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Northern Ireland Court Service Judicial Statistics

2004



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Introduction

1 Contents

The statistics in this report relate to the criminal and civil business conducted by the courts in Northern Ireland, and to the work of some associated tribunals and offices for which the Lord Chancellor, Secretary of State for Constitutional Affairs, also has ministerial responsibility. This introduction sets out a brief description of the constitution, jurisdiction and practice of the courts and offices to which the statistics relate.

During 2004, there were changes in the collection of data in the High Court and county court. As a result, there will be a delay in the release of figures for the High Court and the county court. These will be released on 27th January 2006.

2 The Court Structure

The Supreme Court of Judicature of Northern Ireland consists of the Court of Appeal, the High Court and the Crown Court (all of which are known as Superior Courts) (See Figure 1).

The Supreme Court is constituted under the Judicature (Northern Ireland) Act 1978 and exercises jurisdiction throughout Northern Ireland.

The inferior courts are the county courts and magistrates' courts. There are seven county court Divisions and twenty-one petty session districts.

Generally speaking each county court and each magistrates' court may only exercise jurisdiction over matters arising within the county court division within which the court sits.

3 General Notes

Day sat: This is a day on which a judge sat to hear business. It is classified on the basis of the type of business the judge heard on that day.

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. Businesses heard in different courtrooms, whether at the same venue or elsewhere, are counted as separate sittings.

4 Databases

There are a number of databases that are used to carry out the analysis in this report. As some of these databases are live databases, the figures here are taken at a cut off point of the 30 June 2005. If further validations are run or if late returns are entered after this date, the figures here could be amended.

The Court Structure in Northern Ireland

The House of Lords

Final Court of Appeal in the United Kingdom.
Hears appeals on points of law in cases of major importance.

The Court of Appeal

Hears appeals on points of law in criminal and civil cases from all courts

The High Court

Hears complex or important civil cases in three Divisions and also appeals from county courts.

Queen's Bench Division Chancery Division Family Division

County Courts (including Family Care Centres) (7 Divisions)

Hear a wide range of civil actions and also appeals from magistrate's courts.

Small Claims Court

Hear consumer claims and minor civil cases.

The Crown Court

Hears all serious criminal cases.

Magistrates' Courts

(including Youth Courts and Family Proceedings Courts)
(21 Petty Sessions Districts)

Conduct preliminary hearings in more serious criminal cases.

Hear and determine less serious criminal cases, cases involving juveniles and some civil and domestic cases, including family proceedings.

Coroners' Courts

Investigate the circumstances of sudden, violent or unnatural deaths.

The Enforcement of Judgments Office

Enforces money and other judgments.

