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**Analytical Services Group**

## **High Court Bulletin**

**October to December 2016**

**Research and Statistical Bulletin 04/2017**

**Quarterly provisional figures**

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## EXECUTIVE SUMMARY

- This bulletin provides information on throughput at the High Court in Northern Ireland during the period October to December 2016 and commentary on trends observed for this quarter in each year from 2007. During the period October to December 2016:
- 776 cases were received into the Chancery division, a 14% decrease on the same quarter last year (903), and the lowest number received during the October to December quarter since the time series began in 2007. 974 cases were disposed of in the Chancery division during October to December 2016, an increase of 12% on the number disposed during the same period in 2015 (872).
- 878 writs and originating summons were received, up 15% on the 761 received during the same period in 2015. It represented the second lowest number received during the October to December quarter since the beginning of the time series in 2007, a likely consequence of the increase in the lower limit for writs from £15,000 to £30,000 implemented in February 2013. 894 writs and originating summons were disposed during the quarter, an increase of 35% from 661 disposed in the same period in 2015.
- During the quarter, there were 68 applications for leave to apply for Judicial Review, 26 applications for Judicial Review and 1 ancillary application received. Comparable figures were 62, 29 and 1 respectively for the same period in 2015.
- There were 19 adoption cases and applications received and 31 adoption cases and applications disposed of during October to December 2016. The corresponding figures for the same quarter in the previous year were 19 receipts and 20 disposals.
- 564 divorce petitions were received, a 21% decrease from the 717 received during the same period in 2015. A total of 236 decrees were granted in the High Court during October to December 2016, a 3% decrease on the 243 granted during the same period last year.
- During the quarter there were 542 sitting days, a 4% increase on the same quarter last year (519). The highest proportion of time was spent on Queen's Bench business (25%).

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## 1. INTRODUCTION

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

### **Chancery Division**

The Chancery Division deals with four main areas of business: Chancery, Bankruptcy, Companies and Probate.

#### **Chancery Office**

The main area of business in the Chancery office relates 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.

#### **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 you cannot repay the debts that you owe, you may be made bankrupt. The most common situations in which you can be made bankrupt are at the request of someone to whom you owe money (a creditors petition) and at your own request (a debtor's petition).

#### **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.

#### **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.

## **Queen's Bench Division**

The Queen's Bench Division comprises of a number of business areas, namely: the Writ Office, Appeals & Lists Office; Judicial Reviews Office; Commercial Office; and Bail Office. Collectively these Offices are 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
- Injunctions

Each business area within the Queen's Bench Division has discrete functions, namely;

### **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 9 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 large value and/or complex claims for damages 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.

### **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.

## **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.

## **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.

## **Family Division**

The Family Division comprises of four key business areas, namely: -

- The Matrimonial Office
- The Office of Care and Protection (Children's Section)
- The Office of Care and Protection (Patient's Section) and;
- The Official Solicitors Office

## **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
- 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
- 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)
- where one party was suffering from a venereal disease in a communicable form, or was pregnant by someone else at the time of marriage

**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. This is known as ancillary relief and may deal with the sale or transfer of property, maintenance payments (for example weekly or monthly maintenance), a lump sum payment and/or a pension sharing or attachment order.

**Dissolution of a Civil Partnership** - You can apply to end ('dissolve') your civil partnership if you have been in the partnership for at least a year.

There are 3 main steps to ending a civil partnership:

- File a dissolution petition - you have to apply to court for permission to end your civil partnership, and show reasons why you want to split up.
- Apply for a conditional order - if your civil partner agrees to the petition, you'll get a document saying there's no reason you can't divorce.
- Apply for a final order - this legally ends your civil partnership - you need to wait 6 weeks after you get the conditional order before you can apply.

### **The Office of Care and Protection (OCP) (Children's Section)**

The principal business assigned to this Office is: -

- Guardianship and Wardship of children
- Adoption
- Applications under the Children (Northern Ireland) Order 1995
- Applications under the Family Homes and Domestic Violence (NI) Order 1998

**Wardship and Adoption** - The principal business assigned to the Wardship and Adoption 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. Two main remedies were created: the non-molestation order and the occupation order. Both of these orders 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.

### **The Office of Care and Protection (OCP) (Patients 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 s/he 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. He or she can 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.

The OCP is also responsible for the registration of Enduring Powers of Attorney (EPA).

### **The Official Solicitors Office**

The Official Solicitor (OS) is an independent statutory officer 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.

## **2. METHODOLOGY**

### **2.1 Data sources**

Data contained in Tables 1 to 37 and Tables 40 and 41 use data that are inputted onto the Integrated Court Operations System (ICOS). This system was implemented across the Northern Ireland Courts and Tribunals Service (NICTS) over a two year period from 2005 to 2007. While ICOS was introduced in the High Court during 2005, data derived from ICOS has been used as the source for official government statistics since 2007, when the implementation of ICOS across all court tiers was completed. ICOS is a live operating system used in each court tier to process every part of 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.

Data contained in Tables 38 and 39 have been sourced from the Office of Care and Protection (OCP).

### **2.2 Methodology for generating data**

Analytical Service Group (ASG) Statisticians based within the NICTS take a download of High Court information from ICOS on a monthly basis. The information is downloaded using a package called Oracle Discoverer which extracts all the relevant data from ICOS into text files which are refreshed with up to date information each weekend. The text files are downloaded onto a secure internal facility that only specified statistical personnel have access to. The data contained in the files are identified only by numbers and names and addresses are not held. These statistical files are not transmitted outside the NICTS statistical team. ASG statisticians based in the NICTS import these data into the Statistics Package for Social Sciences (SPSS). SPSS is then used to perform extensive data validations to identify potential errors in the data and to ensure the data are reliable and robust.

### **2.3 Baseline and Time period**

Data contained within this bulletin relate to the time series 2007, when ICOS was adopted as the source for official government statistics, to the current calendar year 2016.

### **2.4 Frequency of Publication**

This bulletin is published on a quarterly basis. The next bulletin will cover the first quarter of 2017 and will be published on 12<sup>th</sup> May 2017.

### **2.5 Data quality and validation**

ASG statisticians based in the NICTS have invested significant time and effort creating an extensive computer programme within SPSS to validate the information downloaded from ICOS. The programme includes over 100 checks against downloaded High Court data to: (i) check consistency over time and between variables; (ii) assess reliability of data using logic checks; (iii) check that variables fall within accepted ranges; and (iv) check with the ICOS Support Team in the event of any major discrepancies occurring since the last

download. The validation program produces user friendly tables highlighting the potential problems which are circulated to the High Court as a validation report.

