



Department of
Justice

An Roinn Dlí agus Cirt
Máinnystrie O tha Laa

A consultation on increasing the general civil jurisdiction of the county courts in Northern Ireland

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Glossary

Civil bill

This is a legal document which, when issued and served on another party, establishes legal proceedings in the county court.

Defamation

Defamation, encompassing slander and libel, involves allegations of harm to an individual's reputation caused by the publication of false statements.

Default judgment

A judgment without a hearing where a defendant has failed to respond to the proceedings.

District judge jurisdiction

District judges may hear civil cases in the county courts valued up to £10,000. This is separate from the small claims procedure (see small claims below).

Equity cases

The equity jurisdiction of the county courts refers to cases about property, land, wills and the administration of estates. Where matters relate to property, wills and the administration of estates, the current jurisdictional limit is £45,000. Where a claim involves land or real property, the county court has a jurisdiction up to a capital value of £400,000 or a net annual value (NAV) of £4,060.

General civil jurisdiction

The general civil jurisdiction of the county courts refers to cases about tort or breach of contract. For most cases, such as personal injuries, road traffic incidents or clinical negligence, the upper limit the county court can hear is cases worth up to £30,000, while the maximum for libel and slander is currently £3,000.

Negative resolution procedure

This is a means of creating subordinate legislation. Once this type of legislation has been made and laid before the Assembly, it will become law, usually after a period of 30 days when the Assembly is sitting unless a resolution is passed to annul it.

No value cases

This refers to cases where the value of a received or disposed claim is not known. This is due to the fact that no specific amount was claimed in the writ or originating summons (High Court) or civil bill (county court), and/or the case was settled privately and the court was not notified of the value.

Remittal

This is the name for the transfer of cases from the High Court to the county court. Currently only the High Court has the power to deal with remittal applications

Removal

This is the name for the transfer of cases from the county court to the High Court. Similarly to remittals, currently only the High Court has the power to deal with removal applications

Scale/Fixed costs

Scale costs operate in the county courts using a series of fixed bands based on claim value in order to determine legal costs. This means that litigants in the county courts know how much they will have to pay in advance, giving all parties concerned a degree of certainty on their maximum costs exposure.

Small claims

The small claims court is a separate court within the county court presided over by a District Judge. It determines cases up to a value of £3,000, though it excludes personal injury, road traffic injury claims, defamation (libel & slander), gifts made under a will, the ownership of land, or the property rights of married couples. The small claims court is much more informal than the county courts process, and is designed to quickly bring resolution to issues between parties.

Taxing

The High Court does not use scale/fixed costs as in the county courts. Instead the Taxing Master in the High Court assesses the total costs upon the conclusion of the case.

Tort

This refers to an act or failure to act which have caused harm to a person, where a duty of care has been breached in some form, and where the legal remedy is a civil rather than criminal action for damages. Examples include personal injuries, clinical negligence, and defamation.

Writ or originating summons

This is a legal document which, when issued and served on another party, establishes legal proceedings in the High Court.

Section 1 - About this consultation

1. One of the key priorities of the Department of Justice (the Department)¹ is to deliver an effective justice system. This means working to make our justice system faster, and, importantly, to serve the needs of those who engage with it. We aim to ensure appropriate access to justice for our citizens and to deliver a system which supports court users in the early and proportionate resolution of civil proceedings. With that objective in mind, this consultation paper seeks your views on potential changes to the county court.
2. Recent reviews of the legal system in Northern Ireland have recommended an increase in the power of the county courts to deal with certain civil claims. In this paper, we refer to this power as the court's *general civil jurisdiction*. These reviews include *A Strategy for Access to Justice: The Report of Access to Justice II* (Stutt Review)² and the *Review of Civil and Family Justice in Northern Ireland: Review Group's Report on Civil Justice* (Gillen Review).³ The findings of these reviews are particularly influential given the careful and detailed consideration which they give to this issue.
3. This consultation specifically seeks your views as to whether improvements could be made to the efficient disposal of civil cases by increasing the general civil jurisdiction of the county courts from its current limit of claims worth up to £30,000. Two proposals are set out: an increase in county court jurisdiction to £60,000, with an increase in the jurisdiction of district judges to £20,000; or, an increase in the county courts jurisdiction to £100,000, with an increase for district judges to £35,000. These options are explored in more detail in Section 7.
4. The general civil jurisdiction of the county courts in Northern Ireland is set by Article 10 of the County Courts (Northern Ireland) Order 1980. This outlines that if

¹ Departmental Corporate Plan for 2019 – 22 and Business Plan for 2020 – 21.

² A Strategy for Access to Justice – The Report of Access to Justice (2) – September 2015, www.justice-ni.gov.uk/sites/default/files/publications/doj/access-to-justice-review-part-2-report.pdf

³ Review of Civil and Family Justice in Northern Ireland – Review Group's Report on Civil Justice – September 2017, judiciaryni.uk/sites/judiciary-ni.gov.uk/files/media-files/Civil%20Justice%20Report%20September%202017.pdf

it appears to the Department, after consultation with the Lord Chief Justice, that the financial limit should be increased, then the Department may do so through an order subject to the Assembly's negative resolution procedure. There are other potential changes which would require primary legislation. The Department wants to hear your views on these issues to help inform our future priorities.

Section 2 - Background

5. The civil courts allow citizens to resolve private disputes and enforce their legal rights and obligations. They deal with a very wide range of issues such as claims for non-payment of debt, personal injury and breach of contract. Unlike the criminal justice system, people use the civil justice system to settle disputes as a matter of choice.
6. Having an effective civil justice system does more than merely settle legal disputes between individuals: it is a key part of a functioning society and contributes significantly to social and economic well-being and the public good.⁴ It helps to stimulate economic activity in a range of ways, such as encouraging investment and entrepreneurial activity. Citizens can enter contracts, start businesses and provide services knowing that their rights and obligations can be protected and enforced.
7. Civil claims can be divided into two categories:
 - liquidated - where the amount of claim is set, for example, loans or goods and services not paid for; and
 - unliquidated - where the amount is estimated, for example, compensation for personal injuries.
8. The structure of the civil courts is set out in legislation: the Judicature (Northern Ireland) Act 1978, the County Courts (Northern Ireland) Order 1980 and the Magistrates' Courts (Northern Ireland) Order 1981. There are also court rules, made by Rules Committees, dealing with the practice and procedure in the different court tiers. In addition, the judiciary may issue Practice Directions or protocols providing how proceedings are to be conducted.
9. Civil cases in Northern Ireland are dealt with in three court tiers:

⁴ See for example the EU Justice Scoreboard *COM(2020) 306*, ec.europa.eu/info/sites/info/files/justice_scoreboard_2020_en.pdf; The Organisation for Economic Co-operation and Development's (OECD), 'What makes civil justice effective?', OECD Economics Department Policy Notes, No. 18 June 2013, www.oecd.org/economy/growth/CivilJusticePolicyNote.pdf

- the High Court;
- the county courts; and
- the magistrates' courts.

10. The High Court handles the most valuable cases under its more formal procedures. There is no upper financial limit on cases before the High Court. County courts deal with cases worth up to £30,000. Certain cases valued under £3,000, excluding personal injuries, road traffic accidents, defamation, title to land, legacies or property of a marriage, are heard in the small claims court which is part of the county courts. The magistrates' courts also deal with some civil matters, such as arrears of income tax, national insurance contributions, VAT arrears and rates.

11. In proceedings in both the county courts and High Court, the 'loser pays' principle usually applies so the losing party has to pay both their legal costs as well as those of the other side. While the award of costs is at the discretion of the judge, there is less scope for this in the county courts than in the High Court as a result of the scale or fixed costs regime (see further below). This provides a level of certainty for individuals proceeding through the county courts compared to the High Court where there is no statutory scale, meaning costs can be significantly higher and less predictable.