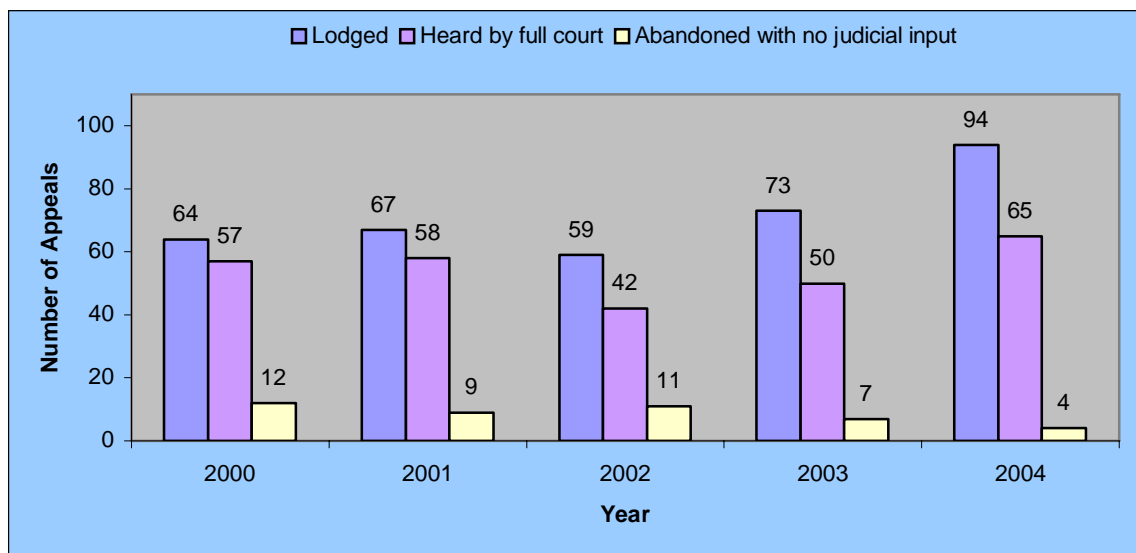
Part A Court of Appeal

Court of Appeal is divided into civil and criminal. It hears appeals from decisions in the High Court and against convictions or sentences passed by the Crown Court.

Key Facts during 2004

- 94 criminal appeals were lodged in the Court of Appeal
- 69 criminal appeals were disposed of in the Court of Appeal
- 80 criminal appeals were pending at the end of 2004
- 16 criminal appeals were successful
- 103 civil appeals were set down in the Court of Appeal
- 91 civil appeals were disposed of in the Court of Appeal
- 91 civil appeals were pending at the end of 2004

Figure A.1 Criminal appeals lodged and disposed of from 2000-2004



1 Introduction

The Court of Appeal normally sits at the Royal Courts of Justice in Belfast. The judges of the Court of Appeal are the Lord Chief Justice (who is the President) and three Lord Justices of Appeal. High Court Judges may also sit in the Court of Appeal.

The Court of Appeal hears appeals in criminal matters from the Crown Court and appeals in civil matters from the High Court. It also hears appeals on points of law from the county courts, magistrates' courts and certain Tribunals.

A case in the Court of Appeal will usually be heard by three judges and sometimes by two. Incidental matters may be heard by a single judge.

2 Commentary

2.1 Criminal Appeals

The number of criminal appeals lodged in 2004 increased from 73 in 2003 to 94 (Table A.1).

Table A.1 Criminal appeals lodged and disposed of from 2000-2004

Year	Outstanding at start of period	Lodged	Heard by full court	Abandoned with no Judicial input	Outstanding at end of period
2000	43	64	57	12	38
2001	38	67	58	9	34
2002	34	59	42	11	40
2003	40	73	50	7	56
2004	55	94	65	4	80

There were 70 appeals lodged against sentence only, 5 were against conviction while the remaining 19 were against both conviction and sentence. Of the appeals lodged during 2004, 9 resulted from trials dealing with scheduled offences (Table A.2).

Table A.2 Types of criminal appeal lodged in 2004

	Appeal against			Total
	Sentence	Conviction	Conviction and sentence	
Scheduled	4	1	4	9
Non-Scheduled	66	4	15	85
Total	70	5	19	94

There were 16 successful appeals in 2004 with 5 appeals refused; 4 were abandoned and 24 were withdrawn (Table A.3).

Table A.3 Results of criminal appeals by type in 2004

Result	Conviction only or conviction & sentence		Sentence only	
	Scheduled	Non Scheduled	Scheduled	Non Scheduled
Conviction Quashed	0	5	0	0
Sentence Dismissed	3	3	2	3
Sentence Affirmed	0	0	0	0
Sentence varied	0	4	1	7
Withdrawn	0	4	1	19
Abandoned	0	3	1	0
Refused	0	3	0	2
Total	3	22	5	31

2.2 Civil Appeals

There were 103 civil appeals were set down in 2004, 17 more than the 2003 total of 86. As in previous years, the main source of civil appeals was the Queen's Bench Division of the High Court (34 cases excluding interlocutory appeals). Including the 79 appeals pending at the end of 2003, the total caseload for 2004 was 182. A total of 91 appeals were disposed of during the year (Table A.4).

