

# Northern Ireland Courts and Tribunals Service Judicial Statistics - User Guide



# CONTENTS

■	1. Background	1
■	2. Methodology	12
■	3. Glossary	18

Produced by Analytical Services Group, Northern Ireland Courts and Tribunals Service, Department of Justice.

For further information contact:

Statistics and Research Branch,  
4<sup>th</sup> Floor, Laganside House,  
23-27 Oxford Street,  
Belfast BT1 3LA.

**Email:** [caroline.darragh@courtsni.gov.uk](mailto:caroline.darragh@courtsni.gov.uk)

**Telephone:** 028 9072 8927

Feedback on this user document can be provided directly to Analytical Services Group at the email address listed above.

## 1.1 The Northern Ireland Courts and Tribunals Service

The Northern Ireland Courts and Tribunals Service (NICTS) is an agency within the Department of Justice (DoJ) for Northern Ireland.

The NICTS carries out the court administrative functions previously undertaken by the Northern Ireland Court Service. The Court Service became part of the DoJ upon the devolution of policing and justice and its functions transferred to the Department by virtue of the Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 made under section 78 of the Justice (Northern Ireland) Act 2002.

The principal functions of the NICTS are -

- Providing administrative support for Northern Ireland's courts and tribunals;
- Enforcing civil court judgments through the Enforcement of Judgments Office;
- Providing support for the judiciary;
- Providing advice to the Minister for Justice on matters relating to the operation of the courts and tribunals and the Enforcement of Judgments Office;
- Providing, managing and maintaining court and tribunal buildings; and
- Acting as the Central Authority under certain international conventions.

The criminal, civil and family justice systems are impartial and the numbers that are processed through the courts and the corresponding time for processing this information are related to a number of factors. For example, in relation to criminal cases this may include the seriousness of the offence, the availability of the witnesses and the complexity of individual cases. In relation to civil cases, this might include external factors such as the state of the economy in relation to mortgage cases received and disposed, the complexity of individual cases and the nature of individual claims.

This publication provides statistical information in relation to the criminal, civil and family business conducted by the NICTS and the work of some associated offices. Full details of data relevance, accuracy, timeliness, accessibility, coherence, user need, cost and confidentiality is available in the accompanying [background quality report](#). Details of the data quality checks and processes that DoJ has in place are available in the [Quality Assurance of Administrative Data \(QAAD\)](#) document on the DoJ website. Policies relating to compliance with the Code of Practice for Statistics is available on the [DoJ website](#).

# 1 | Background

## The Court Structure

### **The Supreme Court**

Final Court of Appeal on points of law for the United Kingdom in civil cases.  
Final Court of Appeal on points of law for England, Wales and Northern Ireland in criminal cases.

### **The Court of Appeal**

Deals with appeals in civil cases from the High Court and with appeals in criminal cases from the Crown Court.  
Hears appeals on points of law from the county courts and the magistrates' courts.

### **The High Court**

Hears complex or important civil cases in three divisions (Queen's Bench Division; Chancery Division; Family Division)  
and also appeals from county courts.

### **County Courts**

(including Family Care Centres)  
Hear a wide range of civil actions and also appeals  
from magistrates' courts.

### **Small Claims Courts**

Hear consumer claims and minor civil cases.

### **The Crown Court**

Hears all serious criminal cases.

### **Magistrates' Courts**

(including youth courts and family proceedings courts)  
Conduct preliminary hearings in more serious criminal  
cases. Hear and determine less serious criminal cases,  
cases involving youths and some civil and domestic  
cases, including family proceedings.

### **The Enforcement of Judgements Office**

Enforces money and other judgements.

# 1

## Background

### 1.2 Children Order

The primary aim of the Children Order is to promote the welfare of children. The Order creates a clear, practical and consistent code of law governing the care, protection and upbringing of children and the provision of services to them and their families. It confers concurrent jurisdiction on all three tiers of the courts (High Court, county courts and magistrates' courts) so that subject to certain limited exceptions, any court can make any of the orders available under the Order. Under the Order the welfare of the child is the paramount consideration. When dealing with children, courts try to ensure that delay is avoided, and may only make an order if to do so is better than making no order at all.

All Children Order matters are dealt with at Family Proceedings Courts (which are part of the magistrates' courts), at Family Care Centres (which are part of the county courts) or in the Family Division (Office of Care & Protection) of the High Court. Where a Family Proceedings Court considers that the proceedings

are exceptionally grave, important or complex, then the matter will be transferred to the Family Care Centre. Where the Family Care Centre believes that the case is suitable for hearing in the High Court it may in turn transfer it there.

Matters affecting children are split into Public and Private Law applications. Public Law applications are those brought by local authorities and include matters such as care, supervision and emergency protection orders. Private Law applications are those brought by private individuals, generally in connection with divorce or the parents' separation. Order types include parental responsibility, residence, financial provision and article 8 contact applications.

# 1

## Background

### 1.3 County Court

Civil cases are commenced in the County Court if the value of the case is less than £30,000. This limit increased from £15,000 on the 25 February 2013. For claims concerning matrimonial property, compensation for criminal injuries or criminal damage to property however, there is no financial limit. The County Court also has jurisdiction to hear applications for adoptions and undefended divorces and for applications for intoxicating liquor licences and certificates of registration for clubs. In addition to its original civil jurisdiction, the County Court hears appeals under a number of statutory provisions from the magistrates' courts or from other tribunals.

While County courts can deal with a wide range of cases, the most common ones are -

- landlord and tenant disputes, for example, possession (eviction), rent arrears, repairs;
- consumer disputes, for example, faulty goods or services;
- personal injury claims (injuries caused by negligence), for example, traffic accidents, falling into holes in the pavement, accidents at work;

- undefended divorce cases, but only in some county courts;
- some domestic violence cases, but these may also be heard in the magistrates court;
- race and sex discrimination cases;
- debt problems, for example, a creditor seeking payment; and
- employment problems, for example, wages or salary owing or pay in lieu of notice.

The County Court also deals with small claims. In general, a small claim is one where the value of the claim is not more than £3,000. This limit was increased from £2,000 in May 2011. The most common types of claim dealt with in the Small Claims Court are -

- compensation for faulty services provided, for example, by builders, dry cleaners and garages;
- compensation for faulty goods, for example, televisions or washing machines which go wrong;

# 1

## Background

- disputes between landlords and tenants, for example, rent arrears or compensation for not doing repairs; and
- wages owed or money in lieu of notice.