Section 3 - High Court

12. The High Court normally sits at the Royal Courts of Justice in Belfast. It consists of the Lord Chief Justice, three Lord Justices of Appeal and up to a maximum of 15 High Court judges.
13. The High Court is organised into three divisions, namely the Queen's Bench Division, Chancery Division and Family Division. It is the Queen's Bench Division which considers contractual and tort actions such as personal injury claims, including clinical negligence claims and defamation. The Queen's Bench Division also has a specialist sub-division: the Commercial Court which hears disputes relating to breach of contract and torts where the parties are businesses.
14. Civil claims in the High Court are commenced in a formal court document, either a writ or originating summons. These documents inform defendants that a claim is being made and provides a general outline of the claim, including the remedy or relief required. Where the claim is for a liquidated amount or a debt, detail of the amount claimed and costs should also be provided. Pleadings tend to be more detailed in High Court proceedings than county court proceedings.
15. In the High Court, legal costs are not fixed and can vary, meaning it is sometimes unpredictable how much litigants will have to pay. Costs can be assessed in a process known as 'taxing' by the Taxing Master in the High Court. Judges may place a limit on the level of costs that can be incurred, either the total costs for the case or an aspect of proceedings, such as expert evidence. In personal injury claims, many barristers and solicitors in Northern Ireland use non-statutory scales which ensure that their fees are proportionate to the value of a case which allows for some predictability of legal costs.

Section 4 - County Court

16. There are usually 17 county courthouses in Northern Ireland which hear civil cases. As part of a pilot exercise taken forward by the Office of the Lord Chief Justice, civil cases were being listed in a regional Civil Hearing Centre in Armagh which covers cases which would have previously been heard in Craigavon, Newry, Armagh and Dungannon. Under the pilot, the judge's list only comprised civil cases in order to ensure that they are not postponed to deal with urgent family or criminal cases. Another phase of the pilot, which was to expand to a second regional centre, was scheduled to begin in 2020. However, due to the impact of Covid-19, the next phase of the pilot has been postponed. As a result of the Covid-19 pandemic, courts operated out of a small number of court hubs dealing with urgent business only and largely restricted to remote hearings. More recently, proceedings have been undertaken either physically, entirely remotely or as a hybrid hearing in four venues where directed by a judge. These venues are Downpatrick, Londonderry, Enniskillen and Armagh.
17. Both county court judges and district judges sit in the county courts, with jurisdictions set out in Articles 10 and 30 of the County Courts (Northern Ireland) Order 1980.⁵
- Cases worth up to £3,000 are dealt with under the small claims procedure. These cases are heard by district judges, under a relatively informal procedure, designed so individuals do not need to instruct a solicitor or barrister. If one is instructed, and even if the case is successful, costs generally cannot be added to the value of the claim. In most cases in the small claims court a plaintiff may claim a judgment in default when a defendant fails to indicate their intention to defend the proceedings.
 - Cases involving personal injuries, road traffic accidents, defamation, title to land, legacy or property of a marriage are excluded from the small claims process.

⁵ It was originally £2,000 and increased to £5,000 in 1982, £10,000 in 1992, £15,000 in 1993, and to the current level of £30,000 in 2013 by a succession of County Courts (Financial Limits) Orders (Northern Ireland).

- District judges also hear other cases worth up to £10,000 known as the district judge jurisdiction.
- Cases dealt with by county court judges are claims for damages up to a maximum value of £30,000. These tend to be less complex than cases in the High Court and they are processed with less formality.

18. Civil claims in the county courts are usually commenced in a court document called a civil bill. This document informs defendants that a claim is being made and provides a general outline of the claim, including the remedy or relief required. Where the claim is for a liquidated amount or a debt, detail of the amount claimed and costs should also be provided. Pleadings tend to be less detailed in county court proceedings than in proceedings in the High Court. As in the small claims court, a plaintiff may apply for a judgment in default where a defendant fails to indicate their intention to defend the proceedings.

19. As well as its general civil jurisdiction, the county courts also have jurisdiction with different financial limits to deal with other categories of cases. Defamation cases are included within the general civil jurisdiction under Article 10(2) of the County Courts (Northern Ireland) Order 1980, with the maximum value set at £3,000. The county courts also have jurisdiction to deal with different levels of what are termed equity cases, outlined in Articles 11 to 20 of the County Courts (Northern Ireland) Order 1980, relating to a range of matters including property, land, wills and the administration of estates.⁶ This consultation, however, is focused only on the general civil jurisdiction of the county courts.

20. In the county courts, legal costs for solicitors and barristers are set in County Court Rules⁷ in a fixed scale, depending on the value of the claim, up to the current limit of £30,000. These are referred to as scale or fixed costs. This means that county court litigants know in advance how much they will have to pay. Knowing in

⁶ Where matters relate to property (excluding land issues), wills and the administration of estates, there is a jurisdictional limit of £45,000. This limit was last increased by the *County Courts (Financial Limits) Order (Northern Ireland) 1993* and was not amended in 2013 following the last increase in the general jurisdiction of the county courts. Where a claim involves land or real property, the county court has a jurisdiction up to a capital value of £400,000 or a net annual value (NAV) of £4,060.

⁷ The current scales were implemented by the County Court (Amendment) Rules (Northern Ireland) 2017, www.legislation.gov.uk/nisr/2017/19/contents/made

advance the maximum costs a party may have to pay in respect of costs if they lose their case is an important benefit of county court litigation. Scale costs which operate in the county court are proportionate and avoid the further process of costs assessment, or disputes over costs which can generate further expense.

Section 5 - Civil cases in the rest of the UK and Ireland

21. A table at **Appendix A** outlines the civil courts structures in the rest of the UK and Ireland, as well as their financial jurisdiction.

England and Wales

22. The County Court in England and Wales deals with the vast majority of civil cases. Within this, there are three routes called tracks:

- Small-claims track – This is generally for lower value and less complicated claims with a value up to £10,000 although there are some exceptions; a lower limit of £1,000 applies to claims for personal injury and housing disrepair.
- Fast-track – This is for a claim with a value of between £10,000 and £25,000 where there are more complicated issues to be decided. Generally, Fast-track trials will take no more than one day.
- Multi-track – This is for very complicated claims with a value of £25,000 or more.

23. The lower limits to the amount which may be claimed in the High Court are currently £100,000 generally, and £50,000 for personal injuries.

Scotland

24. In the Sheriff's Court:

- The simple procedure can be used in certain disputes where the monetary value of the claim does not exceed £5,000, and is designed to be speedy, inexpensive and informal in order to encourage resolution between parties.
- The summary cause procedure is used where the value of the claim is over £3,000 but below £5,000. There are some circumstances where this procedure is to be used however, even if the value of the claim is less than £3,000, such as actions for recovery of possession of heritable property and damages resulting from personal injuries.

- The ordinary cause procedure is used where the value of the claim is over £5,000 but less than £100,000.

25. The Court of Session deals with cases where the monetary value is over £100,000.

26. The All-Scotland Sheriff Personal Injury Court decides personal injury claims with a value in excess of £5,000 (in excess of £1,000 for work-related injuries).

Ireland

27. The small claims procedure applies to claims under €2,000 (approximately £1,700). The District Court hears cases with a monetary value up to €15,000 (approximately £13,000). The Circuit Court deals with claims worth up to €75,000 (approximately £66,000), though for personal injury actions the limit is €60,000 (approximately £53,000).⁸ The High Court deals with all other claims.