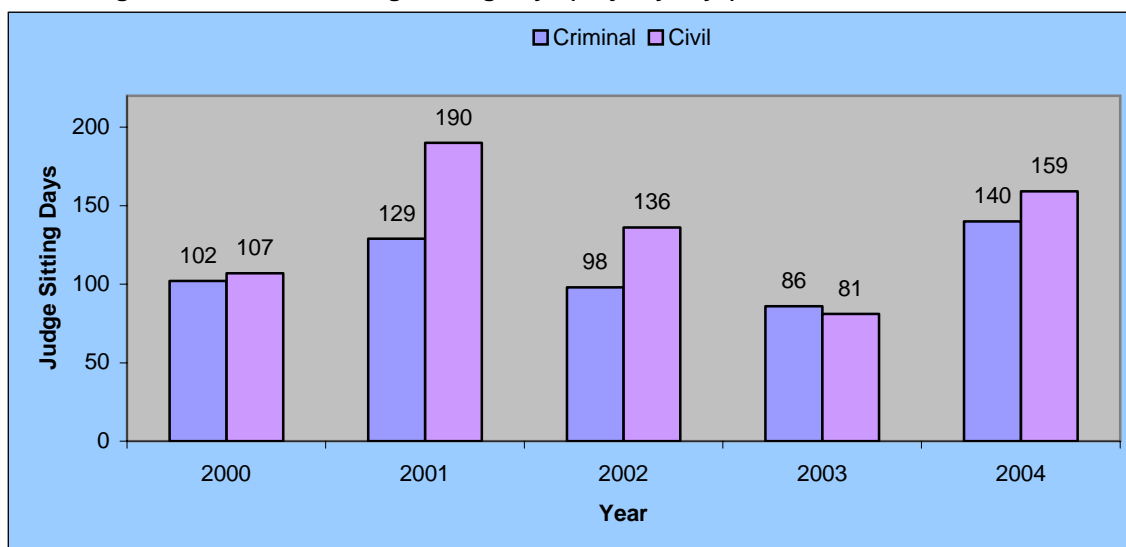
Table A.4 Appeals set down and disposed of by origin and type in 2004

	Pending at start of period	Set Down	Disposed	Pending at end of period
Chancery: Final	5	7	4	8
Chancery: Interlocutory	-	-	-	-
Family Division: Final	2	3	3	2
Family Division: Interlocutory	2	-	-	2
Queens Bench				
Crown: Final	21	26	24	23
Crown: Interlocutory	4	5	4	5
Commercial: Final	1	-	-	1
Commercial: Interlocutory	-	1	-	1
Other: Final	15	8	7	16
Other: Damages	1	-	-	1
Other: Interlocutory	1	2	2	1
Magistrates' Court (Section 44 of Judicature Act)	1	-	-	1
Case Stated				
By Lands Tribunal	-	-	-	-
By High Court Judge	-	1	-	1
By County Court Judge	1	2	2	1
By District Judge	1	1	2	-
By Resident Magistrate	2	15	6	11
By Industrial Tribunal	2	3	4	1
By Social Security Commissioner	2	2	2	2
By Medical Appeals Tribunal	-	-	-	-
By Commissioner for special purposes of Income Tax Acts	4	1	-	5
By Fair Employment Tribunal	5	1	3	3
Determination of pensions: Pension appeal	-	-	-	-
Immigration Tribunal	-	-	-	-
Motions on Notice	9	21	27	3
Proceeds of crime	-	3	-	3
Master (EJO)	-	-	-	-
Other	-	1	1	-
Total	79	103	91	91

2.3 Sitting Times

The number of judge days spent on criminal appeals (by majority type of work) increased from 86 days in 2003 to 140 days in 2004. A total of 398 hours were spent in court hearing criminal appeals in 2004 compared with 201 hours in 2003. There were 159 judge days (by majority type of work) spent on civil appeals during 2004 compared with 81 in 2003. A total of 430 hours were spent in court hearing civil appeals compared with 176 during 2003 (Figure A.2).