All claims arising from regulated credit agreements must be started in the county court, whatever their value.

### 1.4 Crown Court

The Crown Court has exclusive jurisdiction to try offences charged on indictment. Offences tried on indictment are more serious offences. The Lady Chief Justice is President of the Crown Court and the Lords Justices of Appeal, High Court judges and county court judges all sit in the Crown Court.

Trial on indictment in the Crown Court follows after the accused has been returned for trial at committal proceedings in a magistrates' court. The Public Prosecution Service is responsible for preparing a formal document called an indictment, stating the charges which the accused will face. The matters are then tried before a judge sitting with a jury.

The Crown Court normally sits at seven different venues throughout Northern Ireland and the trial of non-scheduled offences takes place at the sitting of the Crown Court determined by the district judge who committed the accused. This is usually the Crown Court acting for the county court division in which the offence is alleged to have been committed.

Appeal from the Crown Court is to the Court of Appeal. If a person wishes to appeal against conviction on a question of fact, the permission of either the Crown Court judge or the Court of Appeal is required. To appeal against sentence he or she needs the leave of the Court of Appeal.

All persons convicted of a scheduled offence tried on indictment can appeal against conviction to the Court of Appeal on any grounds and without leave. This automatic right of appeal is a safeguard built into the system because in these cases there is no jury.

The prosecution has no right to appeal against the acquittal of a defendant who has been tried on indictment. The Attorney-General can refer a point of law to the Court of Appeal for its opinion, but even if the Court of Appeal considers that the trial judge made an error of law resulting in an acquittal, the acquittal still stands. The reference and subsequent ruling is useful in guiding the prosecution of future trials.

# 1

## Background

### 1.5 High Court

The High Court sits at the Royal Courts of Justice in Belfast and comprises three Divisions - the Chancery, Queen's Bench and Family.

#### 1.5.1 Chancery Division

The Chancery Division deals with the following four main areas of business –

##### *i) Chancery Office*

Chancery office business relates mainly to disputes involving land and property. These include disputes between vendors, purchasers, landlords and tenants; mortgage repossession actions; trespass; right of way; construction of a lease; and squatters.

Most actions begin with the issue of a claim or originating proceedings by the claimant against the defendant.

The Chancery section also deals with disputes involving copyright, partnerships, patents, execution of trusts, charities, inheritance and the administration of estates.

##### *ii) Bankruptcy Office*

The Bankruptcy Office deals with all matters relating to insolvency. These include

applications to set aside statutory demands, petitions (by creditors and debtors) and voluntary arrangements.

If a person cannot repay the debts that they owe, they may be made bankrupt. The most common situations in which a person may be made bankrupt are at the request of someone to whom they owe money (a creditor's petition) and at their own request (a debtor's petition).

##### *iii) Companies Office*

The Companies Office deals with all matters relating to the Companies Order including winding up petitions, insolvent partnerships and disqualification of directors.

If the Court makes an order to wind up a company it means that the company has gone into compulsory liquidation. The court will then appoint an Official Receiver (OR) to act as liquidator for the company.

##### *iv) Probate Office*

The principal business assigned to the Probate Office includes Contentious and Non-contentious Probate applications, leading to the issue of a Grant of Representation in the estate of the deceased person, to facilitate the gathering in and distribution of the assets of the deceased's estate.



### 1.5.2 Queen's Bench Division

The Queen's Bench Division comprises of a number of business areas – the Writ Office, the Appeals & Lists Office, the Judicial Reviews Office, the Commercial Office and the Bail Office – which are collectively referred to as The Central Office.

The principal business dealt with by the Queen's Bench Division is –

- Claims for damages;
- Medical Negligence actions;
- Commercial actions;
- Matters involving contract;
- Personal injury actions;
- Appeals from the County Court;
- Judicial Reviews;
- Bail applications;
- Admiralty matters; and
- Injunctions.

The Queen's Bench Division business areas have the following four discrete functions -

#### *i) Writ Office*

The primary function of the office is to manage the 'Writ Process' for actions in the Queen's Bench Division, from commencement of proceedings until the trial of the action or final determination. This involves a review process which is initiated approximately nine months after the last notification by a defendant that they intend to dispute the claim. The aim of the reviews is to progress cases to trial by dealing with matters between the parties which may delay the case being set down for trial. The Office is also responsible for providing adequately trained staff to act as Court registrars in all Queen's Bench Courts. The Queen's Bench Division deals with claims for damages that are large value, complex, or both, including libel and slander actions which may require a jury.

The lower threshold for claims to the High Court increased from £15,000 to £30,000 on 25 February 2013. Cases previously received into the Writ Office for claims between £15,000 and £30,000 may now be processed by the County Court.

#### *ii) Commercial Office*

Business relating to a 'business or commercial transaction' such as building contracts, sales of goods, insurance, banking or carriage of goods, may be assigned to the Commercial list, if so directed by the Commercial judge. One of the ten puisne judges has been assigned as the Commercial judge. The judge carries out regular reviews of actions entered into the Commercial List to ensure that the action is progressed to trial in a timely manner.

**iii) Judicial Reviews Office**

Judicial Reviews are cases where the court considers if the decision reached by an inferior court, Tribunal, public body or Government Minister followed the proper procedure. The applicant must first apply to the Court for leave to apply for Judicial Review if leave is granted then the applicant has 14 days to apply for a full hearing of the matter.

**iv) Bail Office**

This office deals with repeat bail applications, i.e. an application to release a defendant from custody who has been refused bail by the magistrates court. The Bail Order normally requires the defendant to comply with various conditions and may require money to be lodged or security to be given.

**1.5.3 Family Division**

The Family Division comprises the following four key business areas—

**i) The Matrimonial Office**

The Matrimonial Office deals with the following -

- **Petitions for divorce** - to obtain a decree of divorce the marriage must be proved to have broken down irretrievably with proof of one or more of the following facts:
  - adultery;
  - behaviour with which the petitioner cannot reasonably be expected to live;
  - desertion of at least two years;
  - two years separation where the respondent consents; and
  - five years separation without consent.

No petition may be made for divorce within the first year of marriage.

- **Petitions for nullity** - a decree of nullity of marriage is granted where the petitioner proves that the marriage is either void or voidable.