The High Court has staff who are responsible for: monitoring accuracy levels on ICOS, by carrying out sample checks on data entry and court resulting; ensuring all validations on ICOS and manual statistics returns are completed in a timely manner; providing advice and identifying training needs; monitoring the confirmation of ICOS court resulting, including the inputting of adjournment codes; and promoting awareness of the impact error can have, its wide ranging consequences and the negative impact on the reliability of management information.

The staff are given a two week period from the date the validation report issues to have all records 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 are then downloaded again, with the new download reflecting 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 NICTS statistics team then ensure that all validations relating to the reporting period are amended prior to publication. Once these amendments have been checked, SPSS syntax programming is then used to generate the tables in the publication.

## **2.6 Counting rules**

Receipts are counted from the date the case is entered onto ICOS and the fees are receipted. Disposals are counted from the result date that a final order was made against the case, or the date an applicant withdraws or discontinues their application prior to the hearing, changing the case status to dealt with.

## **2.7 Interpreting trends**

Due to on-going changes to the legal jurisdiction of the county court, users should be cautious of comparing trends in Queen's Bench writs. Changes to jurisdiction to increase the upper limit of ordinary civil bills from 21<sup>st</sup> February 2013 (from £15,000 to £30,000) will have resulted in some cases that were previously High Court writs becoming ordinary civil bills. For further advice on differences in data between years, please contact the statistician responsible for this bulletin.

## **2.7 Revisions**

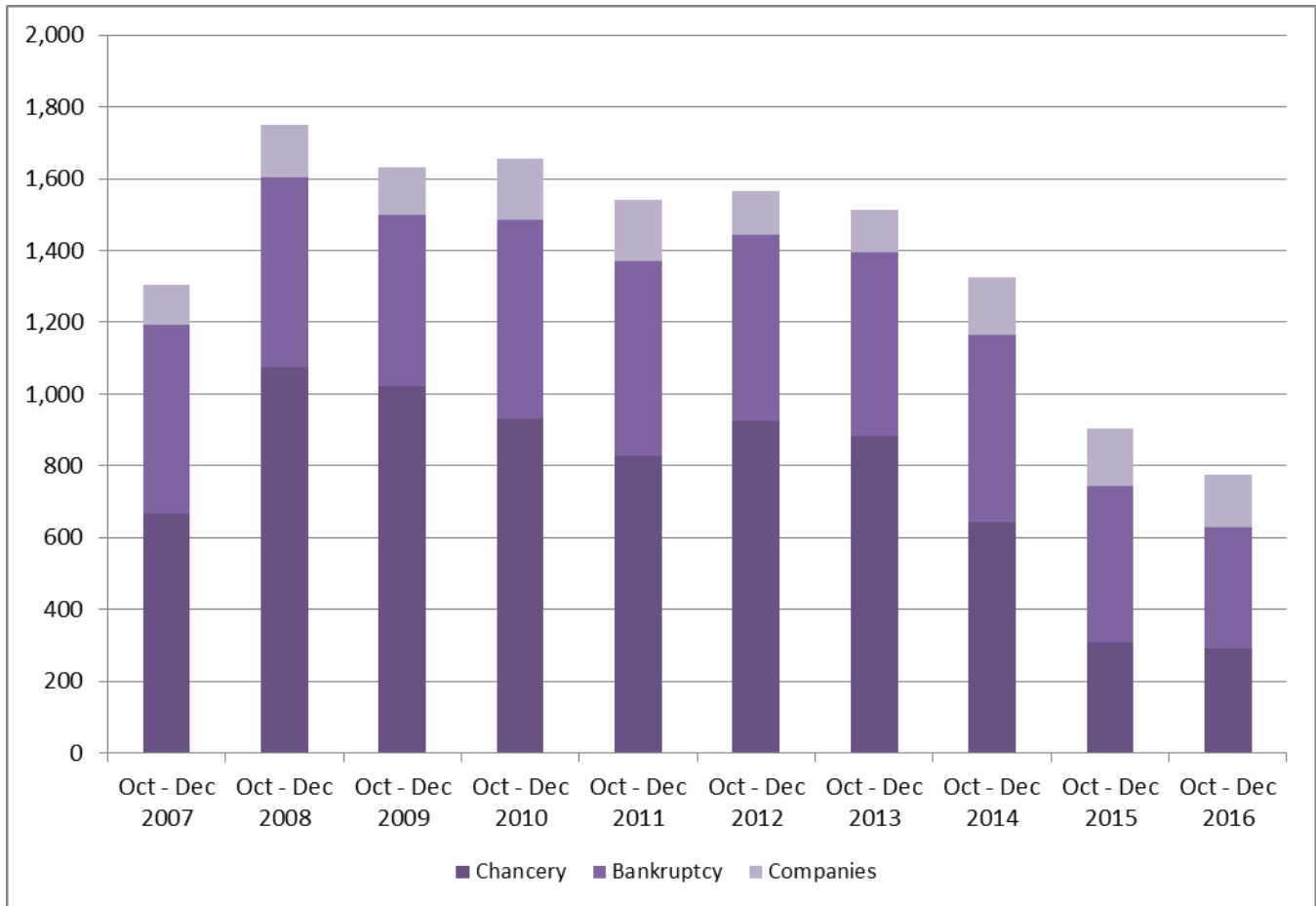
Any revision to data will be applied in light of the ASG (NICTS) Statistical Note 'Policy Statement on Revisions' which can be found on the Statistics and Research page of the Services section on the NICTS website ([www.courtsni.gov.uk](http://www.courtsni.gov.uk)). Incorrect figures or changes to this publication will be published on the web in a formal Statistical Notice.

### 3. FINDINGS

#### 3.1 Chancery

There were 776 cases received into the Chancery division during the quarter October to December 2016, a 14% decrease on the same quarter last year (903). In total 37% were chancery cases, 44% were bankruptcy cases and 19% were companies' cases. This is the lowest number of chancery cases received since the time series began in 2007 (Figure 1).