28. All personal injuries claims must come through the Personal Injuries Assessment Board, an independent state body, unless settled early between the parties. Claims may be resolved by direct settlement, a Board assessment, or litigation. Since it was set up in 2004, over 60% of claimants have accepted the Board's assessments.

⁸ Currency conversion carried out January 2021.

Section 6 – The case for change

29. We want to make our civil justice system faster, more convenient and more efficient for those people who come into contact with it. This involves ensuring, so far as possible, cases are heard in the right court setting, consistent with the complexity and value of the case. An increase in the general civil jurisdiction of the county courts would make a significant contribution to this aim, ensuring that the volume of claims which do not need the procedural complexity of High Court proceedings or the attention of a High Court judge would be heard instead in the county courts. Such an adjustment could result in the High Court judiciary having additional capacity to deal with the most complex and specialised cases, including complicated family proceedings and the most serious or complex criminal cases. Freeing up the High Court judiciary to deal with such cases helps to ensure appropriate access to justice and a better use of judicial resources. The scale costs in the county courts would ensure certainty on expected costs for more people in a greater range of cases, if that costs regime is applied by the Rules Committee. It would also benefit litigants as it would involve less travel for those living outside Belfast where the High Court is located.
30. The Department's priorities are in line with the overriding objective of the court rules governing litigation in both the High Court and the county courts which is to enable the court to deal with cases justly. This includes:
- saving expense;
 - dealing with the case in ways which are proportionate to the amount of money involved; the importance of the case;
 - the complexity of the issues and the financial position of each party;
 - ensuring that the case is dealt with expeditiously and fairly; and
 - allotting to it an appropriate share of the court's resources while taking into account the need to allot resources to other cases.
31. There have been a number of recent reviews which have made recommendations aimed at creating a more effective, efficient and fair justice system in Northern Ireland. The Stutt Review, published in 2015, was commissioned by the Minister

of Justice as a follow-up to a previous Access to Justice Review published in 2011. The 2015 Review was primarily focused on the development of a long-term strategy for a sustainable legal aid scheme and enhancing access to justice for those individuals not covered by legal aid who may enter the justice system. It recommended that the county courts should be the compulsory entry point for a much greater range of cases, up to a value of £50,000, but noted that the then forthcoming Gillen Review would consider this in greater detail.

32. The Gillen Review of Civil and Family Justice was established by the Lord Chief Justice in 2015 to consider a number of key issues including improving access to justice; achieving better outcomes for court users, particularly children and young people; creating a more responsive and proportionate system; and, making better use of available resources, including through the use of new technologies and greater opportunities for digital working. This led to two published reports in 2017. The Review recommended that the county court jurisdiction should be increased to £60,000, though this was conditional on the implementation of two other recommendations which considered structural and judicial resource issues in the county court: namely the establishment of Civil Hearing Centres and a cadre of judges dedicated to civil business. Of course, the Review pre-dated the current pandemic and it will be important that we take into account our new working environment including the move from urgent and agreed business only to a focus on case progression and business as usual, the overall reductions in capacity due to the necessary social distancing controls and the potential wider impacts of the economic disruption on civil litigation.

33. We are mindful that any increase in county court business may result in the need for an increase in the complement of county court and district judges. Any potential increase would very much depend on the extent of any jurisdictional increase, the potential resulting additional caseloads, and other caseloads such as in the Crown and Family courts. It is also important to note that the wider impacts of Covid-19 on the economy, GDP and interest rates may also affect caseload volumes and litigation activity but it is too early to predict this with certainty. The draft Regulatory Impact Assessment provides further information.

34. An increase to the financial jurisdiction of the county courts to take account of inflation alone, based on the Bank of England's GDP deflator would only involve an increase to around £35,000. This would not result in any meaningful redistribution for civil business.
35. In deciding the amount of any increase, we need to consider having a clear line dividing the respective jurisdictions of the county courts and the High Court. This is to ensure that parties are reasonably certain where to issue proceedings and do not bring cases to the High Court on a precautionary basis. A more substantial increase will also have the advantage that this issue will not have to be considered again within a short time frame.

Value of claims

36. The Department is mindful that, in taking this consultation forward, it should be informed by a credible evidence base. There is, however, an incomplete picture on the value of cases in the civil justice system. This is primarily because of the amount of cases recorded as having 'no value' which is particularly pronounced in the High Court.
37. A claim which is categorised as having 'no value' does not mean it has no monetary worth: rather it means that no specific amount was claimed in the writ or originating summons, and/or the case was settled privately between the parties and the value not notified to the court.

High Court

38. When considering the amount claimed in damages in cases received by the Queen's Bench in 2019, around 97% were recorded as 'no value'. Some specific categories of cases provide little evidence of their value in the statement of claim which should be issued with a writ or originating summons. This is particularly true of negligence cases, personal injuries and road injuries. Figures for 2018 and 2017 present a very similar picture.

39. In terms of disposed Queen’s Bench cases, the statistical picture is somewhat more helpful. In 2019, almost 54% had ‘no value’, almost identical to 2018. While this is still a significant gap in our knowledge of case outcomes, we do nonetheless know about the value of 46% of disposed cases in 2019.
40. Where we do know the value of disposed cases in the Queen’s Bench Division, a substantial proportion (31% in 2019) were valued below £30,000, though that figure was higher in previous years.⁹ On the face of it, this suggests that there may be cases resolved in the High Court which could have been heard in the county courts. However, analysing cases only on the value of the final settlement does not account for factors such as disputes between parties over causation or contributory negligence on behalf of the plaintiff which may have a significant impact on the final award. Where the final award or settlement in the High Court is less than £30,000, it does not automatically mean it should have commenced in the county courts.
41. It is also important to note that where parties believe that a case is being progressed in the wrong venue, it can be remitted from the High Court to the county courts. The current evidence suggests that this power is being exercised on a more infrequent basis since the last increase in county court jurisdiction in 2013. Further discussion on this point is outlined in paragraphs 44-45.

County Court

42. The gap in data is not as pronounced in the county courts. In 2019 approximately 73% of disposed civil bills have a known value. Of these, only about 6% of cases were valued above £15,000.
43. If cases are judged purely on the basis of financial settlement, the high proportion of disposed cases resolved in the High Court below £30,000, and the low volume disposed in the county courts between £15,000 – £30,000, suggests that the last increase in the jurisdiction of the county courts has had a relatively limited impact.

⁹ In disposed cases where we know the value of the award, 36.2% were below £30,000 in 2018, with 41.6% in 2017; 41.4% in 2016; 50.7% in 2015; and, 56.8% in 2014.

This may, in part, be as a result of the perception among the legal professions noted by the Gillen Review that some claims, particularly personal injuries, attract lower awards of damages if pursued in the county court rather than the High Court.¹⁰

Removals/Remittals

44. There is a statutory mechanism which allows cases to be transferred from the county courts to the High Court, or vice versa where it is believed that it has commenced in the wrong venue. This is referred to as *removal* or *remittal* respectively. Currently under section 31 of the Judicature Act (Northern Ireland) Act 1978, only the High Court has the power to deal with remittal and removal applications. The county courts do not have the power to transfer cases to the High Court. The Gillen Review noted the current legislative position and recommended that the county courts should have the ability to remove cases to the High Court, with remittals remaining with the High Court.¹¹ This is a matter on which the Department is inviting your views as part of this consultation. The potential powers for the county courts could be similar to the High Court's current power to remove cases where, in all the circumstances of the case, it would be more appropriately heard and determined in the High Court. In family cases, judges are familiar with transferring cases on grounds such as the complicated or conflicting evidence, the number of parties, any novel or difficult points of law or questions of general public interest.