Figure A.2 Number of Judge Sitting Days (majority days) from 2000-2004



3 General Notes

3.1 Table A.4

Interlocutory appeal: (See also interlocutory proceedings in Queen's Bench Division section). An appeal against a decision in an interlocutory application.

Magistrates' court (Section 44 Judicature Act): Appeals against findings of, and punishments for contempt of court from the magistrates' court to the Court of Appeal are under section 44 of the Judicature (Northern Ireland) Act 1978. Section 44 is not limited to appeals from the magistrates' court, but extends to contempt from other courts.

Part B High Court

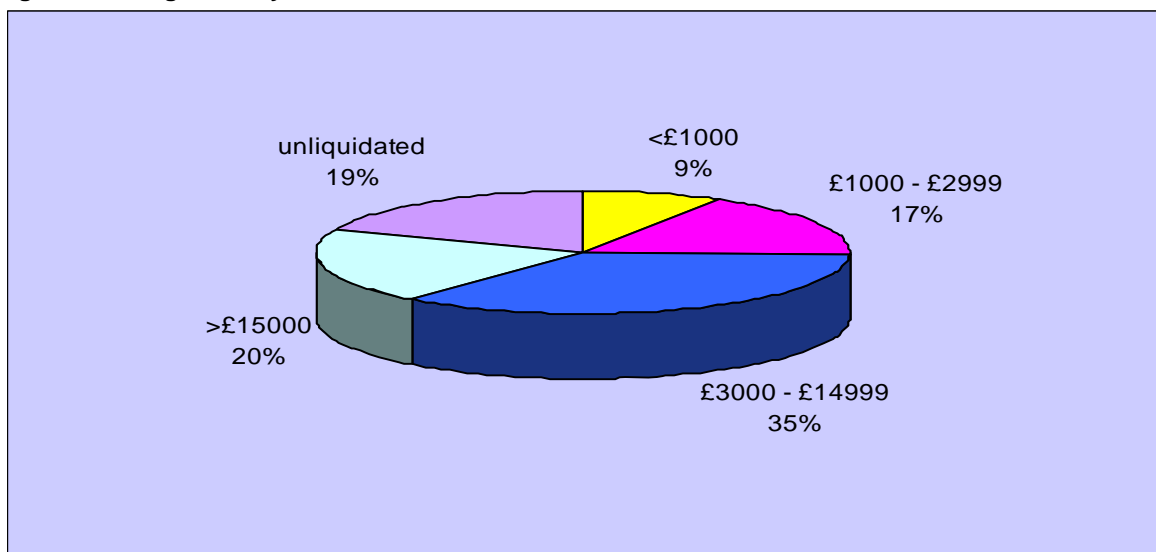
The High Court is a civil court which consists of three divisions:-

- (1) Chancery - property matters including fraud and bankruptcy
- (2) Queen's Bench - civil disputes for recovery of money, including breach of contract, personal injuries, libel/slander
- (3) Family - concerned with matrimonial matters and proceedings relating to children, eg wardship.

Key facts during 2004

- 2,198 mortgage applications were entered in Chancery
- 2,447 bankruptcy proceedings were entered
- 2,587 bankruptcy proceedings were disposed
- 288 companies proceedings were disposed
- 927 judgments by default were entered
- 5,405 writs and originating summons were issued
- 3,005 bail applications were entered
- 2,808 divorce petitions filed in the High Court

Figure B.1 Judgments by Default in 2004



1 Introduction

In Northern Ireland civil justice is administered mainly by the County Courts and the High Court. County Courts deal with cases of lesser value, substance, importance and complexity while the High Court handles more substantial or complex cases. Details of the limits on the jurisdiction of the County Court are given in Part D.

Where cases suitable for trial in the County Courts are commenced in the High Court, the High Court may remit (transfer) a case to a County Court. Similarly, appropriate cases may be removed from the County Court to the High Court.

