



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

EUROPEAN COMMISSION
FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

PILOT-SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS

SCHEME FOR EVALUATING JUDICIAL SYSTEMS

Country: NORTHERN IRELAND
.....

Contact Name: DEIDRE BOYLAN
.....

I. General information

1. Number of inhabitants

Number: 1,685,268
.....
Source:
.....

Year of reference:
...2002...

2. Total annual State/regional public budget

Budget:
.....
Source:
.....

Year of reference:
.....

3. Average gross annual salary

Salary:
.....
Source :

Year of reference:
.....

.....

II. Access to Justice and to all courts

II. A. Legal aid/cost of justice

4. Annual public budget spent on legal aid

Annual budget: **31.56 million euros** Year :**2002**

Source :

5. If possible, specify

- the annual public budget spent on legal aid in criminal cases

Annual budget: **17.30m. euros** Year :**2002**

Source :

- annual public budget spent on legal aid in other court cases

Annual budget: Year :**2002**

...**14.24m. euros**.....

Source :

6. Total number of legal aid cases (in a year)

Number of cases: Year :**2002**

...**88,233**.....

Source :

7. If possible, specify:

- the total number of legal aid cases in criminal matters (in a year)

Number of cases: **26,430**

Year :**2002**

Source :
.....
.....

- the total number of legal aid cases in other court cases (in a year)

Number of cases: **61,803**

Year :**2002**

8. Does your country have an income and asset test for granting legal aid?

Yes / No: **YES**

9. If yes, what is the maximum income level for granting legal aid?

Income level: **Legal advice and assistance is available to any person if: his disposable income does not exceed Euro 135 a week or he is (directly or indirectly) in receipt of income support or an income based job seeker allowance. In either case, his disposable capital must not exceed Euro 704.**

Legal aid is available to any person whose disposable income does not exceed Euro 6,553 (where legal aid is sought in connection with taking, defending or being a party to proceedings which include a claim in respect of personal injuries) or Euro 5,945 (in any other case). A person may be refused legal aid if his disposable income exceeds Euro 6,027 (where legal aid is sought in connection with taking, defending or being a party to proceedings which include a claim in respect of personal injuries) or Euro 4,753 (in any other case).

Year: **2002/2003**

10. Is it possible to refuse legal aid for lack of the merit of the case?
(eg. for frivolous or vexatious actions, or cases without merit)

Yes / No: **YES**
.....

If yes, is the decision taken by :
(please indicate the right answer)
external)

- the court - **in criminal cases**
- a body external to the court - **in civil cases**
- a mixed decision-making body (court and external)
- other:

What factors are taken into account ?

Factors:

The “Merits Test” applied is that the applicant must show to have reasonable grounds for bringing, or defending, the proceedings and it must be reasonable in all the circumstances for the applicant to obtain legal aid.

.....
.....

11. In general do litigants have to pay a court tax or fee to start a proceeding at a general jurisdiction court?

Yes / No / Otherwise: **YES**

.....

If yes, is this true for : - criminal cases? Yes / No **NO**
 - other than criminal cases? Yes / No **YES**

12. Does your country have a private system of legal expenses insurance for individuals?

Yes / No / Otherwise: **YES.**

.....

13. Do judicial decisions have an impact on who bears legal costs which are paid by the parties during the procedure?

Yes / No / Otherwise: **YES**

.....

If yes, is this true for : - criminal cases ? Yes / No **YES**
 - other than criminal cases? Yes / No **YES**

14. In your country, have studies been carried out on the costs of cases brought to courts concerning: - users? Yes / No
 - the State? Yes / No **YES**

If yes, please indicate the references of these studies published in the year 2002 or 2003:
(Author / instance) (Title) (Type of courts or costs reported on):

.....
Northern Ireland Court Service – Annual Report 2002/2003: provides information on the Court Service's performance against its strategic objectives and performance indicators as set out in its Corporate Plan.

.....
II. B. Users of the courts and victims

15. Are there official internet sites/portals (eg. Ministry of justice, etc..) through which the general public may have free access to: **YES**

- legal texts (eg. codes, laws, regulations, etc..)? Yes / No
internet address:

- to the case-law of the higher court/s? Yes / No
internet address:

- to other documents (for examples legal forms)? Yes / No
internet address:

If yes, please give the internet address

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

16. Is there a public and free-of-charge specific information system to inform and to help victims of crimes? Yes / No

NO

Comments:

17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime? Yes / No

NO

Comments:

The Victims Liaison Unit of the NIO do some work in this area.