A void marriage is one that is legally invalid because, for example:

- either party was under the age of sixteen at the time of the marriage;
- either party was already married; or
- the parties are prohibited from marrying, for example father and daughter.

A voidable marriage is one which is legal but may be nullified by order of the court because, for example:

- it is not consummated due to incapacity or wilful refusal (most nullities are on these grounds); or
- where one party was suffering from a venereal disease in a communicable form, or was pregnant by someone else at the time of marriage.

# 1

## Background

- **Judicial separation** - an alternative to divorce is a decree of judicial separation. This does not dissolve the marriage but absolves the parties from the obligation to live together. This procedure might, for instance, be used if religious beliefs forbid or discourage divorce.
- **Ancillary relief applications** - During or after a divorce, the annulment of a marriage (nullity) or judicial separation, there may still be a need for the court to settle disputes over money or property. The court can make a financial order, known as ancillary relief, and may deal with the sale or transfer of property; maintenance payments (for example weekly- or monthly-maintenance); and a lump sum payment, a pension sharing or attachment order, or both.
- **Dissolution of a Civil Partnership** – A person (the ‘petitioner’) may apply to end (‘dissolve’) their civil partnership if they have been in the partnership for at least a year. There are 3 main steps to ending a civil partnership -
  - File a dissolution petition – the petitioner must apply to court for permission to end their civil partnership, and show reasons why they want to dissolve the relationship.

Apply for a conditional order – if the civil partner of the petitioner (the ‘respondent’) agrees to the petition, the petitioner will receive a document saying there’s no reason the relationship may not be dissolved.

- Apply for a final order to legally end the civil partnership – the petitioner must wait 6 weeks after receiving the conditional order before applying for the final order.

### *ii) The Office of Care and Protection (Children’s Section)*

The principal business assigned to this Office is -

#### ➤ **Guardianship, Wardship and Adoption**

The principal business assigned to this office includes applications in relation to the Guardianship and Wardship of children, adoption applications and applications under the Children (Northern Ireland) Order 1995.

#### ➤ **Family Homes and Domestic Violence**

The Family Homes and Domestic Violence (NI) Order 1998, is designed to offer civil protection against domestic violence. The 1998 Order provides a single set of remedies which are available in all court tiers. The two main remedies created were the non-molestation order and the occupation order. Both can be applied for by way of an ex-parte application, that is without the respondent or alleged perpetrator of the violence being present. The number of these type of applications are relatively small in the High Court, and are usually dealt with at this court tier, as they are linked to other proceedings being held in the High Court.

### *iii) The Office of Care and Protection (Patient's Section)*

Responsibility for the management of the property and affairs of people in Northern Ireland who, through mental disorder, are incapable of managing their own financial affairs is vested in the High Court under the provisions of Part VIII of the Mental Health (Northern Ireland) Order 1986. The 'Patient' is the name given by the Order to a person who is suffering from mental disorder and whose financial affairs are subject to the Court's control. A 'Controller' is the name given to those appointed by court order to manage a Patient's financial affairs.

The Office of Care and Protection, commonly referred to as OCP, is the department of the High Court in which administrative work relating to a Patient's case is dealt with under the supervision of the Master (Care and Protection). The Master is the judicial officer of the Court who is authorised to exercise any discretion, power or other functions of the Court and who may also, in particular cases, refer a question to the judge for decision.

A Controller is a person appointed by the Court to deal with the day-to-day management of the Patient's financial affairs. They may be a relative, a friend, or perhaps a professional adviser. If there is no one else suitable or willing to act, an officer of the Court or the Official Solicitor can be appointed in the last resort.

The OCP reviews accounts operated by the Controller (on behalf of the Patient) on an annual basis and is also responsible for the registration of Enduring Powers of Attorney (EPA).

### *iv) The Official Solicitors Office*

The Official Solicitor (OS) is an independent statutory office holder appointed under section 75 of the Judicature (NI) Act 1978 (as amended by section 103 of the Courts Act 2003).

The OS has a wide range of functions primarily necessitating acting as next friend, guardian ad litem or 'Controller' of last resort for certain minors or adults (known as 'patients') who lack mental capacity to manage their own financial affairs by reason of 'mental disorder' under Part VIII of the Mental Health (NI) Order 1986 ('the 1986 Order'). The OS also represents the interests of minors in a range of legal proceedings at the request of the judiciary.

### 1.6 Magistrates' Court

A magistrates' court (other than a youth court or family proceedings court) is presided over by a district judge (magistrates' court) sitting alone. The present complement of district judges (magistrates' court) is twenty-one. The magistrates' court hears and determines less serious criminal cases, cases involving youth and some civil and domestic cases including family proceedings.

The vast majority of all criminal offences dealt with in Northern Ireland are tried summarily in a magistrates' court. A significant number of these offences are offences against Road Traffic Orders, such as the Road Traffic (NI) Order 1995 and the Road Traffic Offenders (NI) Order 1996, sometimes described as the 'penalty points' Order.

Magistrates' courts also deal with offences where the defendant can choose trial by jury but decides to have their case heard in the magistrates' court. If the defendant chooses trial by jury, the case will be passed on to the Crown Court. It is estimated that where the defendant has a choice between summary trial and trial on indictment, approximately three out of four cases are dealt with summarily. This is mainly because this mode of trial is much quicker and the sentencing powers of a district judge (magistrates' court) are more restricted than those of a Crown Court judge - the most serious punishment which a district judge (magistrates' court) can impose is 12 months in prison, unless consecutive terms of imprisonment are imposed for more than one offence, when the limit is extended to 18 months.

The youth court deals with young people who have committed criminal offences and who are older than 10 years of age, but younger than 18 years of age. The youth court is part of the magistrates' court and cases are generally heard before a panel of three persons, a salaried district judge (magistrates' court) and two specially-trained, fee-paid lay magistrates. Although the youth court can deal with the full range of criminal offences (apart from murder), if a young person is charged with a very serious offence, which in the case of an adult would be punishable with 14 years' imprisonment or more, the youth court can commit them for trial at the Crown Court. In addition to hearing criminal proceedings the youth court also hears proceedings relating to the care, protection and control of juveniles.