The High Court normally sits at the Royal Courts of Justice in Belfast. It consists of the Lord Chief Justice (who is the President), three Lord Justices of Appeal and nine other Judges (Puisne Judges). The High Court has three divisions, each handling different types of work:

1.1 Chancery

The principal business assigned to the Chancery Division is:

- (i) Land and property matters
- (ii) The execution or declaration of trusts
- (iii) Bankruptcy and winding up proceedings
- (iv) The dissolution of partnerships

1.2 Queens Bench Division

The Queen's Bench Division deals principally with:

- (i) Actions in contract
- (ii) Actions in tort (typically personal injury actions arising from road traffic accidents, industrial accidents, false imprisonment and medical negligence)
- (iii) Public law cases (for example, applications for judicial review of the decisions of the inferior courts, tribunals, public bodies or Government Ministers)
- (iv) Defamation (libel and slander)
- (v) Miscellaneous statutory matters (for example, Admiralty cases)
- (vi) Appeals from the county courts

1.3 Family Division

The principal business assigned to the Family Division is:

(i) Matrimonial cases (such as divorce, nullity, judicial separation and ancillary relief matters, including applications under Article 8 of The Children (Northern Ireland) Order 1995 [S.I.1995/755 (N.I.2)] for residence and contact in relation to children of the marriage and financial provision orders)

(ii) applications pertaining to children under the following legislation: -

- The Children (Northern Ireland) Order 1995
- The Adoption (Northern Ireland) Order 1987
- The Family Homes and Domestic Violence (Northern Ireland) Order 1988
- The Judicature (Northern Ireland) Act 1978
- The Child Abduction and Custody Act 1985
- The Family Law Act 1986
- The Family Law Reform (Northern Ireland) Order 1977

(iii) Patients financial affairs (dealing with persons who, by way of mental incapacity, require the protection of the court)

(iv) Registration of Enduring Powers of Attorney.

1.4 Procedure, mode of trial and disposal of cases

Actions may be commenced in the High Court in a variety of ways. The most common form of originating document is the writ of summons. Actions can also be commenced in certain circumstances by use of an originating summons, originating motion or petition. The purpose of these originating procedures is to set out, in varying degrees of detail, the subject matter of the dispute between the parties. Between the commencement of the proceedings and disposal of the case, there are often ancillary matters which arise between the parties which require to be resolved by reference to the court. Such applications to the court (which are known as interlocutory applications) will normally be dealt with by one of the Masters of the Supreme Court.

Two Masters are assigned to assist in Chancery Division (dealing with Chancery and Bankruptcy business). Two Masters are assigned to Queen's Bench Division (one of whom also assists in the business of the Court of Appeal). Two are assigned to Family Division (dealing with probate and matrimonial matters and with cases involving care and protection of children and patients).

Trials in the High Court are normally dealt with by a single Judge of the High Court, but there is a right of trial before a judge and jury in fraud, libel, slander, malicious prosecution or false imprisonment cases.

Disputed cases before the High Court may be disposed of in a number of ways:

- (a) the parties agree to discontinue the action;
- (b) the parties reach agreement out of court (known as a settlement);
- (c) the case proceeds to trial and the Judge makes an Order.

Special arrangements are also made to allow a claimant to obtain a speedy judgment (known as summary judgment) either where the other party does not dispute the claim or where the plaintiff can establish at an early stage that the other party has no real defence to the action.

Details of rules regulating the practice and procedure to be followed before both the Court of Appeal (in civil cases) and the High Court can be found in The Rules of the Supreme Court (Northern Ireland) 1980 [S.R. No. 346] as amended.

1.5 Taxation of Costs

The Supreme Court Taxing Office, which operates under the direction of the Master (Taxing Office) is responsible for the assessment of costs (a procedure known as taxation) in all civil cases conducted before the Court of Appeal or the High Court.

In practice, a formal taxation will only be required where the parties to the proceedings are unable to reach agreement as to the appropriate amount of costs due or where the costs are to be paid out of public funds (i.e. the legal aid fund).