18. Does your country have a public compensation fund to compensate financially victims of crimes? Yes / No

YES

Comments:

The Compensation Agency

19. Does your country have users' or legal professionals' (judges, lawyers, officials, etc.) surveys to measure public trust and satisfaction with the services delivered by the judiciary? Yes / No

YES

If yes, are these surveys

- at national level Yes / No

- at court level Yes / No

Public attitude surveys are carried out to ascertain confidence levels in the justice system.

20. Is there a national or local procedure for making complaints about the performance of the judiciary (eg. through an ombudsman)? Yes / No **YES**

Please specify:

- at court level/internal procedure Yes / No

- at court level/external procedure Yes / No

- at national level/internal procedure Yes / No

- at national level/external procedure Yes / No

Comments: **see scheme for England & Wales**

21. As a general rule, do the institutions which receive such complaints have an obligation to respond and/or to deal with the complaint within a certain time limit?

- time limit to respond: Yes / No **YES**

- time limit for dealing with the complaint: Yes / No **YES**

III. Functioning of courts and efficiency of justice

III. A. Functioning

22. Total number of courts

Number of courts:

.....

23. Number of general jurisdiction first instance courts

Number of courts: **22**

.....

24. Number of specialised first instance courts

Please specify the different areas of specialisation

(area of specialisation)

(number of courts)

Appeals to the Social Security Commissioner **1**

Enforcement of Judgments **1.....**

25. Number of professional judges sitting in courts

(present the information in full time equivalent and for permanent posts)

Number of judges: fte

Year :

..... **62**

2002.....

Source :

Northern Ireland Office.....

26. Number of non-professional judges sitting in courts

(present the information in full time equivalent and for permanent posts)

Number of judges: fte

Year :

There are no full time non-professional judges in Northern Ireland. However, there are 78 deputy judges who may be called upon on an ad hoc basis. There are also 879 Justices of Peace and 143 Lay Panel Members who may be called upon to provide judicial assistance.

Source :
.....

35. Total number of criminal cases dropped by the public prosecutor (in a year)

Number of cases: Year :
Source :
.....

Please indicate also, out of this total, those dropped as the offender has not been identified

Number of cases: Year :
Source :
.....

36. Total number of criminal cases which are concluded by a sanction/measure, imposed or negotiated by the public prosecutor (in a year)

Number of cases: Year :
Source :
.....

37. Total number of criminal cases charged by the public prosecutor before the courts (in a year)

Number of cases: Year :
Source :
.....

38. Total number of incoming criminal cases in the courts involving robbery cases (in a year)

Number of cases: Year :
Source :
.....

39. Total number of judicial decisions, involving robbery (in a year)

: Year :

..... Number of cases*: **123 persons were proceeded against, for robbery. This excludes attempts but includes armed robbery, hijacking – property and conspiracy to rob.**

*** This figure is not the number of incoming cases but the number of persons prosecuted at proceedings which resulted in a finding. Persons may have appeared at more than one proceeding.**

Year: 2001 is the most up-to-date available at present.

Source: Northern Ireland Office Statistics & Research Branch

Number of convicted persons:	93
% of convicted persons:	76%
Number of acquitted persons:	30
% of acquitted persons:	24%

.....
Source :
.....

Please indicate, if possible:

Number of convicted persons:	% of convicted persons:
Number of acquitted persons:	% of acquitted persons:

40. Percentage of decisions involving robbery subject to an appeal to a higher court (in a year)

Percentage of decisions: Year :

.....
Source :
.....

41. Total number of incoming criminal cases in the courts, involving intentional homicide (in a year)

Number of cases: **Ten persons were proceeded against for murder – excludes attempts but includes aiding and abetting murder.**

Year: **2001**

Source: **Northern Ireland Office Statistics & Research Branch**

*** This figure is not the number of incoming cases but the number of persons prosecuted at proceedings which resulted in a finding. Persons may have appeared at more than one proceeding.**

Year :

Source :

42. Total number of judicial decisions, involving intentional homicide (in a year)

Number of decisions: Number of decisions: **10**

Year: **2001**

Source: **Northern Ireland Office Statistics & Research Branch**

Number of convicted persons: **6**

% of convicted persons: **60%**

Number of acquitted persons: **4**

% of acquitted persons: **40%**

Year :

43. Percentage of decisions concerning intentional homicide subject to an appeal to a higher court (in a year)

Percentage of decisions: Year :

Source :

44. Total number of incoming civil and administrative cases in the courts (in a year)

Number of cases: **93,000** Year :

Source :

45. Total number of judicial decisions in civil and administrative matters (in a year)

Number of decisions: **93,000**

Year :

Source :

46. Percentage of decisions concerning civil and administrative matters subject to an appeal to a higher court (in a year)

Percentage of decisions:

Year :

Source :

47. Total number of incoming divorce cases in the courts (in a year)

Number of cases: **2,500**

Year :

Source :

48. Total number of judicial decisions in divorce cases (in a year)

Number of decisions: **75 defended cases. 2,425 undefended**

Year :

Source :

49. Percentage of decisions concerning divorce cases subject to an appeal to a higher court (in a year)

Percentage of decisions:

Year :

Source :

50. Total number of incoming employment dismissal cases in the courts (in a year)

Number of cases: Year :
Source :
.....