Magistrates' courts can deal with the following limited number of civil cases –

- some civil debts, for example, arrears of income tax, national insurance contributions, VAT arrears, rates;
- licences, for example, granting, renewing or taking away licences for pubs and clubs;
- some matrimonial problems, for example, maintenance and removing a spouse from the matrimonial home; and
- welfare of children, for example, local authority care or supervision orders, adoption proceedings and residence orders (known as the Family Proceedings Court).

# 2 | Methodology

## 2.1 Data Sources

This publication uses administrative data primarily sourced from the Integrated Court Operations System (ICOS), a live operating system implemented across the NICTS over a two year period from 2005 to 2007 and used in each court tier to process every part of the court business from receipt of payments through to the production of final orders made. The data are input into this system on a daily basis by court clerks, and this information is checked and confirmed by another member of staff to ensure the data entries are correct.

It was introduced in the High Court and county court in 2005 with these sections of the publication having been completed using ICOS since 2005. Caution should be taken therefore when comparing information from Judicial Statistics publications prior to this.

ICOS was then introduced in the Crown and criminal magistrates' courts during 2006; civil and family modules were completed during 2007. Caution should be taken when comparing figures in the Crown and criminal magistrates' court sections prior to 2006 and in the civil and family magistrates' court and Children Order sections prior to 2007.

If you would like further advice on the differences between 2021 figures and previous years, please contact the statisticians responsible for this publication.

Additional data are also used to compile the information presented in the Miscellaneous section (Section 9) of the Judicial Statistics publication. This includes data from the Judgment Enforcement Management System (JEMS), a specially designed system used by the Enforcement of Judgments Office to capture all applications to enforce. It also includes data from the Coroners Service for Northern Ireland and the Social Security and Child Support Commissioners who use manual Excel spreadsheets to record their information. Like ICOS, the information is recorded on these databases on a daily basis. It is then validated internally by staff in these offices who check that the system and databases hold the correct information. Statisticians within the NICTS also validate the data provided from these systems to ensure that they are robust. They recognise however that as the information is input manually there is the potential for errors to occur.

An overview of the data used in the Judicial Statistics publication is available in the [QAAD](#) and [Background Quality Report](#) documents.

# 2 | Methodology

## 2.2 Data Download and Validation

The statistics and research team receive a download of information on a monthly basis from ICOS. The information is downloaded using a web based platform called Sharepoint. This package extracts all the relevant data into text files which are refreshed with up to date information each weekend. The text files are downloaded by the statisticians on a monthly basis, using a weekly rotation based on each court tier, as shown below –

**Week 1** – Magistrates’ Court civil and family business areas;

**Week 2** – Crown Court and magistrates’ court criminal business areas;

**Week 3** – High Court including Queens Bench, Bails, Chancery, Judicial Reviews, matrimonial and Wardship & Adoption business areas; County Court all business areas; and

**Week 4** – Children order business area; all court sittings information.

The text files are downloaded onto a secure internal facility that only specified statistical personnel can access. The data contained in the files are identified only by numbers; names and addresses are not held. These statistical files are not transmitted outside the branch.

The statisticians import the data into a program called SPSS (Statistics Package for Social Sciences) which is used to validate the data, identify potential errors and ensure it is reliable and robust. The program includes over 100 checks against each business area and includes -

- Checking consistency over time and between variables;
- Reliability of data using logic checks;
- Checking that variables fall within accepted ranges; and
- Checking with the ICOS Support Team in the event of any major discrepancies that have occurred since the last download.

The validation program runs in unison with the download program, for example in week 1 the magistrates’ civil and family information is downloaded and the corresponding validation checks are run on the newly downloaded information. This pattern follows for all the court tiers and business areas.

The validation program is designed to produce user friendly tables highlighting the potential problems with data in the title of the table, and the case numbers of the records affected. A validation report is compiled for each court venue and circulated to the Case Progression Officer for amendment. Each court division has a Case Progression

## 2 Methodology

Officer who is responsible for -

- Monitoring accuracy levels on ICOS by carrying out sample checks on data entry and court resulting, ensuring that all validations on ICOS and manual statistical returns are completed in a timely manner, providing advice and identifying training needs;
- Monitoring the confirmation of ICOS criminal court resulting, including the inputting of adjournment codes; and
- Promoting awareness of the impact errors can have, its wide ranging consequences and negative impact on the reliability of management information.

The Case Progression Officer is given a two week period from the date the validation report issues until all records are amended on ICOS. This ensures that the corrections are updated before the next download of files. After the files have been refreshed each weekend, all the data is then downloaded again (in accordance with the schedule) and this new download will reflect the amendments made as a result of the validation reports. If any errors have not been corrected, they will continue to appear in the validation reports until the necessary amendments are made on ICOS.

The statisticians then ensure that all validations in relation to the reporting period are amended prior to publication. Once these amendments have been checked, computer syntax is used to produce the tables in this publication.

### 2.3 Users

The Judicial Statistics bulletin is published on the DoJ website and the UK Government Statistics Release Calendar. It is also disseminated directly to approximately 20 users.

The information contained within it is of interest to a wide variety of people including NICTS policy officials in their role assisting and advising the Minister for Justice to discharge their duties. It is also used to answer NI Assembly and Justice committee questions and to inform requests and queries from other Government organisations, the media, academics and the general public, including students conducting research into Justice issues.

The principal users however are internal business managers and court administrators. Both these users are primarily interested in the regional breakdowns by processing office of court business for the most recent calendar



## 2 Methodology

year. This information is used to assess volumes of court business at a regional level to assist in the decisions around staffing levels, prepare business cases for additional sitting days and inform the setting of operational targets.

The publication and further analysis of the data provide an evidence base that is used in a number of NICTS policies, strategies and reviews. Recent examples include -

- Consultation on review of Scale Costs and Recent Practice and Procedural changes in the County court ([Proposed increase in court fees](#));
- Consultation on proposals for the rationalisation of the court estate ([Rationalisation of Courts Estate](#)); and
- Northern Ireland Courts and Tribunals Service Annual Report and Resource Accounts 2019-2020 ([NICTS Annual Report and Resource Accounts](#)).

NICTS data are also used within other NI departments and their agencies. For example -

- Department for Communities – [Northern Ireland Housing Statistics](#).

The NICTS also receives approximately 100 Assembly Questions (either written or oral) and Freedom of Information requests and around 250 statistical enquiries from various sources each year. These include requests for further breakdowns by specific offence codes, specific legislation and court outcomes.