**Figure 1: Chancery cases received: October to December 2007 to October to December 2016**

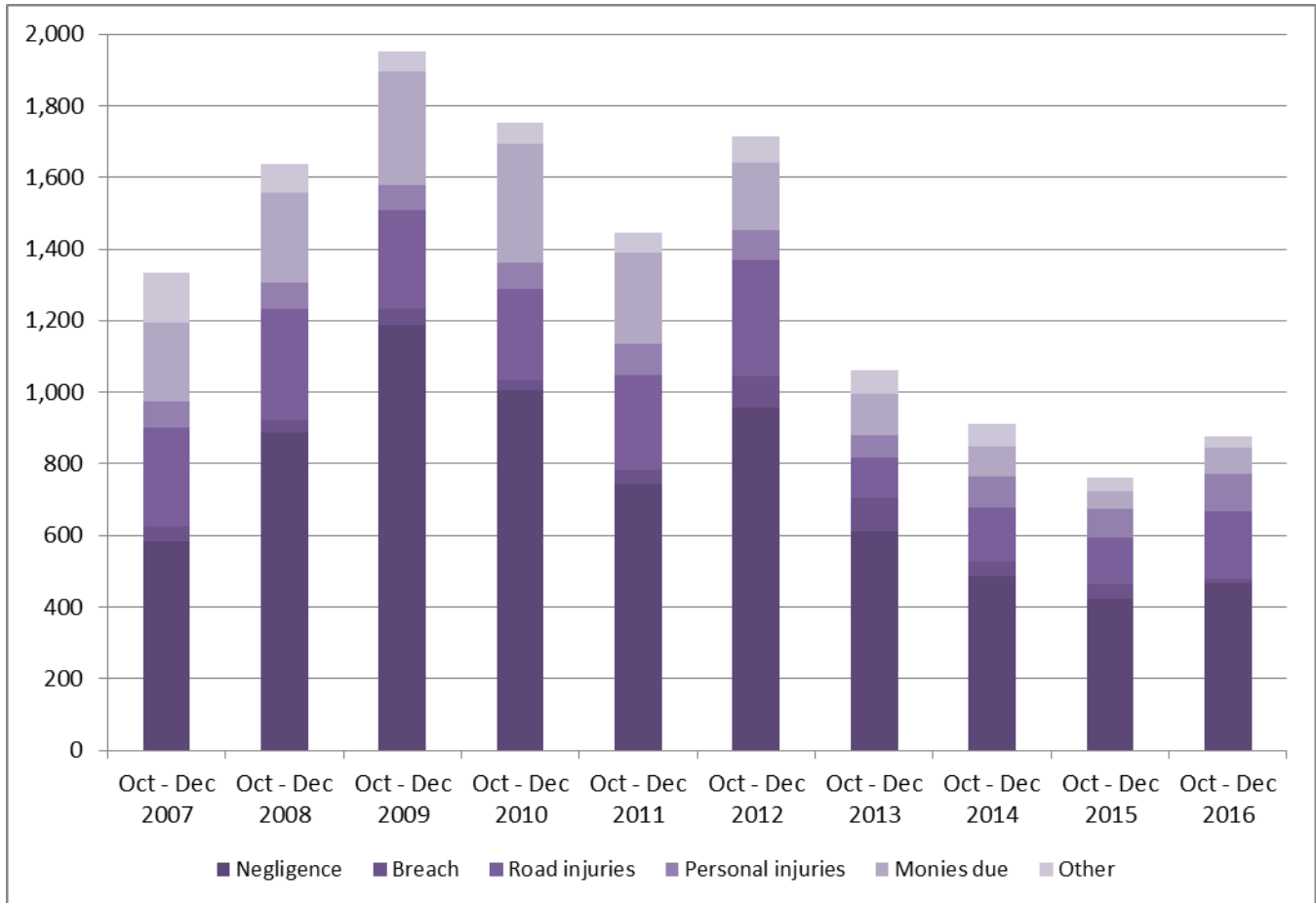


In total, 974 cases were disposed of in the Chancery division during the quarter, an increase of 12% on the number disposed during the same period in 2015 (872).

### 3.2 Queen’s Bench

There were 878 writs and originating summons received during the period October to December 2016, a 15% increase on the 761 received during the same period in 2015, and the second lowest number received during the October to December quarter since 2007 (Figure 2). This is reflective of the changes in jurisdiction introduced on the 21<sup>st</sup> February 2013, when the lower limit for Queen’s Bench writs increased from writs over £15,000 to writs over £30,000.

**Figure 2: Queen’s Bench cases received: October to December 2007 to October to December 2016**



894 writs and originating summons were disposed during the quarter, an increase of 35% from 661 disposed in the same period in 2015.

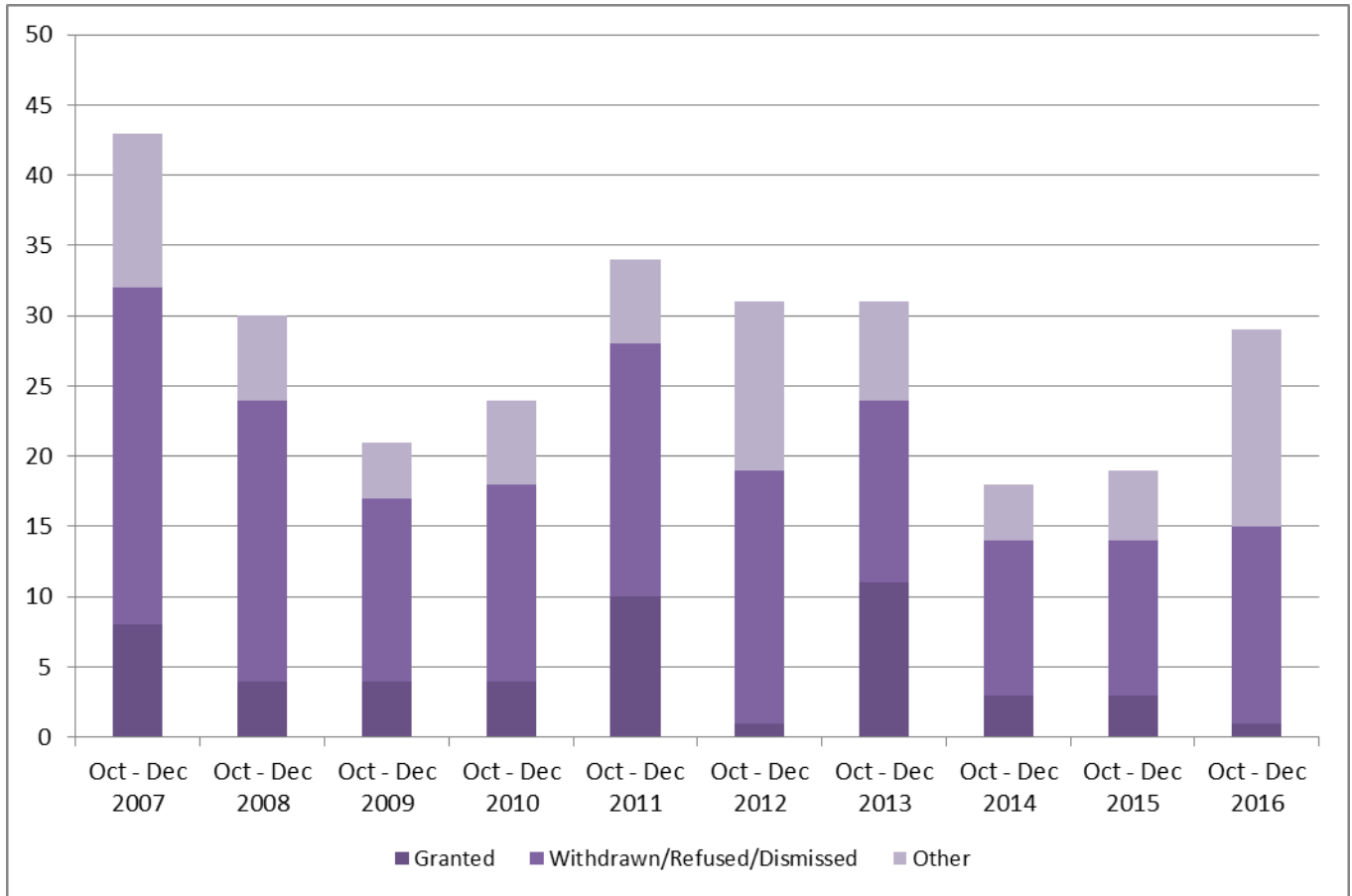
There were 75 removals and remittals applications dealt with during October to December 2016. This represents a 31% decrease from 108 dealt with in the same period in 2015.

