

Public Consultation
Practice Note in relation to McKenzie Friends

The courts in Northern Ireland, as in other jurisdictions in the United Kingdom, have seen an increase in the number of self-represented litigants in recent years. Those who do not have legal representation may be permitted to have a lay advisor in court to assist them, at the judge's discretion, but such persons are only exceptionally given a right of audience. Such an advisor is commonly known as a McKenzie friend.

Having considered the [Practice Guidance on McKenzie Friends](#) issued by the Master of the Rolls and the President of the Family Division in England and Wales in July 2010, the Lord Chief Justice believes that Northern Ireland would benefit from a similar practical statement of the role and duties of those who assist litigants in person and of the criteria on which the courts will take decisions to permit them to act. A Practice Note for Northern Ireland will make the practice in this jurisdiction clearer and more transparent.

A draft Northern Ireland Practice Note has been drafted and is now open for consultation. It sets out the existing law in Northern Ireland and largely follows the English model, but takes into account the main Northern Ireland case law and relevant rules of court.

Although the Northern Ireland Judiciary is not a public authority for the purposes of s. 75 of the Northern Ireland Act, consideration has been given to the equality impacts of this proposal. It is considered to have positive equality impacts for those who do not speak English as a first language and for people with certain disabilities, who may find it of particular benefit to have someone to assist them during the hearing. It should be emphasised that McKenzie friends are not considered to be a substitute for interpreters and other professionals who ensure the right of access to justice in cases where they are required and the proposed Practice Note does not affect the provision or funding of these services.

If you would like to respond to this consultation, please reply to Beverley Hall, the consultation co-ordinator in the Office of the Lord Chief Justice by 30 June 2011, by e-mail at Beverley.Hall@courtsni.gov.uk by telephone on 028 9072 5918 or in writing to: Office of the Lord Chief Justice, Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF. If you need any help in responding, or would like this letter and draft practice note in another language or format, please let me know. A summary of responses may be published. While we cannot guarantee confidentiality for any response you may give, we will be happy to consider any reasons you have for wishing to seek confidentiality for all or part of your response.