### 2.4 Accessibility

In order that the information provided in this publication is accessible to all groups of people, it is available on the NICTS website in a number of formats – PDF, Excel, and ODS. This publication also complies with the NICTS's Internet Accessibility policy. Requests for the information in different formats can be made by contacting the [communicationsgroup@courtsni.gov.uk](mailto:communicationsgroup@courtsni.gov.uk). A charge may apply for formats not routinely used and individuals will be made aware of any charges and asked to confirm their willingness to pay prior to commencement of the work.

## 2 | Methodology

### 2.5 Comparability

The court structure of Northern Ireland does not equate to the court structures of England and Wales, Scotland or the Republic of Ireland, and therefore no comparisons have been made between Northern Ireland and the rest of the UK and Ireland.

Direct comparisons can be made for data across all court tiers over a fourteen year period, as the ICOS roll out was complete by 2007, except for tables F.4, F.5 and F.6 within the Children Order section.

The recording of orders made within the Children Order courts have been reported at the participant level since 2007, and the introduction of ICOS. Children Order data in relation to orders made, is recorded on ICOS at the **application level**. The data is then extracted based on the **participants** selected on ICOS which indicate all relevant parties to whom the order applies.

Following an operational review of recording practices surrounding the selection of participants to whom orders apply in November 2013, a training program was implemented by operational colleagues. This training was delivered in early 2014 to ensure all relevant participants were being consistently applied on ICOS. This

has had a knock-on effect on the numbers of own motion, interim and final orders being reported within the Children Order courts, with figures showing large increases since 2014.

Following a National Statistics consultation with users a change in the reporting of the orders being made within the Children Order courts from the participant level to the application level from 2016 onwards has been introduced, to overcome issues surrounding the inconsistent recording of participants to whom the orders apply and provide more user friendly data in terms of relating the orders made to the applications being received and disposed. Application level data counts distinct orders made during the court process. This new methodology has been introduced to cover own motion, interim and final orders. The numbers of orders made will not be comparable with those published in Judicial Statistics in previous years. To assist with comparisons over time, a back series of orders data from April 2007 to the end of 2015 are available on the Court and Tribunals [website](#).

## 2 | Methodology

Before September 2009 all the courthouses opened from 9am to 5pm from Monday to Friday each week (excluding public holidays). In September 2009, 5 of the 23 courthouses became “hearing centres” because they were not fully utilised when the courts weren’t sitting. From then these courthouses (Bangor, Larne, Limavady, Magherafelt and Strabane) opened on the day that court hearings took place, and remained closed the rest of the time. When open the hearing centres offered all of the usual services but when closed, people had to access these services at other courthouses, on the telephone or over the internet.

In March 2013 two of these hearing centres were closed permanently - Larne and Bangor - and the court business for these two venues was moved to Ballymena and Newtownards respectively. Caution should therefore be taken when comparing figures with preceding years for Larne and Bangor courthouses. For more information on the consultation exercise undertaken please use the following link - [Rationalisation of Courts Estate](#).

On the 31st October 2016, a single County Court division called ‘The County Court of Northern Ireland’ replaced the seven existing County Court divisions. Relevant data contained in the publication were published by County Court division up until 2016.

### 2.6 Other Useful Information

The court structure of Northern Ireland does not equate to the court structures of England and Wales, Scotland or the Republic of Ireland. Further information for the other jurisdictions can be found at -

- [England and Wales Court Statistics](#)
- [Scottish Crime and Justice Statistics](#)
- [Republic of Ireland Court Statistics](#)

The following web links contain details of information that relates to other Northern Ireland criminal justice agencies :

[Northern Ireland Department of Justice Statistics](#)

[Police Service of Northern Ireland \(PSNI\) Statistics](#)

[Public Prosecutions Service \(PPS\) Statistics](#)

[Youth Justice Agency Statistics](#)

[Northern Ireland Prison Service Statistics](#)

[Northern Ireland Probation Board Statistics](#)

## 3 | Glossary

**Acquittal** - A judgment or verdict that a person is not guilty of the crime with which they have been charged.

**Additional Sitting** - These are additional court sittings, not included within the regular court calendar, but planned in advance of the date of the sitting.

**Adjourn Generally** - A putting off or postponing of proceedings.

**Adult Magistrates' Business** - Magistrates' court criminal business in which the defendant is aged 18 years or over on the date on which they committed the offence.

**Amount Awarded** - This relates to the monetary value awarded in cases such as small claims and ordinary civil bills. On occasion, the amount awarded may be unliquidated which means that the claim was not made for a specific amount of money, but rather, for example, damage caused to a property, for repairs for damage caused or for faulty workmanship.

**Ancillary Application** - An additional application made in existing proceedings.

**Ancillary Relief Application** - During or after a divorce, the annulment of a marriage (nullity) or judicial separation, there may still be a need for the court to settle disputes over money or property. The court may make a financial order. This is known as ancillary relief and may deal with: the sale or transfer of property;

maintenance payments (for example weekly- or monthly-maintenance); and a lump sum payment, a pension sharing or attachment order, or both.

**Application** - The act of applying to a civil court to ask it to do something, for example to start proceedings or make an order.

**Application for Leave to Apply for Judicial Review** - The first step in the judicial review procedure involves the mandatory 'leave stage'. At this stage an application for leave to bring judicial review proceedings must first be made. The leave stage is used to identify and filter out, at an early stage, claims which may be trivial or without merit.

**Appointment of Guardian ad Litem** - Appointment of a guardian by the court. The High Court or a county court may appoint an individual to be a child's guardian if the child has no parent with parental responsibility for him or a residence order has been made with respect to the child in favour of a parent or guardian of his who has died while the order was in force. A person appointed as a guardian under this Article shall have parental responsibility for the child.

**Arraignment** - The procedure by which the defendant has criminal charges formally put to him before the judge at the Crown Court and he enters his plea of guilty or not guilty.

## 3 | Glossary

**Article 53 Contact with a Child in Care** - Where a child is in care of an authority, the authority shall (subject to the provisions of this article) allow the child reasonable contact with: (a) parents; (b) any guardian; (c) persons named in residence orders made immediately prior to the child being placed in care; and (d) persons who had care of the child by virtue of an order made in the exercise of the High Court's inherent jurisdiction immediately before the care order was made.