45. In 2019 only a small number of cases (49) were removed from the county courts to the High Court, with 255 cases remitted in the opposite direction. Since 2014, the number of remittal applications received has decreased by 42%¹², while the number of removal applications has fluctuated but remained at a relatively steady level during the same period.¹³ The vast majority of both remittal and removal applications are granted. One would expect that, should there be a systemic

¹⁰ Review Group's Report on Civil Justice, paragraphs 5.2, 16.6, 16.38, pp. 55, 229, 235

judiciaryni.uk/sites/judiciary-ni.gov.uk/files/media-files/Civil%20Justice%20Report%20September%202017.pdf

¹¹ Review Group's Report on Civil Justice, paragraphs 16.52-16.53 & recommendation CJ142, pp. 240, 250, judiciaryni.uk/sites/judiciary-ni.gov.uk/files/media-files/Civil%20Justice%20Report%20September%202017.pdf

¹² There were 442 remittal applications in 2014; 361 in 2015; 273 in 2016; 259 in 2017; and, 274 in 2018.

¹³ There were 48 removal applications in 2014; 60 in 2015; 51 in 2016; 56 in 2017; and, 53 in 2018.

problem of cases being heard in the wrong venue, the number of remittal and removal applications would be higher than the current level. Despite the low level of disposed cases valued above £15,000 in the county courts and high volume below £30,000 in the High Court, it may be the case that the current system works relatively effectively. The previous increase in the jurisdiction of the county courts in 2013 from £15,000 to £30,000 created a clearer financial distinction from the High Court, with greater certainty as to the correct venue for initiating claims and thereby reducing the need for remittal applications. The proposals outlined in this consultation therefore look to make the system more efficient by making an even clearer distinction between the jurisdiction of the county courts and High Court, maximising the benefits of the current system.

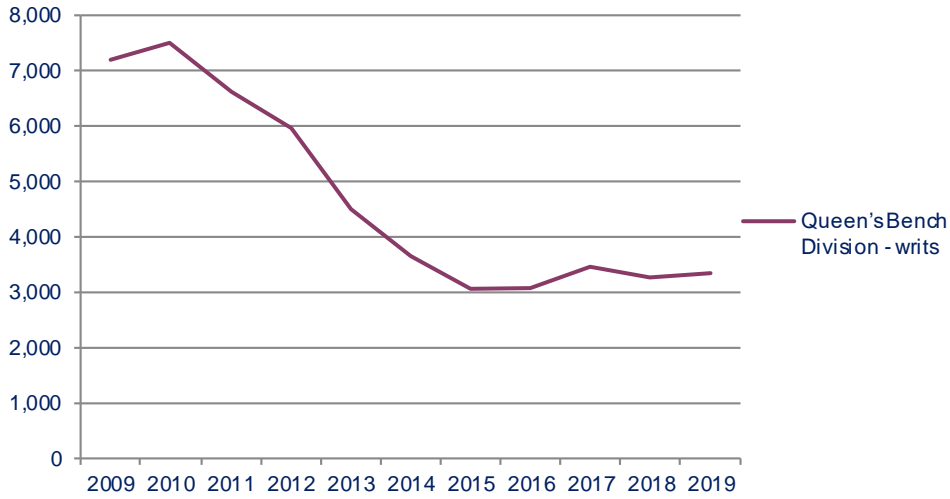
Volume of Business

High Court

46. There has been a decline in the amount of civil work in general in both the High Court and county courts in recent years. It is too early to predict if this decline will be accelerated by any socio-economic impacts of Covid-19 but given the impact on business receipt and delivery in general across the courts for nearly half of 2020 it could be expected to have a negative impact on business volumes. Since 2009 there has been around a 53% decrease in the number of Queen's Bench writs received. The most notable decrease was almost 25% between 2012 (5,959) and 2013 (4,490), a proportion of which may be explained by the increase in county court jurisdiction in 2013. The impact of the increase in jurisdiction should not be overstated given that it continued an existing trend of reducing numbers of Queen's Bench writs since 2009, with a 17% decrease between 2009 (7,188) and 2012 (5,959) which may be partly due to a reduction in the number of hearing loss claims. Since the increase in county court jurisdiction in 2013, the number of writs received has further reduced overall by almost 26%.¹⁴

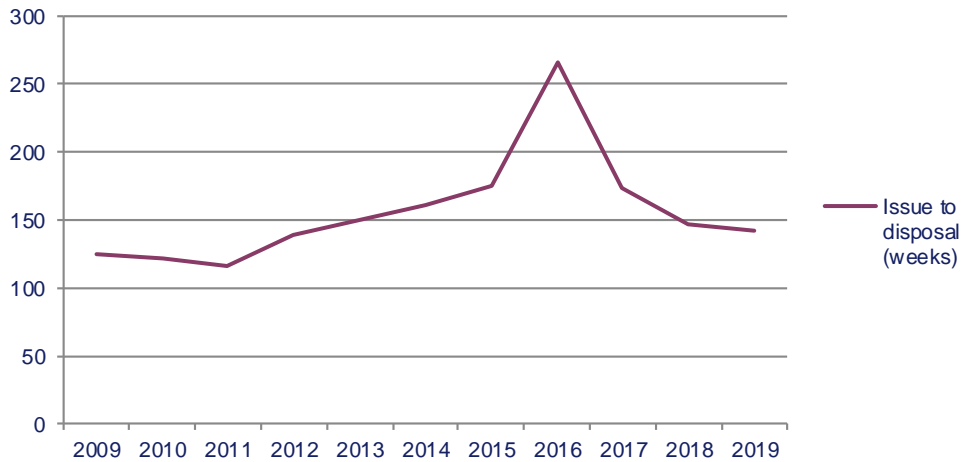
¹⁴ There is some slight fluctuations year to year on the number of writs and originating summonses received, with 2013 and 2014 witnessing substantial decreases (18.5% and 16.3% respectively); a diminutive increase of 0.2% between 2015 (3,062) and 2016 (3,068); a more substantial increase of 13.1% between 2016 and 2017 (3,469);, a decrease of 5.3% between 2017 and 2018 (3,285); and an increase between 2018 and 2019 (3,347).

Queen's Bench writs received: 2009-2019



47. While the number of writs and originating summons received has significantly declined since 2009, the general trend in the High Court is that the average time taken to dispose cases has increased. Since 2011, the average length of time for disposal has increased from 116 weeks to as high as 266 weeks in 2016. The reason for the significant increase in disposal in 2016 may be attributable to a manual exercise by Northern Ireland Courts & Tribunal Service (NICTS) to seek information on a significant number of personal injury cases which had not been pursued by the parties and had been in the court system for some considerable time. Since 2016 however, the average disposal time has decreased to 174 weeks in 2017, 146 weeks in 2018 and 142 in 2019.