51. Total number of judicial decisions of employment dismissal cases (in a year)

Number of decisions: Year :
Source :
.....

52. Percentage of decisions concerning employment dismissal cases subject to an appeal to a higher court (in a year)

Percentage of decisions: Year :
Source :
.....

IV. Use of Information Technology in the court

53. Annual IT budget allocated to the courts (if possible in Euros)

Annual budget: **7,007,751** Year :
Source :
.....

54. In general, do the courts in your country have computer facilities? YES

- for judges Yes / No **YES**
- for non-judges court staff Yes / No **YES**

55. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary ? Yes / No **YES**

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

The N.I. Court Service collects information relating to the provision of judicial time. Information relating to judicial decisions is not held centrally.

56. What kind of facilities can be used by the clients of the courts to communicate with the courts ?

- Telephone **Yes**
- Mail **Yes**
- Fax **Yes -**
- E-mail **Yes -**
- Internet **Yes**

57. Is there an electronic form to carry out certain procedural steps? **Yes**

V. Fair trial

58. Percentage of adversary judgements in criminal cases in first instance

Percentage of judgements: Year :

Source :
.....

59. Is there a right to an interpreter for all those within your jurisdiction if the persons cannot understand or speak the language used in court? **Yes**

60. Is there an effective remedy to a superior jurisdiction for all cases? **Yes**

61. Are reasons given for all prison sentences? **Yes**

62. Average length, in days, of robbery cases from the formal beginning of the prosecution until the first instance judgment

Average length: days Year :

Source :
.....

63. Average length, in days, of robbery cases from the formal beginning of the prosecution until the appellate judgment

Average length: days Year :

Source :
.....

64. Average length, in days, of divorce cases from the deposit of the complaint until the first instance judgment

Average length: days Year :

Source :
.....

65. Average length, in days, of divorce cases from the deposit of the complaint until the appellate judgment

Average length: days Year :

Source :
.....

66. Average length, in days, of employment dismissal cases from the deposit of the complaint until the first instance judgment

Average length: days Year :

Source :

.....
.....

67. Average length, in days, of employment dismissal cases from the deposit of the complaint until the appellate judgment

Average length: days Year :

Source :

.....
.....

68. Do you, on a regular basis, measure the size of backlog cases in the courts?

Yes

69. Do you have a way of analysing queuing time during court procedures?

No

If yes, please specify:

.....
..

VI. Judges

70. Gross annual salary of a first instance professional judge at the beginning of his/her career

Annual salary : **Resident Magistrate - 62,311 euros Year :2002**
County Court Judge - 83,898

euros.....

Source :

.....

71. Gross annual salary of a judge of the Supreme Court or of the highest appellate court

Annual salary :

Year :

Source :

.....
.....

72. Can judges combine their work with other professions (for example as a university professor, arbitrator, consultant)? **No**

If yes, please specify:

.....

73. Are judges recruited and nominated by an independent institution? Yes / No

No. The Justice Northern Ireland Act 2002 provided for a Judicial Appointments Commission which would have responsibility for judicial appointments. Legislation is being brought forward to set up a Commissioner for Judicial Appointments pre-devolution to have the responsibility of bringing justice matters to the Northern Ireland Assembly. Currently appointments are made via an open and transparent recruitment system.

(if yes), who are represented in this institution:

- the members of the judiciary Yes / No
- officials not part of the judiciary Yes / No
- a mixture of the two categories referred to above Yes / No

Is the process of selection and nomination of judges carried out according to pre-established procedures? Yes / No

74. Is there a system of induction and continuation training for judges?

Yes, compulsory

What is the average percentage of judges who have attended a continuation training session each year?

Percentage of judges: **N/A**

Year :

.....

Source :

75. Is there a system of supervision and control on the courts - other than through appeal ? **No**

If yes, please specify:

.....

76. Is there in your country a system of temporary judges? Yes / No

If yes, are these temporary judges paid on the basis of their activity? Yes / No

If yes, please specify:

.....