### 3.3 Judicial Reviews

During October to December 2016, there were 68 applications for leave to apply for Judicial Review, 26 applications for Judicial Review and 1 ancillary application received. Comparable figures were 62, 29 and 1 respectively for the same period in 2015.

The number of applications for Judicial Review disposed of during the October to December quarter has fluctuated since the time series began in 2007. Disposals were at their highest level in 2007 (43) and at their lowest level (18) in 2014 (Figure 3).

**Figure 3: Applications for Judicial Review disposed: October to December 2007 to October to December 2016**



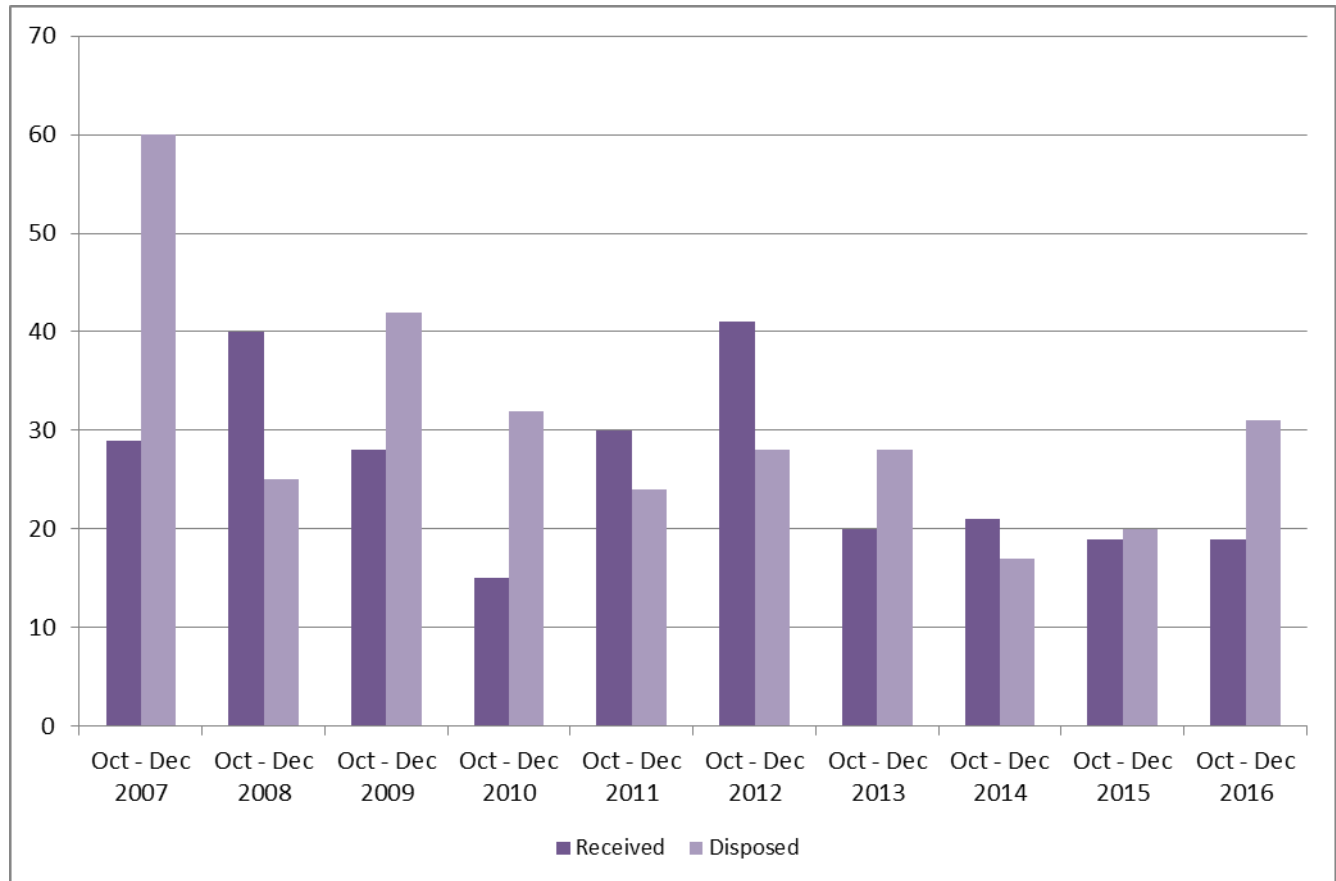
### 3.4 Probate

There were 1,691 grants issued in the probate office during the period, an increase of 8% from the 1,569 issued in the same period in 2015.

### 3.5 Wardship and Adoption

There were 19 adoption cases and applications received and 31 adoption cases and applications disposed of during October to December 2016. The corresponding figures for the same quarter in the previous year were 19 receipts and 20 disposals (Figure 4).

**Figure 4: Adoption cases and applications received and disposed: October to December 2007 to October to December 2016**



The average time taken in weeks from issue to disposal for an adoption case/application was 29 weeks, compared to 43 weeks during the same period last year.