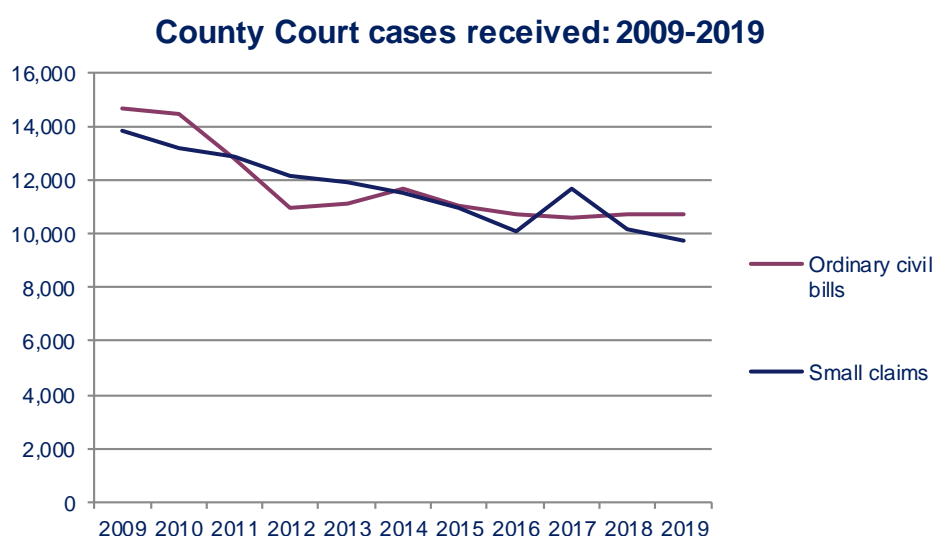
Queen's Bench- Writs and Originating summons- Issue to disposal (weeks)



County Court

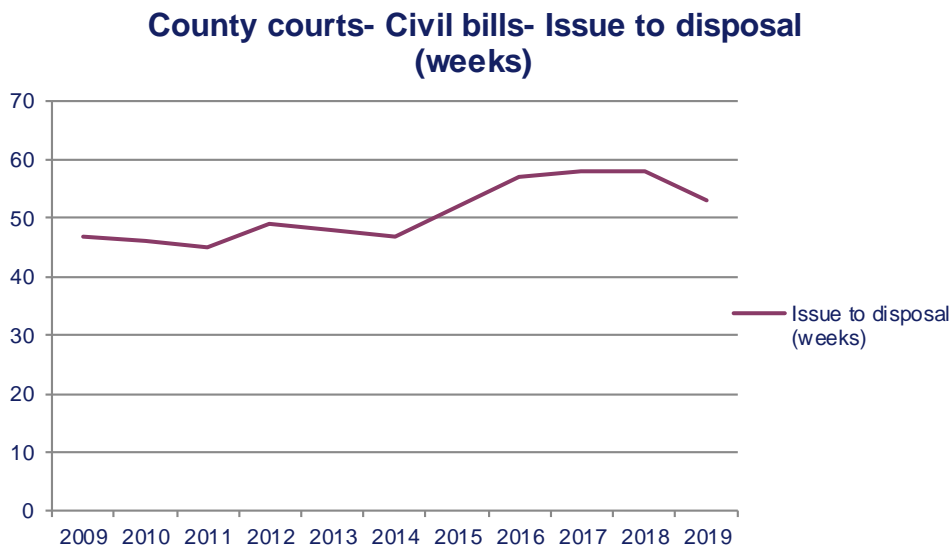
48. In the county courts there has been a general decreasing trend in the number of civil bills received in the past ten years, with almost 27% fewer in 2019 (10,751) when compared to 2009 (14,669). There was a rise of 5% between 2013 and 2014 which followed the last increase in the jurisdiction of the county court to £30,000, but the downward trend has largely continued since, with an almost 8% decrease between 2014 and 2019. The number of civil bills received each year since 2016 has been below the level in 2012: the year before the last increase in jurisdiction. It is too early to predict if this decline will be impacted by the out workings of Covid-19.

49. The county court also deals with small claims up to a value of £3,000, generally relating to consumer cases and excluding personal injuries and road traffic cases. The limit of the small claims court increased from £2,000 to £3,000 in May 2011. However, except for a spike in 2017 owing primarily to proceedings by two debt recovery agencies, there has been a continuing downward trend in the number of cases received since 2009. Again, it is too early to predict if the impacts of Covid-19 will accelerate this trend. The Gillen Review recommended an increase in the jurisdiction of the small claims court to £5,000.



50. Like the High Court, cases in the county courts have taken longer to be disposed since the last increase in jurisdiction in 2013. Despite the number of civil bills

decreasing between 2014 and 2019, the time taken from issue to disposal has continued to rise, albeit with a decrease of nearly 9% between 2018 and 2019. In 2017 and 2018 the average time from date of issue to date of disposal of civil bills in the county courts was 58 weeks. This figure was the highest in the last decade, and around 11 weeks higher than the average time between 2009 and 2014.



51. The increasing length of time for disposal of civil bills in the county courts has largely coincided with the increase in jurisdiction from £15,000 to £30,000 in 2013. While it would be reasonable to presume that this may have been partially as a result of more complex hearings, including dealing with interlocutory issues, the fact that such a low volume of disposed cases in the county courts are valued between £15,000 – £30,000 suggests that the impact on disposal times has been minimal. It should be noted that county court judges have faced pressures in other areas. The number of appeals received from the magistrates’ court has increased by 23% since 2009, with an almost 29% increase in disposed appeals. The number of applications under the Children (Northern Ireland) Order 1995 to Family Care Centres since 2009 has increased by 86%, with the number of transfers from the Family Proceedings Courts (which are part of the magistrates’ courts) also growing by 46%. Other factors such as the tendency for civil cases not to be reached when listed with criminal and family cases may be at play. One of the key aims of the Civil Hearing Centres was to address this issue. However, the

rationalised court hub approach of four venues during the Covid-19 pandemic may offer an indication of potential benefits.

Section 7 – Options

52. The Department is putting forward two options for the jurisdiction of the county courts in Northern Ireland:

- Option 1- increase in county court jurisdiction to £60,000, with an increase in the jurisdiction of district judges to £20,000.
- Option 2- increase in county court jurisdiction to £100,000, with an increase in the jurisdiction of district judges to £35,000.

53. The Department did consider a third option of creating a single point of entry to the civil courts system under which a judicial officer holder, perhaps a High Court Master, would decide to which court tier the case should be allocated. The Gillen Review did not support such a proposal finding that '*we are not satisfied that there is evidence to merit a unified system or a single point of entry in this jurisdiction*'.¹⁵ It is notable that every respondent to the Gillen Review and the members of the Reference Group agreed with this conclusion. The Department has taken this into account and is conscious that introducing an initial allocation mechanism would be a significant departure from the existing civil justice system which, on the whole, works well. Our options, therefore, focus on how to maximise the benefits of the existing system, without going so far as to disrupt those benefits.

Practical issues

Volume of cases

54. In considering the options for increasing the financial jurisdiction of the county court, the Department is mindful of the potential impact on both the county courts and High Court. While any change based on financial jurisdiction could have the potential to allow the High Court to hear only the most complex and high value cases, it could also, if not properly planned, supported and resourced, overburden the county courts system with a volume of cases which it may not have the resources to deal with, thereby slowing down proceedings. That would not be in the interest of court users.

¹⁵ Review Group's Report on Civil Justice, pp. 60-62, judiciaryni.uk/sites/judiciary-ni.gov.uk/files/media-files/Civil%20Justice%20Report%20September%202017.pdf

55. At the same time, overall levels of civil business have decreased quite significantly in both the High Court and county courts over the last decade. Even if all of the Queen's Bench writs and originating summonses in 2019 (3,347) had been issued as county court civil bills irrespective of value, the total (14,098) would still have been less than the volume of civil bills in 2009 (14,669) and 2010 (14,489). It is too early to predict how the economic impacts of Covid-19 will impact on civil business in the future. As noted above, in more recent years, other areas of work undertaken by county court judges has increased particularly appeals from the magistrates' court, the number of applications under the Children (Northern Ireland) Order 1995 to Family Care Centres, and the number of transfers from the Family Proceedings Courts.

