)?  number
- private professionals under the authority (control) of public authorities?  number 29
- public agents?  number
- other?  number

Comment :

The warrant of appointment is issued by the Lord Chief Justice who can revoke limit and vary appointment.

**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:

A notary may also provide advice on and other services but there is no obligation on him / her to do so.

#### 9. 1. 2. Supervision

**195) Is there an authority entrusted with supervising and monitoring 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**

The College of Notaries Northern Ireland is the professional body of those solicitors practising as Notaries Public in Northern Ireland. The objectives of this body include the promotion, advancement and regulation of the profession of Notary Public in Northern Ireland.

**Please indicate the sources for answering question 193:**

Law Society of Northern Ireland

## 10. Court interpreters

### 10. 1. Court interpreters

#### 10. 1. 1. Functioning

**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:**

400

**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):

Intepreters (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 and Tribunal Service and the intepreting agency. All interpreters must have attained OCN level III in Community Intepreting. Intepreters in Crown Court trials are subject to the National Register of Public Service Intepreters Code of Conduct and as part of their admission to this Register must possess the Institute of Linguistics Diploma in Public Service Intepreting (DPSI) / CCI (forerunner to DPSI) or Metropolitan Police Test (post 1997) or Equilivant Level Intepreting Qualification at Honours Degree level and have more than 400 hours of proven Public Service Intepreting (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 :

The Courts do not select individual intepreters. The intepreters are provided by a separate Intepreter Agency under a contract which the Courts oversee. The Intepreter Agency is selected by the Courts and other justice system partners.

**J.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

E-mail from the NC sent on 8 May 2014

Q. 198:

Our system is similar to that used in England and Wales. The English response was that Title of Court interpreter is not protected nor are his functions regulated. We are not aware of any legal norms (what even is the definition of a "norm") yes there is guidance but there is no legislation or court rules in relation to interpreters. The sensible answer seemed to be "no".

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

Figures were provided by the Northern Ireland Court and Tribunal Service's main intepreter Agency.

## 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 specify in the "comments" 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 :

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

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

## 12. Foreseen reforms

### 12. 1. Foreseen reforms

#### 12. 1. 1. Foreseen 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 at this stage. 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)**

**3.1 Access to justice and legal aid**

**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**

**6.1 Personal status**

**7. Enforcement of court decisions**

**8. Mediation and other ADR**

**9. Fight against crim**

1. (Comprehensive) reform plans:

The Department is taking forward a programme of procedural and legislative reforms aimed at improving processing times in criminal cases.

#### Procedural Reform

Youth Engagement Clinics - aimed at reducing the number of youth cases that progress to court only to be withdrawn for a diversionary, non-court disposal, by introducing a meeting between youth specialists and the young person to explain if a diversionary disposal is available and the options available to the young person at that stage.

Measures to encourage earlier guilty pleas - focusing on removing procedural barriers, ensuring evidence is available at an early stage and identifying applicable cases at an early point.

Measures to improve processing times for forensic tests by:

Providing front-line police officers with a presumptive test to identify cannabis;

New Procedures for rapid analysis of cannabis;

introducing a new streamlined drugs analysis for white powder and tablets; and

development of staged reporting procedures to provide shorter, more focused reports at earlier stages in the trial.

#### Legislative Reform

Statutory Case Management to impose duties, via regulations, on the prosecution, the defence and the court in terms of management of criminal cases with a view to improving the preparation of cases, ensuring that cases are progressed in the most efficient way possible and reducing the number of adjournments whilst maintaining a focus on the need to secure justice.

Reform of Summons Process to allow for speedier delivery of summons, and use of electronic transmission between agencies and (potentially) the early sharing of summons with defence solicitors.

Provisions to encourage earlier guilty pleas to include proposals to place a duty on defence representatives to advise clients that credit is available for pleading guilty at an early stage and to require a court when sentencing to state the level of credit that would have been given if a guilty plea had been entered earlier.

Reform of Committal process to abolish the use of oral evidence and the cross examination of witnesses at committal; allow direct transfer (without committal) of indictable and either way offences to the Crown Court where the defendant intends to plead guilty; and to allow direct transfer (without committal) of specified offences to the Crown Court.

Prosecutorial Fines to create new powers to allow public prosecutors to offer a financial penalty to adult offenders who have committed a low-level offence as an alternative to prosecution.

2. Budget:

Ongoing series of legal aid reforms; and  
Prison service reforms.

3. Public prosecution service:

There are constant debates ongoing on Northern Ireland regarding the justice system. Current public consultations include one in relation to time limits in youth courts; revisions to the Police and Criminal Evidence Code of Practice; revised custodial arrangements for children.

#### 5. Legal Professionals - the Bar of Northern Ireland:

##### Foreseen reforms

Regulation of the Bar - the complaints handling and investigation stage will be transferred to the Benchers of the Inn of Court of Northern Ireland, resulting in constitutional changes, an increase in lay representation and governance procedures. Possible upcoming legislative changes as a result of the proposed Draft Legal Complaints and Regulation Bill (Northern Ireland) 2013.

Alternative Dispute Resolution - launch of the Bar Mediation Service.

Training - extension of the Advocacy Training Programme.

Standards - development of quality assurance / accreditation mechanism.

Entrants - the number of pupils joining the Bar will reduce from 35 to 20.