### 3.6 Matrimonial

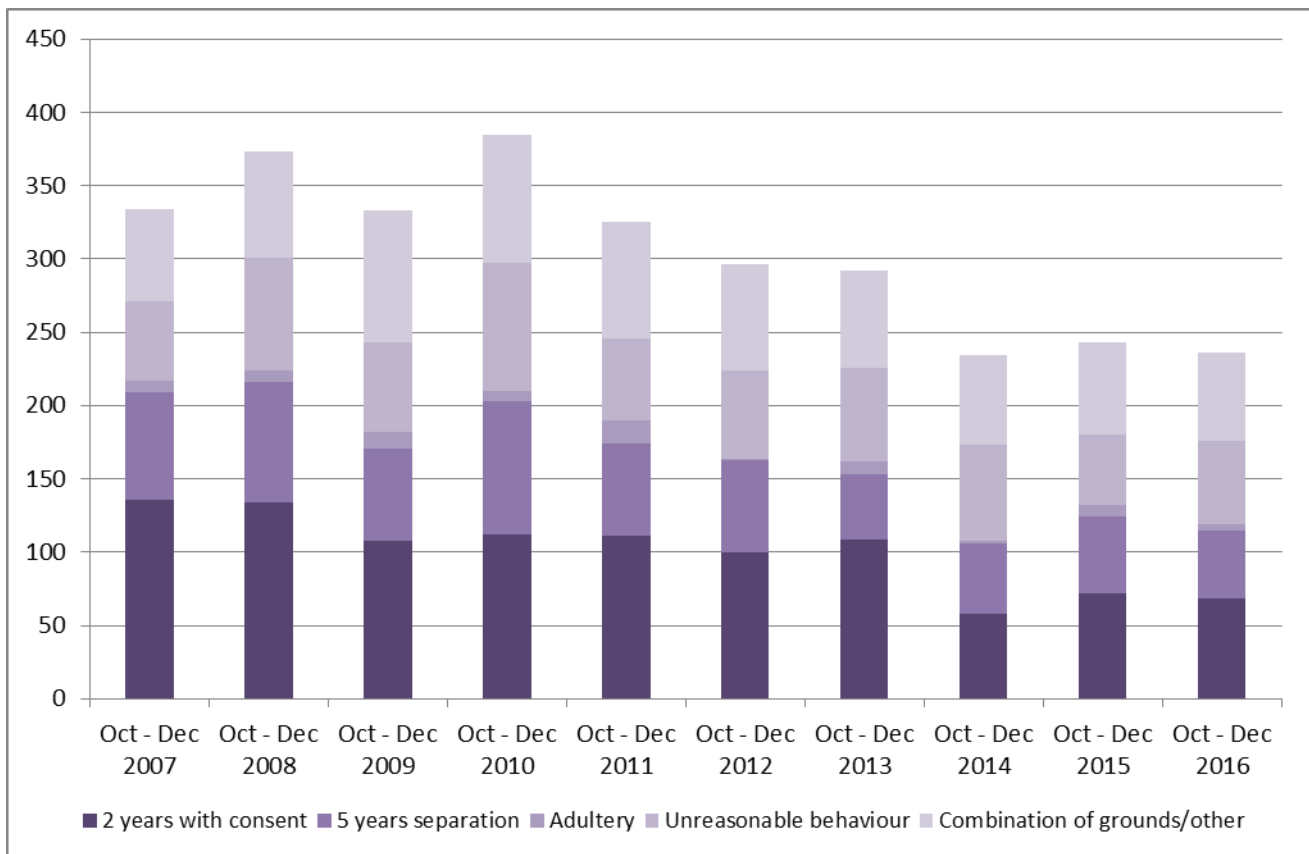
During the period October to December 2016, there were 564 divorce petitions lodged in the High Court, of which 334 (59%) were lodged by the wife. Comparable figures were 717 and 438 (61%) respectively for the same period in 2015.

While all divorce petitions are lodged in the High Court, decrees and absolutes are issued in both the High Court and County Court.

236 decrees were granted in the High Court in July to September 2016, down 3% on the 243 granted during the same period last year. The number of decrees granted in the High Court has fluctuated during the October to December quarter since the time series began in 2007 (Figure 5).

The main type of decree granted in October to December 2016 was ‘2 years with consent’ accounting for 29% (68) of cases, followed by ‘Combination of grounds/other’, 25% (60) of cases (Figure 5).

**Figure 5: Decrees granted, by type: October to December 2007 to October to December 2016**



A total of 233 decrees absolute were issued during the quarter, up 5% on the 222 granted during the same period last year. The most common types of decrees absolute issued during October to December 2016 were ‘2 years with consent’, accounting for 40% (93) of cases and ‘Combination of grounds/other’, accounting for 22% (52) of cases.

The average time taken from the issue of a divorce petition to the date the decree was granted was 38 weeks. This compares to 45 weeks during the same period last year.

### 3.7 Patients

There were 433 new referrals in the Patients section during the quarter October to December 2016, a decrease of 5% on the 456 received during the same quarter in 2015.