Court listings

56. The Gillen Review highlighted a need to prioritise civil and family cases in a county court setting. The use of mixed lists of criminal, family and civil cases often leads to the prioritisation of criminal cases sitting with juries and urgent family cases. Particularly outside Belfast, civil cases may not be reached, or, if reached, are not concluded on the same day and may be adjourned, adding delay to the process. Any increase in jurisdiction is, therefore, conditional upon resourcing changes to ensure that the impact upon the county courts would be managed effectively. It will also need to consider the reduced capacity of our courts due to the necessary social distancing controls.

57. The creation of Civil Hearing Centres, such as the Armagh pilot, may be seen as a pathway for future change. The second phase which would have added a second venue in Belfast in 2020, was postponed due to the Covid-19 pandemic. The rationalised civil business being undertaken in hubs in Downpatrick, Londonderry, Enniskillen and Armagh may yet offer lessons for the future structure of civil business in Northern Ireland, even if it is some time before Civil Hearing Centres are implemented.

Access to Justice

58. The Department is aware of the need to ensure future accessibility for citizens given the potential, should the general civil jurisdiction be increased, for an increase in the number of county court cases. Court accommodation must, therefore, be fit for purpose, with appropriate court rooms, consultation facilities, and technology. Efficient public transport links are also needed. Some of these issues have already been considered by the Office of the Lord Chief Justice through a targeted consultation with justice system stakeholders on the creation of county court Civil Hearing Centres, which was undertaken in 2019.
59. The Department is also mindful of the impact that any increase in jurisdiction of the county courts may have on those individuals who choose to represent themselves in civil proceedings. They are often referred to as Litigants in Person (LiP). The challenges posed to the civil and family justice systems in supporting access to justice for such individuals has been outlined in detail in a chapter in the Gillen Review, and a focused research report published in September 2018 by Ulster University (UU) and the Northern Ireland Human Rights Commission (NIHRC), funded by the Nuffield Foundation. The Department established a dedicated LiP Reference Group in February 2019, encouraging a collaborative approach between stakeholders to identify changes necessary to make the court process easier to navigate for LiPs. As outlined in the report by UU and the NIHRC, the numbers of LiPs in the Queen's Bench Division are much smaller than other areas of business. The LiP Reference Group will continue its work in highlighting new approaches through which these litigants can be supported.
60. We are mindful of other access to justice issues which may emerge as a result of increasing the general civil jurisdiction of the county courts. In particular, any decision to increase the jurisdiction of the county court might require parallel changes to legal aid provision.
61. Following the consultation exercise, and alongside the development of the detail of any subsequent policy proposals, it will be necessary to review legal aid provision for relevant cases to ensure that it continues to be appropriate.

62. In reviewing legal aid provision, we will engage with affected stakeholders, including the legal profession, and will have regard to all applicable statutory criteria and legal obligations.

Judicial capacity

63. We also recognise that a significant increase in the jurisdiction of the county courts may impact on judicial capacity in that tier, depending on the extent of the change and the predicted volume of cases. It will also be necessary to consider the impacts of Covid-19 both in terms of the move from dealing with urgent and agreed business only in the early part of 2020 to a focus on case progression; reduced courtroom capacity due to the necessary social distancing controls; deployment of fully remote and hybrid hearings and potential changes to litigation linked to the economic disruption associated with Covid-19. The Gillen Review recommended that no fewer than five county court judges would be assigned to the Civil Hearing Centres to deal exclusively with civil matters, with sufficient funding and resources allocated to support them. We will work with the Office of the Lord Chief Justice to consider resourcing issues. Administrative capacity is also pivotal given that more complex cases may require more court time in terms of dealing with interlocutory applications as well as the hearings themselves. With any increase, we would, of course, continue to analyse case volumes to ensure there is ongoing court capacity so citizens continue to have access to an effective justice system. There would be no merit in allocating more cases to the county courts if they were not resourced to deal with them.

Court rules

64. The Gillen Review outlined a number of existing issues with the conduct of litigation in the county court which the judiciary and the County Court Rules Committee may want to consider if the jurisdiction is increased. The Review highlighted both the inadequate implementation of pre-action protocols and the lack of clarity and detail in certain pleadings. Effective mechanisms for avoiding unnecessary delay, encouraging early and full disclosure of relevant information and narrowing the issues in dispute will be important in supporting any increase in jurisdiction.

Costs

65. Should the county court jurisdictional limit be increased, the implications for scale costs will require consideration by the County Court Rules Committee. County court scale costs changes were last implemented in 2017 after consultation with representative bodies and interested parties. The outworking of any jurisdictional increase on the issue of county court costs will raise its own set of significant and complex issues. The Rules Committee may consider devising new bands in the fixed scale up to any new jurisdictional limit, though this will require careful consideration and will most likely need to be the subject of separate consultation by the Rules Committee.

Option 1:

Increase county court jurisdiction to £60,000, with an increase the jurisdiction of district judges to £20,000

66. An increase in county court jurisdiction to £60,000 would be in line with a specific recommendation in the Gillen Review. A 100% increase in county court jurisdiction from the current level of £30,000 to £60,000 would also be consistent with the previous change in 2013 which doubled jurisdiction from £15,000. This change was implemented 20 years after the previous increase from £10,000 to £15,000 in 1993 and, as such, reflected the extended passage of time since county court jurisdiction had last been amended.

67. While a doubling of the financial jurisdiction is significant, when compared to Option 2 it may be thought a relatively more conservative uplift. The Gillen Review had originally envisaged a figure of £75,000, though this was reduced to £60,000 following representations from a number of stakeholders.

68. As noted above, the low numbers of disposed cases in which the value of award is known means it is problematic to place too great a reliance on the available statistics. It is, therefore, difficult to assess the potential volume of Queen's Bench

writs and originating summonses of a value between £30,000 and £59,999 which could instead be issued as civil bills in the county court.

69. Of the 377 negligence and road injuries writs and originating summonses with a known value disposed by a High Court judge¹⁶ in 2019, 121 were under £29,999 and 122 within a banding of £30,000 - £59,999.
70. A potential increase in county court jurisdiction to £60,000 could remove such cases from the High Court to the county courts. Given that the number of disposed cases where the value of award is known is so small, the total volume of cases cannot be estimated with any great degree of confidence.
71. The previous increase in jurisdiction in 2013 has demonstrated that a significant proportion of disposed cases in the High Court where the value is known remain valued at under £30,000. But, the statistics do not tell us *why* this is the case. However, it can be reasonably suggested that the increase in jurisdiction of the county court in 2013 had a limited impact on cases valued between £15,000 - £29,999. Some anecdotal evidence suggests that cases closer to the jurisdictional boundary following the increase from £15,000 to £30,000 continued to be issued by plaintiffs in the High Court as a result of a perceived potential to recover higher damages and costs. However, as discussed above, one would expect to see a greater number of remittal applications if there was a widespread issue of cases being wrongly commenced in the High Court. A clearer jurisdictional division at £60,000 may therefore create greater certainty among plaintiffs as to the correct venue for their case, resulting in cases in the band between £15,000 - £29,999 and bands immediately above being more readily issued as civil bills in the county court.

Option 2:

Increase county court jurisdiction to £100,000, with an increase in the jurisdiction of district judges to £35,000.

¹⁶ This figures excludes disposals by a High Court Master or a default judgment.