**Article 8 Contact** - Relates to Article 8 of the Children (Northern Ireland) Order 1995. A 'contact order' means an order requiring the person with whom a person lives, or is to live, to allow the child to visit or stay with a person named in the order, or for that person and the child to have contact with each other.

**Bail Variation** - A change in the conditions of bail.

**Call-over** - An occasion in court where dates for all the cases in the next few months are fixed. It is important for the parties or their lawyers to attend the call-over.

**Care Order** - A care order places a child in the care of a designated authority. A court may only make a care order if it is satisfied the child is suffering or at risk of harm etc.

**Case** - The proceedings, arguments and evidence in court and the court hearing.

**Certificate of automatic discharge (Bankruptcy)** - A document certifying the period of bankruptcy is at an end.

**Certificate of Readiness (COR)** - When a small claim or civil bill is contested by the respondent, the matter will proceed to the county court for judgment. Before the case can be heard, both parties must contribute to the completion of a COR which informs the court that the case is ready to be heard and can therefore be listed by the court for hearing.

**Charge Sheet** - A charge sheet is a method by which PSNI can put charge(s) to a defendant and on which they will either release the defendant on police bail to appear at court within 28 days of the charging or they can detain the defendant in custody to produce them before a court at the earliest opportunity.

**Child Assessment** - Application by an authority to request an order to authorise an assessment of a child's circumstances.

**Civil and Family Application** - These are applications in relation to Children Order, domestic and family homes and domestic violence proceedings.

**Commercial Actions** - The definition of 'commercial action' is broad and so a wide range of cases may be dealt with under those arrangements. Broadly speaking, they include any transaction or dispute of a commercial or business nature.

## 3 | Glossary

**Committal** - The procedure by which a person is returned for trial to the Crown Court by the magistrates' court, if the magistrates' court is satisfied that there is a case to answer.

**Compassionate Bail Application** - An application for bail, usually for a short period of time, for personal reasons, such as to attend a family funeral.

**County Court Judge** - A judge who sits in the county court and the Crown Court. In the County Court, they will sit on business such as ordinary civil bills (with a value over £10,000 and up to £30,000), criminal damage, licences, equity, ejection and divorces.

**Court Disposal** - Includes all cases issued with a final order by county court judge or district judge.

**Court Order** - The enforceable decision of the court.

**Creditor** - A person who is owed money by a debtor

**Criminal Damage** - These are cases in which there is an allegation that a property has been destroyed or damaged or where a person is alleged to have made threats, had intent, or was found to have anything on their property with intent to cause damage to another property.

**Day Sat** - This is a day on which a judge sat to hear court business. The information is organised into the various types of court business that a judge hears. The judge's day may consist of one or more sittings, at one or more court venues.

**Debtor** - A person who owes money to a creditor

**Declaration of Parentage Order** - Order made to determine parentage on the foot of an application for maintenance in respect of a person who denies that he/she is a parent of the child.

**Decree Absolute** - The decree absolute is the legal document that ends a marriage. An individual (petitioner) must wait for at least 6 weeks after the date of the decree nisi before they may apply for a decree absolute.

**Decree Nisi** - A document that says that the court doesn't see any reason why a married couple cannot divorce. If the spouse of the petitioner does not agree to the divorce, the petitioner may still apply for a decree nisi. However, they will have to go to a hearing at the court to discuss the case, where a judge will decide whether to grant a decree nisi.

## 3 | Glossary

**Default Judgment** - This is a judgment in favour of one party due to some failure to take action by the other party. In most cases, this will be a judgment in favour of the applicant due to the failure of the respondent to contest the claim brought against them. The failure to take action is the default. The default judgment is the relief requested in the party's original petition.

**Departmental Prosecution** - Departmental prosecutions are for criminal offences which are investigated by a department or other non-police body and prosecuted by either the Public Prosecution Service (PPS) or a separate prosecutorial body (e.g. motor tax evasion which is prosecuted by the Department for Infrastructure).

**Disposed** - The date a case is finally dealt with via a court or non-court result and the case is no longer in the court process.

**District Judge** - A judge who sits in the county court or the magistrates' court. In the county court they will sit on business such as small claims and ordinary civil bills (with a value up to £10,000).

**Divorces** - These are proceedings initiated in order to dissolve a marriage. Dissolutions of civil partnerships are also included within these figures. Following the issue of a divorce petition in the High Court, if it is a defended case it will be heard in the High Court and if it is an undefended case it may be heard either in the High

Court or the County Court (depending on the choice of the individuals involved). Initially a Decree Nisi, judicial separation or nullity is granted, which is an initial order for divorce. Providing that no reason is provided to the court to challenge the nisi, a Decree Absolute, which is a final order for divorce that dissolves a marriage and permits an individual party to remarry, is made. A defended divorce is a proceeding in which an individual (the petitioner) applies for a divorce and the other party (the respondent) indicates that they wish to contest a divorce being granted at all, or on the reasons stated by the petitioner.

**Domestic Proceeding (including FHDV orders, Non molestation, Occupation, Vary discharge)** - These are orders made in respect of applications made under the Family Homes and Domestic Violence (Northern Ireland) Order 1998. These orders may include non-molestation, occupation orders or both. A non-molestation order is made for the protection of the applicant and may prohibit the respondent from carrying out particular actions or behaviours and may include an exclusion zone. Occupation orders provide for the rights of the application to peacefully occupy a particular property without interference from the respondent. These orders may be varied to add or remove particular requirements and the order can also be discharged by the court to bring the terms of the order to an end.

## 3 | Glossary

**Education Supervision Order** - Puts the child under the supervision of a designated education and library board. The education and library board may make an application in respect of a child of compulsory school age who is not being educated properly.

**Ejectment** - A legal document which seeks to recover possession of land and/or a dwelling house (e.g. where a tenant has stopped paying rent). Similar matters relating to properties owned with a mortgage are dealt with through proceedings within the Chancery Division of the High Court.

**Emergency Protection Order** - Gives the applicant parental responsibility for a child under the age of 18. It authorises the removal of the child at any time to accommodation provided by or on behalf of the applicant, and being kept there. The court may make 'an emergency protection order' if it is satisfied that there is reasonable cause to believe that the child is likely to suffer significant harm.

**EPA Applications** - Application to register an Enduring Power of Attorney (EPA).

**Equity** - Any type of proceeding which seeks a court judgment on disputes relating to property ownership and should damages be paid.