### 3.8 Official Solicitors

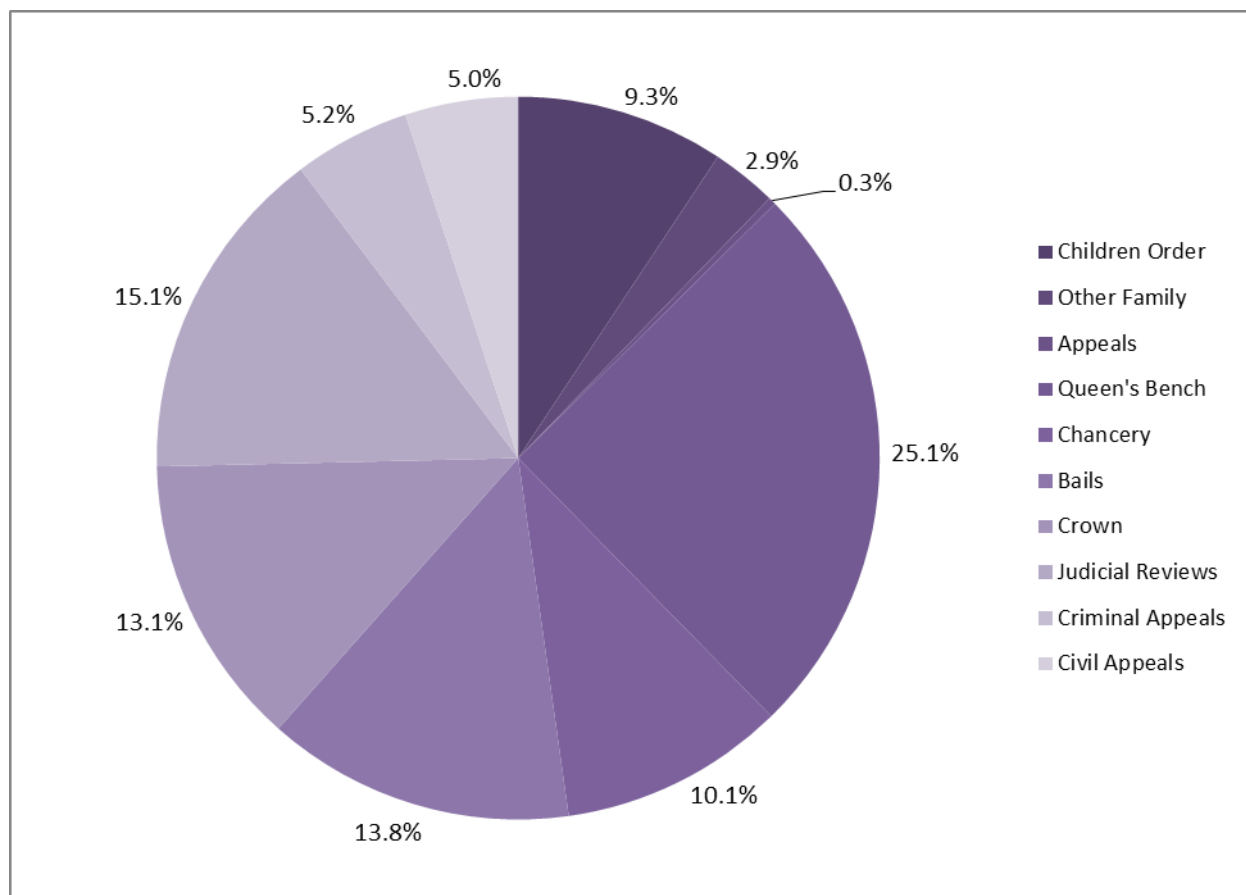
During October to December 2016, there were 309 certificates drafted in the Official Solicitors office, a decrease of 30% from 444 in the same period in 2015.

### 3.9 Sitting Days

There were a total of 542 sitting days in the High Court during the quarter October to December 2016, a 4% increase on the same quarter last year (519).

The highest percentage of time was spent on Queen’s Bench business (25%). A breakdown of the percentage of total sittings times by business type is outlined in Figure 6 below.

**Figure 6: High Court Total Sitting Times by Business Type: October to December 2016**



## APPENDIX 1 - TABLES

### Chancery

Table 1: Chancery cases and applications received

Case	Mortgages	239
	Other land and property	6
	Other	45
	Total	290
Application	Notice of appointment	232
	Summons	186
	Notice of motion	6
	Ex-parte application	51
	Injunction	3
	Total	478

Table 2: Chancery cases set-down

Case	Other land and property	1
	Other	6
	Total	7

Table 3: Chancery cases and applications disposed

		High Court Judge	Master	Office disposal	Total
Case	Mortgages	1	205		206
	Other land and property	6	4	2	12
	Trade and business	1		2	3
	Other	23	14	6	43
	Total	31	223	10	264
Application	Notice of appointment		33		33
	Summons	12	124		136
	Notice of motion	3	1		4
	Ex-parte application	1	45		46
	Injunction	2			2
	Total	18	203		221

**Table 4: Bankruptcy cases and applications received**

<b>Case</b>	<b>Petition by another person</b>	183
	<b>Petition by debtor</b>	85
	<b>Other petition</b>	14
	<b>Originating application</b>	42
	<b>Other</b>	16
	<b>Total</b>	340
<b>Application</b>	<b>Notice of motion</b>	4
	<b>Ordinary application</b>	183
	<b>Certificate of automatic discharge</b>	18
	<b>Other</b>	3
	<b>Total</b>	208

**Table 5: Bankruptcy cases and applications disposed**

		<b>High Court Judge</b>	<b>Master</b>	<b>Office disposal</b>	<b>Total</b>
<b>Case</b>	<b>Petition by another person</b>		334	25	359
	<b>Petition by debtor</b>		91	1	92
	<b>Other petition</b>		14		14
	<b>Originating application</b>		30		30
	<b>Other</b>		21	1	22
	<b>Total</b>		490	27	517
<b>Application</b>	<b>Notice of motion</b>	1	2		3
	<b>Ordinary application</b>	1	212		213
	<b>Certificate of automatic discharge</b>		5	12	17
	<b>Other</b>		3		3
	<b>Total</b>	2	222	12	236

**Table 6: Companies cases and applications received**

<b>Case</b>	<b>Winding up petition</b>	86
	<b>Other petitions</b>	7
	<b>Originating summons</b>	6
	<b>Other</b>	47
	<b>Total</b>	146
<b>Application</b>	<b>Notice of motion</b>	5
	<b>Ordinary application</b>	11
	<b>Other</b>	2
	<b>Total</b>	18

**Table 7: Companies cases and applications disposed**

		<b>High Court Judge</b>	<b>Master</b>	<b>Total</b>
<b>Case</b>	<b>Winding up petition</b>	1	139	140
	<b>Other petitions</b>		8	8
	<b>Originating summons</b>	1	11	12
	<b>Other</b>	4	29	33
	<b>Total</b>	6	187	193
<b>Application</b>	<b>Notice of motion</b>	1		1
	<b>Ordinary application</b>	1	12	13
	<b>Total</b>	2	12	14

**Table 8: Time intervals in weeks for the Chancery Division<sup>1</sup>**

	<b>Chancery</b>		<b>Bankruptcy</b>		<b>Companies</b>	
	<b>Case</b>	<b>Application</b>	<b>Case</b>	<b>Application</b>	<b>Case</b>	<b>Application</b>
<b>Issue to first listing</b>	40	4	6	2	10	4
<b>First listing to disposal</b>	13	9	8	10	5	15
<b>Issue to disposal</b>	54	13	14	12	15	19

<sup>1</sup> Due to rounding, individual time intervals may not equal the overall time taken to progress through the courts

## Queen's Bench

Table 9: Queen's Bench cases and applications received

Writs and originating summons	Negligence	468
	Breach	12
	Road injuries	186
	Personal injuries	107
	Monies due	72
	Other	33
	<b>Total</b>	<b>878</b>
Miscellaneous	Foreign judgement	30
	Other	5
	<b>Total</b>	<b>35</b>
Applications	Summons/interlocutory applications	336
	Remittals and removals	80
	Ex-parte applications	58
	Other	86
	<b>Total</b>	<b>560</b>

Table 10: Queen's Bench writs and originating summons received by amount claimed

	Unliquidated	£3,000-14,999	Over £15,000	Total
Negligence	468			468
Breach	12			12
Road injuries	186			186
Personal injuries	107			107
Monies due	12	6	54	72
Other	33			33
<b>Total</b>	<b>818</b>	<b>6</b>	<b>54</b>	<b>878</b>