77. Annual number of disciplinary proceedings against judges

Number of proceedings: **None** Year :

Source :
.....

78. Annual number of sanctions against judges

Number of sanctions: **None** Year :

Source :
.....

VII. Public Prosecutors

79. Annual budget for the public prosecution

Annual budget: Year :

Source :
.....

80. Number of professional public prosecutors (in full time equivalent)

Number of prosecutors: Year :

Source :
.....

81. Gross annual salary of a public prosecutor at the beginning of his/her career

Annual salary : Year :

Source :
.....

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court

Annual salary : Year :

Source :
.....

83. Can public prosecutors combine their work with other professions? Yes / No

If yes, please specify:

.....

84. Are public prosecutors recruited and nominated by an independent institution? Yes / No

(If yes), who are represented in this institution:

- the public prosecutors? Yes / No
- other stakeholders outside? Yes / No

- a mixture of the two categories referred to above? Yes / No

Is the process of selection and nomination of public prosecutors done according to pre-established procedures? Yes / No

85. Is there a system of induction and continuation training for public prosecutors?

No / Yes, but not compulsory / Yes, but compulsory

What is the average percentage of prosecutors who have participated in continuation training each year?

Percentage of prosecutors: Year :

.....

Source :
.....

86. Is there a system of supervision and control on public prosecutors? Yes / No

If yes, please specify:

.....

87. Annual number of disciplinary proceedings against public prosecutors

Number of proceedings: Year :

.....

Source :
.....

88. Annual number of sanctions against public prosecutors

Number of sanctions: Year :

.....

Source :
.....

VIII. Lawyers

89. Number of lawyers practising in your country

Number of lawyers: **552 barristers** Year : **2004**

Source :

...**Database held by the General Council of the Bar of Northern Ireland**.....

90. Is there a national bar association? **Yes**

91. Have quality standards been formulated for lawyers? Yes / No

If yes, who is responsible for formulating these quality standards?

- the bar association **Yes**
- - the legislature **NO**
- other **No**

92. Can disciplinary proceedings be instituted against lawyers? **Yes**

The Law Society has robust audit procedures to monitor the conduct of lawyers. The Bar Council has a Professional Conduct Committee to handle complaints about barristers.

93. Annual number of disciplinary proceedings against lawyers

Number of proceedings: **22** Year : **2002**

Source :

...**Report of the Chairman of the Bar of Northern Ireland to the AGM 2004**.....

94. Annual number of sanctions against lawyers

Number of sanctions: **14** Year : **2002**

Source :

Not known but estimated very low.

But you may care to note -

Information is held on the use of Alternative Dispute Resolution (ADR) by central Government.

The Government itself has pledged to use alternative dispute resolution to resolve its own disputes wherever possible and does collect information on its own use of ADR, including mediation, centrally.

During 2002 - 2003, Government Departments offered to attempt a method of ADR in 617 cases. 163 of those offers were accepted.

100. Number of cases solved through mediation (in a year)

Number of cases:

Year :

Not known but estimated to be a high success rate.

But you may care to note -

To follow on from the previous question, of the 163 cases where central Government used ADR to resolve its own disputes, 118 led to settlement without recourse to the courts.

If possible, please specify:

- number of criminal cases solved through mediation:

.....

- number of cases other than criminal solved through mediation:

.....

101. In which areas of law is mediation most practised and successful in your country?

- in criminal cases? Yes / No

- in other than criminal cases? Yes / No

Not known. Mediation in family cases is currently being piloted in Northern Ireland. It is known that mediation is utilised in commercial litigation.

Year :

Source :

.....

X. Enforcement agents and execution of court decisions

102. Number and types of enforcement agents

- in criminal cases:

(Type) (Number) (Year) (Source)

There is one body, The Enforcement of Judgments Office, which is responsible for enforcing the judgments of the courts in Northern Ireland. The EJO employs 15 enforcement officers....

103. Is there an institution to supervise or control the activities of enforcement agents?

Yes

If yes, please specify:

... The EJO is a branch of the Northern Ireland Court Service which monitors the activities of enforcement officers.....

104. Annual number of disciplinary proceedings against enforcement agents

Number of proceedings: **None** Year :

Source :
.....

105. Annual number of sanctioned enforcements agents

Number of agents: **None** Year :

Source :
.....

106. Is it possible to file a complaint against an enforcement agent? **Yes**

If yes, please specify: **Under the complaints procedure of the NICtS**

107. Does the court play a role in the execution of court decisions? **No**

If yes, please specify:

.....

108. Are the courts competent to decide against public authorities? **Yes**
Are the courts involved in executing decisions against public authorities? **Yes**