**Ex-parte Application** - An application made to a judge by a party to a case without the other parties being required to be there.

**Family Assistance Order** - This is a short term order made by agreement, under which an authority is required to make available a suitably qualified person to advise, assist and (where appropriate) befriend any person named in the order.

**Family Business** - Non-criminal court proceedings generally relating to matters between a husband and wife, common-law partners, or children.

**Family Care Centre** - A county court which generally hears appeals from Family Proceedings Courts, or family cases which are more complex in nature.

**Family Magistrates' Business** - Family business in the magistrate's court (the Family Proceedings Court) covers applications brought in respect of the care and welfare of children, domestic proceedings and applications for non-molestation and/or occupation orders.

**Family Proceedings Court** - A court of summary jurisdiction (constituted as a Youth Court) which hears proceedings under the Children (Northern Ireland) Order 1995 e.g. residence, contact with children.

**Financial Provision Order** - An order requiring either or both parents to make periodical payments or a lump sum payment to the applicant (the person with whom the child resides) for the benefit of the child.



## 3 | Glossary

**Finding** - This is the date on which a defendant is either found guilty or not guilty of having committed the offence alleged in either the summons or charge sheet.

**First Listing** - The date of first hearing of a case.

**Fixed Penalty Default** - This is a fixed penalty which has been issued for a minor motoring offence and which has not been paid by the payment due date and has therefore gone into default. At this stage a summons is issued to bring the matter before the court to have a judge set the default terms for non-payment.

**Foreign Judgment** - An Act to make provision for the enforcement in the United Kingdom of judgments given in foreign countries, which accord reciprocal treatment to judgments given in the United Kingdom, and vice versa.

**Hearing** - The trial of a case or preliminary issue in court.

**High Court Judge** - A judge who sits in the High Court and the Crown Court to hear and determine civil, family, and criminal business.

**Hybrid Charge** - This is also referred to as a 'triable-either-way' offence. A criminal offence that may be prosecuted either summarily (in the magistrates' court) or on indictment (in the Crown Court). In the majority of cases, the prosecution decides how the offence is tried depending on the seriousness of the offence.

**Indictable Charge** - A serious criminal offence where the defendant is usually tried in the Crown Court.

**Indictable Triable Summarily Charge** - A serious criminal offence where a defendant can be tried in the Crown Court but may in some instances be tried in a magistrates' court.

**Injunction** - A legal order which stops someone from doing or continuing to do something, or which requires them to take certain positive action.

**Interlocutory Application** - An application made at any time after proceedings have issued and before the final hearing. For example, a challenge to one party's refusal to give discovery, or an application for substituted service are interlocutory applications.

**Issue** - This is the process by which a complaint or claim is lodged with the court. It can also be described as the 'Received Date'.

**Judicial Review** - A procedure by which someone can challenge in the High Court, the decisions or actions of:

- A Government Department;
- A public body;
- The magistrates' court;

## 3 | Glossary

- The County Court; and
- Certain tribunals.

A Judicial Review is only available if there is no other legal remedy.

**Judicial Separation** - An alternative to divorce is a decree of judicial separation. This does not dissolve the marriage but absolves the parties from the obligation to live together. This procedure might, for instance, be used if religious beliefs forbid or discourage divorce.

**Justice & Security Act 2007** - Legislation which replaced the Terrorism Act 2000 which makes provision for non-jury trials.

**Leave to Change Surname by which Child is Known** - An application for leave (permission) to change a child's name without a parent's consent. The court will give permission if it believes it is in the child's best interests to allow the name change.

**Licences** - These are applications for intoxicating liquor licences and certificates of registration for public houses and clubs, enabling their legal operation.

**Lodge Documents** - Send documents to the court office.

**Master** - A judicial post, where the individual must have been a legal practitioner for at least 10 years. The Master determines a range of court proceedings in the

High Court, and manages procedural elements of more complex cases before they are heard by a High Court judge.

**Matrimonial Application** - These are applications attached to divorce proceedings such as Ancillary Relief applications that relate to financial relief to one or both parties following a petition for divorce, for example, maintenance and the division of property/finances.

**Monies Due** - Financial compensation or money owed.

**Negligence** - Conduct that falls below the standards of behaviour established by law for the protection of others against unreasonable risk of harm. A person has acted negligently if they have departed from the conduct expected of a reasonably prudent person acting under similar circumstances.

**Non Court Disposal** - Includes all disposals not completed in court, for example settlements or withdrawals.

**Non Molestation Order** - This order prevents a person from molesting another person with whom they have had a relationship or they are related to. Molestation encompasses any form of serious pestering or harassment and applies to any conduct which could properly be regarded as such a degree of harassment as to

## 3 | Glossary

call for the intervention of the court. A 'non-molestation' order may contain one or both of the following: (a) A provision prohibiting a person from molesting another person. (b) A provision prohibiting the respondent from molesting a child.

**Notice of Appointment** - The notification of a date, time and location for a court hearing.

**Notice of Intention to Defend (NID)** - When a civil bill is taken by an applicant against a respondent, the respondent may contest the claim and signal their intention to dispute the claim through a Notice of Intention to Defend. This means that the case will then be listed before a judge in court for resolution.

**Notice of Motion** - A notification issued to one or more parties by the individual or company that has filed a motion before a court, with a date for the hearing which will take place on the date stated on the notice.

**Nullity** - A Decree of Nullity of Marriage is granted where the petitioner proves that the marriage is either void or voidable. A void marriage is one which should never have been celebrated (by reason of the relationship or incapacity of the parties and which therefore never had legal status). A voidable marriage is one which is legal but may be nullified by order of the court.

**Occupation Order** - Occupation orders declare, confer or regulate occupation (not ownership) rights in the family home between those in certain family or domestic relationships. These orders, if combined with a non-molestation order, may be used for protective purposes. Alternatively, they may be used to declare or regulate the right of occupation in the home in cases where protection is not an issue. An occupation order is available between parties who have had a relationship or are related.

**Office Disposal** - See 'Non-court disposal'.

**Order 53 Statement** - The document which starts a judicial review case. It is named after Order 53 of the Rules of the Court of Judicature, which states what must be in an Order 53 Statement.