72. An increase in county court jurisdiction from the current level of £30,000 to £100,000 would create an even clearer distinction between the respective jurisdictions of the county courts and High Court. It is also reflective of the position in England & Wales and Scotland where generally speaking the highest civil courts only assume jurisdiction for cases in excess of £100,000.
73. An increase in the county court jurisdiction to £100,000 would play a significant contribution to the key aspiration envisaged by the Gillen Review of the High Court becoming a centre of excellence, hearing only those high value and complex cases which merit being heard in that division. Given the expected reduction in the number of cases below the value of £100,000, it would allow for more efficient use of High Court resources.
74. In 2019, of the 377 negligence and road injuries writs and originating summonses disposed by a High Court judge with a known value, 43 were valued between £60,000 - £99,999, with 91 over £100,000. While the sample of disposal awards is small due to the number of 'no value' cases, it offers a snapshot of a significant proportion of cases in which the award of damages was between £60,000 and £99,999.
75. Though it would create greater certainty as to the division between the High Court and county courts than an increase to £60,000, it is important to consider whether an increase to £100,000 may be too ambitious in the first instance, and may adversely impact on county courts' resources and the timeliness of case disposal, as higher value cases are more likely to involve more complex issues. The current fifth edition of the *Guidelines for the Assessment of General Damages in Personal Injury Cases in Northern Ireland* (referred to as the 'Green book') provides the judiciary with a guide on the appropriate level of compensation for a range of injuries. With Option 2, while the most catastrophic and severe injuries would remain in the High Court, other injuries, such as minor brain damage, severe Post Traumatic Stress Disorder, and moderate to severe asbestosis would be dealt with in the county courts.

76. The Department is of no doubt that our county court judiciary would be well placed to meet this challenge. This is a view echoed in the Gillen Review. However, one of the great strengths of the county court system as it stands is its efficiency and speed in disposing with civil bills. Potentially increasing jurisdiction by too great an amount may reduce the speed at which justice is performed. That could impact on all county court users not just those with high value cases.
77. The Department is also conscious that during the process of the Gillen Review, some stakeholders expressed a view that the High Court requires a certain volume of cases in order to maintain the experience of its judges and to give direction to the lower courts. It was suggested that setting the jurisdiction of the Queen's Bench Division too high may undermine this.

Increasing district judge jurisdiction

78. With any increase in the jurisdiction of the county courts, we should also consider an increase in the jurisdiction of district judges. District judges currently may determine civil cases up to £10,000 in the county courts.
79. By proposing an increase in the general civil jurisdiction of the county court to either £60,000 or £100,000, it would be logical to proportionately increase the jurisdiction of district judges. This is a view which is also articulated in the Gillen Review. If the general civil jurisdiction was increased to £60,000 then we propose to increase the jurisdiction of district judges to £20,000. Similarly, an increase to £100,000 would result in a proportionate increase for district judges to £35,000. There are potentially significant increases in caseloads for district judges under both options and the Department is mindful of resourcing implications for the county courts.
80. It should be noted that the Gillen Review recommended creating a single tier of civil judges of the county court which would exercise the full civil jurisdiction. This was based on discussion as to whether a specific financial jurisdiction for district judges is artificial given that historically they have held concurrent appointments as deputy county court judges. The focus of this consultation, however, is

consideration of increasing the present level of jurisdiction pro rata depending on a potential increase to the overall county court jurisdiction. The creation of effectively a new judicial office of county court civil judge distinct from county court judges hearing criminal and family cases would be a matter for separate consideration. There is nothing, however, in the proposals in this consultation which would exclude the future creation of a single tier of civil judge should that be considered in the future.

Increasing the jurisdiction of the small claims court

81. The Department is also considering whether the financial jurisdiction of the small claims court should be increased from £3,000 to £5,000, as recommended by the Gillen Review.¹⁷
82. Similarly to the High Court and county courts, the volume of business in the small claims court has decreased over the past decade. The number of claims received in 2009 was 13,839: almost 30% more than the 9,744 received in 2019.
83. We are mindful that any potential jurisdictional changes should not lead to the simple and informal procedures of the small claims court becoming overly complex, and make parties feel they need legal representation because of the potential value of the claim. Likewise, although it is a matter for the County Courts Rules Committee, we are not proposing the introduction of personal injury or road traffic cases in the small claims court, but would invite the Rules Committee to keep that under review.

Clinical Negligence

84. It is important to remember that the monetary value of a case does not always reflect its legal or factual complexity. There are certain categories of case which, by their nature, are likely to be more complex and it may be that these should be

¹⁷ Review Group's Report on Civil Justice, paragraphs 16.73-16.87 & recommendation CJ156, pp. 244-247, 251, judiciaryni.uk/sites/judiciary-ni.gov.uk/files/media-files/Civil%20Justice%20Report%20September%202017.pdf

dealt with by the High Court regardless of the potential level of damages. One such category is clinical negligence claims.

85. Clinical negligence is a specialised area of practice where there is often considerable complexity in establishing the facts of a case, with proceedings tending to involve expert evidence on issues such as breach of duty, causation, and the level of damages. Currently, clinical negligence cases may be heard in the county courts or High Court depending on the value of the claim, although our understanding is that relatively few clinical negligence claims are issued in the county courts.
86. There may be a case for reserving clinical negligence cases for the High Court, especially if the jurisdiction of the county court is substantially increased, given the likelihood that they involve more complicated legal and factual issues. This would require changes to primary legislation, namely the County Courts (Northern Ireland) Order 1980.
87. Such cases are likely to require more court time, in terms of the length of the actual trial due to the number of expert witnesses required, and the number and length of review and interlocutory hearings to deal with more complex legal issues. Matters relating to causation and the potential value of an award are often unclear until an action has reached an advanced stage, with multiple experts helping to narrow the clinical matters involved. This process may not be complete until relatively close to a trial date. Even where the potential final award would be under £30,000 and could potentially be remitted to the county courts, it may be not practical or desirable to do so at such a late stage in proceedings.
88. Even under the proposed Civil Hearing Centres model dedicated to civil business in the county courts, it would not have always been possible to allocate uninterrupted trial time to the hearing of such cases in the county courts which would have had a negative impact on the speed at which these actions and other civil cases are disposed.

89. The introduction of higher value clinical negligence cases in the county courts would also require careful consideration by the County Court Rules Committee in deciding whether it is appropriate to apply scale costs to these cases, which often require significant preparation prior to the issue of proceedings. The issues around implementation of pre-action protocols and the need for detailed pleadings would also need to be addressed given the complexity of this litigation.
90. In respect of clinical negligence trials, the Gillen Review did not go as far as to suggest that such cases should be the reserve of the High Court. Instead it suggested that they should 'usually' be heard in the High Court, though they could be heard in the county courts if 'sufficiently straightforward'. It may be challenging in practice to assign cases based on complexity in a system centred on financial jurisdiction, particularly when key issues in clinical negligence cases may not emerge until medical evidence has been exchanged.
91. If clinical negligence cases were not reserved as a strictly High Court action and the general civil jurisdiction of the county court was increased in line with either Option 1 or Option 2, it would support the proposal outlined above that county court judges should have the power to remove such cases to the High Court where they felt that was the more appropriate court.
92. An alternative approach would be to maintain the level of county court jurisdiction at £30,000 for clinical negligence cases only. This would allow for less complex cases, perhaps such as dental claims, to continue to be heard in the county courts. We understand that few clinical negligence claims are issued in the county courts and even where the final award or settlement in the High Court is less than £30,000, it does not automatically mean it should have commenced in the county courts. Where liability is contested in clinical negligence cases, the final value of damages may be significantly less than plaintiffs initially claim. Such cases may have required the procedures of the High Court even if the final award is below the current jurisdictional limit.

Defamation

93. Defamation, encompassing slander and libel, involves allegations of harm to an individual's reputation caused by the publication of false statements. These cases raise difficult issues such as the meaning of offending words and the degree of harm caused to the plaintiff. Currently, defamation cases with a value under £3,000 are heard in the county courts. The Gillen Review recommends that the county courts should not deal with defamation cases over the value of £10,000. The Department welcomes views on this recommendation.