**Table 11: Queen's Bench writs and originating summons set-down by amount claimed**

	Unliquidated	Over £15,000	Total
<b>Negligence</b>	31	1	32
<b>Breach</b>	4		4
<b>Road injuries</b>	6		6
<b>Personal injuries</b>	2		2
<b>Monies due</b>	1	1	2
<b>Other</b>	10		10
<b>Total</b>	54	2	56

**Table 12: Queen's Bench cases and applications disposed<sup>2</sup>**

		High Court Judge	Master	Office disposal	Default judgement	Total
<b>Writs and originating summons</b>	<b>Negligence</b>	115	26	359	9	509
	<b>Breach</b>	2	1	10		13
	<b>Road injuries</b>	58	5	142	3	208
	<b>Personal injuries</b>	37	20	50		107
	<b>Monies due</b>	3	2	4	19	28
	<b>Other</b>	14	3	9	3	29
	<b>Total</b>	229	57	574	34	894
<b>Miscellaneous</b>	<b>Other</b>	6				6
	<b>Total</b>	6				6
<b>Applications</b>	<b>Summons/interlocutory applications</b>	23	226			249
	<b>Remittals and removals</b>		75			75
	<b>Ex-parte applications</b>	7	42			49
	<b>Other</b>	32	43			75
	<b>Total</b>	62	386			448

<sup>2</sup> Excludes commercial actions

**Table 13: Queen's Bench writs and originating summons disposed of by amount<sup>3</sup>**

		Unliquidated	£3,000-14,999	Over £15,000	Total
High Court Judge	Negligence	56	15	44	115
	Breach	1		1	2
	Road injuries	12	3	43	58
	Personal injuries	34		3	37
	Monies due	3			3
	Other	10		4	14
Master	Negligence	22		4	26
	Breach	1			1
	Road injuries	4		1	5
	Personal injuries	19		1	20
	Monies due	2			2
	Other	3			3
Default judgement	Negligence	9			9
	Road injuries	3			3
	Monies due		1	18	19
	Other	3			3
<b>Total</b>		182	19	119	320

<sup>3</sup> Excludes commercial actions and office disposals

**Table 14: Time intervals in weeks for Queen's Bench cases and applications<sup>4,5</sup>**

	Writs and originating summons	Miscellaneous	Applications
Issue to setdown	166	106	.
Issue to first listing	130	92	3
First listing to disposal	41	91	7
Issue to disposal	170	183	10

<sup>4</sup> Excludes default judgements, office disposals and commercial actions

<sup>5</sup> Due to rounding and not all writs and originating summons having a set-down date, individual time intervals may not equal the overall time taken to progress through the courts

**Table 15: Queen's Bench cases received into commercial list**

Negligence	16
Breach	5
Monies due	10
Other	4
<b>Total</b>	<b>35</b>



**Table 16: Queen's Bench commercial actions set-down**

Negligence	9
Breach	4
Monies due	4
Other	3
<b>Total</b>	<b>20</b>

**Table 17: Queen's Bench commercial actions disposed**

	High Court Judge	Office disposal	Default judgement	Total
Negligence	25	2		27
Breach	7			7
Monies due	7	1	1	9
Other	4			4
<b>Total</b>	<b>43</b>	<b>3</b>	<b>1</b>	<b>47</b>

**Table 18: Time intervals in weeks for Queen's Bench commercial actions<sup>3,5</sup>**

	Commercial actions
Received to Entry to commercial list	79
Entry to commercial list to first listing	26
First listing to disposal	52
Received to disposal	157

<sup>3</sup> Excludes default judgements and office disposals

<sup>5</sup> Due to rounding and not all writs and originating summons having a set-down date, individual time intervals may not equal the overall time taken to progress through the courts

## Judicial Reviews

**Table 19: Applications relating to Judicial Reviews received**

Application for leave to apply for judicial review	68
Application for judicial review	26
Ancillary applications	1

**Table 20: Applications relating to Judicial Reviews disposed**

	Granted	Withdrawn/Refused/Dismissed	Other	Total
Application for leave to apply for judicial review	27	37	16	80
Application for judicial review	1	14	14	29
Ancillary applications			1	1

**Table 21: Time intervals in weeks for applications relating to Judicial Reviews<sup>1</sup>**

	Application for leave to apply for judicial review	Application for judicial review	Ancillary applications
Issue to first listing	11	65	125
First listing to disposal	7	14	0
Issue to disposal	18	79	125

<sup>1</sup> Due to rounding, individual time intervals may not equal the overall time taken to progress through the courts

## Probate

Table 22: Probate grants issued in non-contentious proceedings

	Probate		Northern Ireland
	By solicitor	Personal	
Letters of administration with will annexed	40		40
Letters of administration with will annexed (DBN)	3	1	4
Letters of administration	293	66	359
Grant of probate	1151	134	1285
Letters of administration (DBN)	3		3
<b>Total grants issued</b>	<b>1490</b>	<b>201</b>	<b>1691</b>

## Wardship and adoption

Table 23: Adoption cases and applications received

Adoption Order Application	9
Child Abduction Originating Summons	4
Freeing Order Application	3
Interlocutory Application	1
Wardship Originating Summons	2
<b>Total</b>	<b>19</b>

Table 24: Adoption cases and applications disposed

	High Court Judge	Master	Total
Adoption Order Application	15		15
Child Abduction Originating Summons	6		6
Freeing Order Application	3		3
Human Fertilisation Originating Summons	1		1
Wardship Originating Summons	2	4	6
<b>Total</b>	<b>27</b>	<b>4</b>	<b>31</b>

**Table 25: Family homes and domestic violence cases and applications received**

Applications for Occupation/Non-Molestation	11
Ex-parte Applications for Occupation/Non-Molestation	4
<b>Total</b>	<b>15</b>

**Table 26: Family homes and domestic violence cases and applications disposed**

	High Court Judge	Master	Total
Applications for Occupation/Non-Molestation	3	13	16
Ex-parte Applications for Occupation/Non-Molestation		1	1
<b>Total</b>	<b>3</b>	<b>14</b>	<b>17</b>

**Table 27: Time intervals in weeks for Adoption and Family homes and domestic violence cases and applications<sup>1</sup>**

	Adoption	Family Homes And Domestic Violence
Issue to first listing	17	1
First listing to disposal	11	13
Issue to disposal	29	14

<sup>1</sup> Due to rounding, individual time intervals may not equal the overall time taken to progress through the courts