**Ordinary Application** - See 'Application'.

**Ordinary Civil Bills** - A legal document which seeks to recover damages for (i) personal injury claims (injuries caused by negligence), for example, traffic accidents, falls on pavements and accidents at work and (ii) consumer disputes, for example, faulty goods or services. There have been a number of changes in the threshold for ordinary civil bills in recent years. Until 25 February 2013 ordinary civil bills related to cases seeking damages between £3,000 and £15,000 (prior to May

## 3 | Glossary

2011, the lower limit was £2,000). Following changes made on 25 February 2013, the upper limit for civil bills was extended to include cases seeking damages between £3,000 and £30,000.

**Originating Application** - The first, provisional, or primary application in a legal process.

**Originating Motion** - A document which starts some kinds of High Court cases, described in Rules of the Court of Judicature Order 5, rule 5 and Order 8.

**Originating Summons** - A document which starts some kinds of High Court cases, described in Rules of the Court of Judicature Order 5, rule 3 and Order 8.

**Outstanding Case** - A case that is currently active within the County Court system, for example, live cases not yet disposed.

**Parental Responsibility Order** - Outlines the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his / her property. It may also include certain rights which a guardian may exercise.

**Party** - The plaintiff, defendant or third or other party in a court case.

**Penalty Notice for Disorder** - These are diversionary disposals aimed at dealing with minor offences, such as non-motoring offences, as a direct alternative to a prosecution before the court.

**Penalty Notice for Disorder Default** - This is a penalty notice for disorder which has been issued for a defined offence and which has not been paid by the payment due date and has therefore gone into default. At this stage a summons is issued to bring the matter before the court to have a judge set the default terms for non-payment.

**Petition** - The document which starts a divorce or civil partnership dissolution case, and some other kinds of cases, described in Rules of the Court of Judicature, Order 9 and the Family Proceedings Rules.

**Plea** - The response a defendant gives after criminal charges have been put to him e.g. “guilty” or “not guilty.”

**Proceedings** - A shorthand term for all the court procedures and documents before the final court order.

**Prohibited Steps Order** - An order which prevents a parent from taking specific actions as part of their normal parental responsibilities to a child.

**PSNI/ PPS Prosecution** - These are prosecutions for criminal offences which are investigated by Police Service of Northern Ireland (PSNI) and prosecuted by Public Prosecution Service (PPS).

**Received** - The date the papers are lodged with the court and the fees received.

## 3 | Glossary

**Recovery Order** - An order which generally directs the return of a child who has been taken away unlawfully; has run away or is missing. The order may permit certain actions to be taken (like entering property) to enable it to be carried out.

**Remittal** - The process of transferring a case to a lower court e.g. transferring a case from the High Court to the County Court.

**Removal** - The process of transferring a case to a higher court e.g. transferring a case from the County Court to the High Court.

**Revoke** - To invalidate or cause to no longer be in effect, as by voiding or cancelling.

**Residence Order** - An order detailing with whom a child shall live. This is generally following the breakdown of a relationship, but can arise in other circumstances e.g. if the child's parents have died.

**Scheduled** - A scheduled offence is one which is listed in Schedule 9 of the Terrorism Act 2000 and which, if it is tried on indictment, will be heard by a judge sitting without a jury. This has been replaced by the Justice and Security Act 2007.

**Scheduled Sitting** - This is a regular court sitting that is included within the court calendar.

**Secure Accommodation Order** - Accommodation provided for a continuous period of more than 24 hours, designed to restrict liberty.

**Setting Down** - Telling the court office a case is ready for hearing.

**Sitting** - This is a period of work by a judge in a single courtroom on a single day. Several types of business may be heard at one sitting. Business heard in different courtrooms, whether at the same venue or elsewhere, is counted as separate sittings.

**Sitting Days** - A court sitting day is counted as any day where the judiciary sit in court. It is a period of work by a judge on a single day. Multiple sittings on one calendar date will be aggregated into one sitting day based on the Judicial Officer, venue and sitting date. Several types of business may be heard within one sitting day. Days are classified on the basis of the majority business undertaken, except for the magistrates' court, when it is based in the first instance, on the earliest scheduled sitting. Where the start time for two or more sittings is the same, the days are classified on the majority of business undertaken. It does not include time in chambers or days where the judiciary are sitting in chambers.

## 3 | Glossary

**Small Claims** - Small claims allow certain types of claims to be decided informally by the County Court, usually without the need of a solicitor or barrister. In general a small claim is one where the value to be claimed is not more than £3,000 (before May 2011 the upper limit was £2,000). Examples of small claims are (i) compensation for faulty services by, for example, builders, dry cleaners and garages (ii) compensation for faulty goods such as electrical goods (iii) disputes between landlords and tenants for rent arrears or compensation for not doing repairs and (iv) debts or wages owed or money in lieu of notice.

**Special Sitting** - These are additional unplanned court sittings, not included within the regular court calendar, that are required to hear unforeseen business, such a dealing with a defendant on a weekend or public holiday.

**Specific Issue Order** - An order which addresses a specific matter that has arisen relating to the parental responsibility of a child e.g. which school shall they attend; what religion shall they be brought up in.

**Strike Out Order** - Striking out means the court ordering written material to be deleted so that it may no longer be relied upon.

**Summary Charge** - This is an offence which is triable in a magistrates' court.

**Summons** - A summons is served on a person involved in a legal proceeding and it indicates legal action may be in progress against the person, or the person's presence as witness may be required. The summons usually announces a date by which the person or persons summoned must either appear in court, or respond in writing to the court or the opposing party or parties.

**Supervision Order** - Puts a child under the supervision of a designated authority. A supervision order may require a child: (i) To comply with direction given by a supervisor as regards residence, reporting and participating in activities. (ii) To keep the supervisor informed of any change in address and allow the supervisor to visit at the place where he is living.

**Time Intervals** - This is the time taken (in weeks) between the case, application or claim being received by the court and the date it is finally resolved, by either the court, an arrangement between parties out of court or by being withdrawn by the applicant.

**Unliquidated** - An unliquidated sum is one for which the precise amount owed cannot be determined from the terms of the contractual agreement or another standard.

**Winding Up Petition** - An application to court seeking the liquidation of a company.

## 3 | Glossary

**Withdrawn** - An order which removes a case from court, for a variety of reasons. The court action then ceases.

**Writ** - A document which starts a case in the Queen's Bench Division.

**Youth Magistrates' Business** - Magistrates' court criminal business in which the defendant is aged between 10 and 18 years on the date on which they committed the offence.