Section 8 – Consultation Questions

Consultation Question 1

Which of the following options do you believe would help to create the most effective and efficient system for civil proceedings:

- 1) Increase in county court jurisdiction to £60,000, with an increase in the jurisdiction of district judges to £20,000; or,
- 2) Increase in county court jurisdiction to £100,000, with an increase in the jurisdiction of district judges to £35,000.

Consultation Question 2

Given that clinical negligence cases tend to be more complex than other tort actions, should the Department either:

- 1) Reserve clinical negligence as a High Court only actions; or,
- 2) Maintain the current county court jurisdiction of £30,000 for clinical negligence claims only.

Consultation Question 3

Should the county court judges have a statutory power to remove cases from the county courts to the High Court?

Consultation Question 4

Should the jurisdiction of the small claims court be increased to £5,000?

Consultation Question 5

Should the general civil jurisdiction in respect of defamation cases be increased to £10,000?

Section 9 – Impact Assessments

The Department has carried out a range of impact assessments connected with this consultation. These are:

- A Regulatory Impact Assessment;
- Section 75 Equality Screening;
- Rural Needs Impact Assessment; and,
- Human Rights Impact Assessment.

QUESTION

Do you have any comments to make on any of the draft impact assessments?

Section 10 - Next steps

We will consider all contributions within the scope of this consultation and take them into account in the development of any advice to the Justice Minister. A summary of responses will be made available on our website.

Section 11 – Consultation information

Responding to the consultation

The best way to respond to this consultation is online via Citizen Space on the NIDirect website at:

https://consultations.nidirect.gov.uk/doj/revised-draft-consultation-increasing-the-jurisdic/consult_view

However, you can also send the consultation questionnaire provided separately by email to DOJCivilJusticePolicy.Division@justice-ni.gov.uk or by post to the address below.

The consultation will be open for twelve weeks. The closing date for receipt of responses is 30 April 2021. Please note that it is unlikely that responses to the consultation will be accepted after this date.

Alternative formats and further information

Hard copies of this consultation document and copies in other formats, such as Braille, large print, etc., can be made available on request. If it would help you to have to this document in a different format or in a language other than English, please let us know and we will do our best to assist you.

If you require any further information on this consultation, please contact us at:

By phone: 028 90 169594

By email: DOJCivilJusticePolicy.Division@justice-ni.gov.uk

In writing: Civil Courts & Branch, Department of Justice, Massey House, Stormont Estate, Belfast, BT4 3SX

Privacy notice

We intend to publish a summary of responses on our website on completion of the consultation process. Any contact details, which will identify a respondent as a private individual, will be removed prior to publication.

All information will be handled in accordance with the General Data Protection Regulation 2018. Respondents should also be aware that the Department's obligations under the Freedom of Information Act 2000 may require that any responses, not subject to specific exemptions under that Act, be disclosed to other parties on request.

For more information about what we do with personal data please see our consultation privacy notice.

Complaints

If you have any concerns about the way that this consultation process has been handled, please contact us at:

By email: standardsunit@justice-ni.x.gsi.gov.uk

In writing: Standards Unit, Department of Justice, Knockview Buildings, Stormont Estate, Belfast, BT4 3SL

Civil courts structure

Court Jurisdiction	Civil Courts Structure	Financial Jurisdiction
Northern Ireland	County Court - Small Claims Court	Less than £3,000
	County Court - District Judges Court	Up to £10,000
	County Court	Up to £30,000
	High Court	Over £30,000
England & Wales	County Court – Small - claims track	Under £10,000 (£1,000 for Personal Injuries)
	County Court – Fast-track	Between £10,000 and £25,000
	Multi-track*	£25,000 or more
	High Court	£100,000 or more (£50,000 for personal injuries)
Scotland	Sheriff Court – Simple Procedure	£5,000 or less
	Sheriff Court – Summary Cause Procedure	Over £3,000 up to £5,000
	Sheriff Court - Ordinary Cause Procedure	Over £5,000 up to £100,000
	Court of Session	More than £100,000
	All-Scotland Sheriff Personal Injury Court	In excess of £5,000 (£1,000 for work related personal injuries)
Ireland	District Court – Small Claims Court	Not more than €2,000
	District Court	Not more than €15,000
	Circuit Court	Not more than €75,000, €60,000 for Personal Injuries
	High Court	No limit
	Personal Injuries Assessment Board (PIAB)	All claims for Personal Injuries must come through PIAB

*High Court or County Court depending on value

Confidentiality and Privacy Notice

Confidentiality of consultation responses – Freedom of Information Act 2000

The Department intends to publish a **summary** of responses following completion of the consultation process.

Your response, and all other responses to the consultation, may also be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this public consultation.

Subject to certain limited provisos, the Freedom of Information Act gives members of the public a right of access to any information held by a public authority, in this case, the Department. This right of access to information includes information provided in response to a consultation.

The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity should be made public or be treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties "in confidence" if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature;
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

Further information about confidentiality of responses is available by contacting the Information Commissioner's Office (or at <https://ico.org.uk/>)

Privacy Notice

Data Controller Name: Department of Justice

Address: Department of Justice
Castle Buildings
Stormont Estate
BELFAST
BT4 3SG

Telephone: 02890 378617

Email: VAP@justice-ni.gov.uk

Data Protection Officer Name: Department of Justice Data Protection Officer

Telephone: 02890 378617

Email: DataProtectionOfficer@justice-ni.gov.uk

Why are you processing my personal information?

The Department is seeking comments from interested parties as part of its public consultation on increasing the general civil jurisdiction of the county courts in Northern Ireland. The Department is not seeking personal data as part of the consultation but is likely to receive names and addresses/e-mail addresses as part of a consultee's response.

Consultation is a requisite part of the development of public policy and strategy.

ONLY if you are relying on consent to process personal data.

The Department is not relying on consent for processing the data supplied by the applicant. DoJ is required to seek consultation responses as part of policy development.

What categories of personal data are you processing?

Responses to the consultation will include names and addresses and/or e-mail addresses.

Where do you get my personal data from?

The personal data will originate from the person responding to the consultation.

Do you share my personal data with anyone else?

We will not share your personal data with other organisations.

Do you transfer my personal data to other countries?

No.

How long do you keep my personal data?

We will retain your data in line with 5.7 of Schedule 5 of the DoJ Retention and Disposal Schedule (<https://www.justice-ni.gov.uk/publications/doj-retention-and-disposal-schedule>)

(If you use automated decision making or profiling) How do you use my personal data to make decisions about me?

The Department will not use automated processing for responses to this consultation.

What rights do I have?

You have the right:

- to obtain confirmation that your data is being processed, and access to your personal data
- to have personal data rectified if it is inaccurate or incomplete
- to have personal data erased and to prevent processing, in specific circumstances

- to 'block' or suppress processing of personal data, in specific circumstances
- to data portability, in specific circumstances
- to object to the processing, in specific circumstances
- in relation to automated decision making and profiling

How do I complain if I am not happy?

Complaints should be submitted to:

Freedom of Information Unit
Department of Justice
Castle Buildings
Stormont Estate
BELFAST
BT4 3SG

Telephone: 02890 378617

Email: FOI@justice.x.gsi.gov.uk

If you are unhappy with any aspect of this privacy notice, or how your personal information is being processed, please contact the Departmental Data Protection Officer at: DataProtectionOfficer@justice-ni.gov.uk

If, after contact the Departmental Data Protection Officer, you are still not happy, you have the right to lodge a complaint with the Information Commissioner's Office (ICO):

Information Commissioner's Office
Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF
Tel: 0303 123 1113
Email: casework@ico.org.uk
<https://ico.org.uk/global/contact-us/>