## Matrimonial

**Table 28: Divorce petitions received**

		Filed by		Total
		Wife	Husband	
Divorce Petition	2 years with consent	114	103	217
	5 years separation	75	87	162
	Adultery	5		5
	Unreasonable behaviour	96	27	123
	Combination of grounds/other	44	13	57
<b>Total</b>		<b>334</b>	<b>230</b>	<b>564</b>

**Table 29: Divorce petitions by number of decrees granted**

		Found by			Total
		Wife	Husband	Both	
Decree Nisi	2 years with consent	45	23		68
	5 years separation	23	24		47
	Adultery	3	1		4
	Unreasonable behaviour	46	10	1	57
	Combination of grounds/other	31	17	10	58
Nullity	Combination of grounds/other		2		2
<b>Total</b>		<b>148</b>	<b>77</b>	<b>11</b>	<b>236</b>

**Table 30: Divorce petitions by number of decrees absolute issued**

		Found by			Total
		Wife	Husband	Both	
Divorce Petition	2 years with consent	54	39		93
	5 years separation	22	23		45
	Adultery	2			2
	Unreasonable behaviour	38	3		41
	Combination of grounds/other	29	19	4	52
<b>Total</b>		<b>145</b>	<b>84</b>	<b>4</b>	<b>233</b>

**Table 31: Matrimonial applications received**

Application	Combination of grounds/other	4
	Ancillary relief	127
	Matrimonial application	121
	Other	7
Total		259

**Table 32: Matrimonial applications disposed**

		Judge	Master	Total
Application	Combination of grounds/other	3		3
	Ancillary relief	3	114	117
	Matrimonial application	6	126	132
	Other	2		2
Total		14	240	254

**Table 33: Time intervals in weeks for divorce petitions<sup>1</sup>**

	Divorce Petition
Issue to first listing	37
First listing to date decree granted	0
Issue to date decree granted	38
Date decree granted to date absolute issued	7

<sup>1</sup> Due to rounding, individual time intervals may not equal the overall time taken to progress through the courts

**Table 34: Time intervals in weeks for divorce applications<sup>1</sup>**

	Combination of grounds/other	Ancillary relief	Matrimonial application	Other
Issue to first listing	0	9	5	0
First listing to disposal	72	44	5	12
Issue to disposal	72	53	10	12

<sup>1</sup> Due to rounding, individual time intervals may not equal the overall time taken to progress through the courts

## High Court Bail

**Table 35: Number of bail applications received**

Bail application	341
Bail pending appeal to county court	10
Compassionate bail application	10
Application to revoke bail	1
Bail variation	98
<b>Total</b>	<b>460</b>

**Table 36: Number of bail applications disposed in chambers**

	Granted	Other	Total
Compassionate bail application	2		2
Bail variation	44	7	51
<b>Total</b>	<b>46</b>	<b>7</b>	<b>53</b>

**Table 37: Number of bail applications disposed of in court**

	Granted	Refused	Other	Total
Bail application	179	114	10	303
Bail pending appeal to county court	6	1		7
Compassionate bail application	3	3		6
Application to revoke bail	1			1
Bail variation	37	6		43
<b>Total</b>	<b>226</b>	<b>124</b>	<b>10</b>	<b>360</b>

## Patients

**Table 38: Patients workload figures**

<b>New referrals</b>	433
<b>EPA applications received</b>	230
<b>Orders issued</b>	309
<b>Certificates issued</b>	1419
<b>Reviews completed</b>	355
<b>Visits</b>	20 commissioned – 19 took place, 1 deferred

## Official Solicitors Office

**Table 39: Official Solicitor Statistics**

<b>Correspondence received</b>	1794
<b>New Referrals</b>	9
<b>Cases referred for a specific issue<sup>6</sup></b>	200
<b>OS appointed Controller Ad interim</b>	0
<b>Certificates drafted</b>	309
<b>OS appointed Full Controller</b>	0

<sup>6</sup> Cases referred for a specific issue – this figure now encompasses all live cases at the end of the reporting period where the OS is Full Controller together with other cases in which the OS has been asked to assist i.e. OCP/matrimonial/bankruptcy where the OS has been instructed to deal with a specific aspect but is not Full Controller. Involvement in a case may last a considerable time and therefore some of the cases may have been reflected in previous quarters and may continue to be reflected future quarters.



## **Sitting days and total sitting times**

**Table 40: High Court sitting days**

Children Order	58
Other Family	18
Appeals	8
Queen's Bench	137
Chancery	57
Bails	81
Crown	47
Judicial Reviews	80
Criminal Appeals	29
Civil Appeals	27
<b>Total</b>	<b>542</b>

**Table 41: High Court total sitting times**

Children Order	101:20:00
Other family	31:50:00
Appeals	3:41:00
Queen's Bench	273:00:00
Chancery	110:00:00
Bails	149:57:00
Crown	142:25:00
Judicial reviews	164:16:00
Criminal appeals	56:52:00
Civil appeals	54:56:00
<b>Total</b>	<b>1088:17:00</b>

## **APPENDIX 2 - EXPLANATORY NOTES**

### **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 can 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), a lump sum payment and/or a pension sharing or attachment order.

### **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.

### **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.

### **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.

### **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.

### **Compassionate bail application**

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

## **Court Disposal**

Includes all cases issued with a final order by a High Court Judge.

## **Court order**

The enforceable decision of the court.

## **Creditor**

A person who is owed money by a debtor.

## **Debtor**

A person who owes money to a creditor.

## **Decree Absolute**

The decree absolute is the legal document that ends your marriage. You need to wait at least 6 weeks after the date of the decree nisi before you can apply for a decree absolute.

## **Decree Nisi**

A document that says that the court doesn't see any reason why you can't divorce.

If your husband or wife doesn't agree to the divorce, you can still apply for a decree nisi. However, you'll have to go to a hearing at the court to discuss the case, where a judge will decide whether to grant you a decree nisi.

## **Default Judgment**

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.

## **Disposed**

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

## **Divorce**

Proceeding 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, an initial order for divorce, is granted. 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.

**EPA applications**

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

**Ex-parte application**

An application made to a judge by a party to a case without the other parties being required to be there.

**First listing**

The date of first hearing of a case.

**Foreign judgement**

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 (HCJ)**

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

**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
- The County Court
- 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.

## **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 he or she has 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.

### **Notice of appointment**

The notification of a date, time and location for a court hearing.

### **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.

### **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'.

### **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.

### **Party**

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

### **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.

## **Proceedings**

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

## **Received**

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

## **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 canceling.

## **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. It does not include time in chambers or days where the judiciary are sitting in chambers.

## **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.

**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.

**Writ**

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



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