The Master (Taxing Office) is also responsible, by virtue of The Criminal Appeal (Northern Ireland) Act 1980 (1980 C.47) as amended, for the taxation of costs in criminal proceedings in the Court of Appeal.

From 1st January 1993, the Master has also had a role in certifying, reviewing and hearing appeals in respect of legal aid costs incurred by solicitors and counsel in criminal proceedings in the Magistrates' Courts and the Crown Court under the Legal Aid in Criminal Proceedings (Costs) Rules (Northern Ireland) 1992 [S.R.1992 No 314] as amended.

2 Commentary

2.1 Bankruptcy and Chancery Division (including Companies Court)

Bankruptcy and Chancery Division is divided into three main areas;

- (1) Chancery
- (2) Bankruptcy
- (3) Companies Court

2.1.1 Chancery Matters

Table B.1 shows that, during 2004, a total of 2,595 Chancery writs and originating summonses were issued, an increase of 558 on the 2003 figure of 2,037. Mortgage suits continue to account for the majority (85%) of writs and originating summonses issued. This number has increased by 29% during 2004, with 2,198 issued, compared to 1,710 in 2003.

Table B.1 New business entered by relief claimed from 2000-2004

	2000	2001	2002	2003	2004
Land and property					
Vendor and purchaser	23	5	30	31	30
Landlord and tenant	10	13	10	17	24
Mortgages	1,717	1,604	1,625	1,710	2,198
Squatters, trespassers	27	20	24	37	63
Construction	5	7	6	8	9
Other Land / property	53	84	97	56	55
Trusts and trustees	18	17	19	21	15
Inheritance	19	33	26	35	31
Partnership	10	5	8	8	14
Copyright	34	13	10	25	46
Other business / trade disputes	17	18	14	9	16
Miscellaneous	56	72	43	80	94
Total	1,989	1,891	1,912	2,037	2,595

There were 2,434 disposals in 2004. Land and property accounted for the majority of disposals with 2,055 orders being made in respect of mortgage applications (Table B.2).

Table B.2 Disposals by judge type in 2004

Relief Claimed	Judicial Officer		
	Judge	Master	Total
Land and Property			
Vendor and purchaser	10	14	24
Landlord and tenant	3	10	13
Mortgages	1	2,054	2,055
Squatters, trespassers	47	5	52
Construction, rect, set aside	4	1	5
Other Land / property	50	32	82
Trusts and trustees	14	10	24
Inheritance	40	5	45
Partnership	7	9	16
Copyright	11	2	13
Other business / trade disputes	13	2	15
Miscellaneous	72	18	90
Total	272	2,162	2,434

There were 34 writ actions set down for hearing in 2004. Including the 18 cases carried over from the end of 2003, the total caseload for the year was 52. Of these, 69 cases were disposed of, an increase of 16 cases on 2003.

Table B.3 Actions commenced by writ of summons from 2000-2004

	Pending at start of period	Set Down	Disposed of		
			After hearing	Otherwise	Total
2000	22	32	4	37	41
2001	13	43	10	40	50
2002	6	58	11	35	46
2003	18	53	8	45	53
2004	18	34	36	33	69

2.1.2 Bankruptcy Matters

Bankruptcy proceedings issued increased by 362, from 2,085 in 2003 to 2,447 in 2004. These comprised of 1,291 bankruptcy petitions (80% of which were creditor petitions) and 30 insolvent partnership petitions. Other bankruptcy proceedings included 157 originating and interlocutory applications, 54 applications to set aside statutory demands and 196 applications for interim orders (Table B.4).

Table B.4 Bankruptcy proceedings new business from 2000-2004

	2000	2001	2002	2003	2004
Bankruptcy Petition					
By creditor	846	708	732	899	1,031
By debtor	46	69	76	150	258
By other	7	-	5	-	2
Insolvent estate petition	2	3	1	1	-
Insolvent partnership petitions	-	3	15	7	30
Originating applications	32	35	34	38	157
Ordinary applications	443	286	347	481	596
Set aside statutory demand	62	68	56	57	54
Application to annul / rescind	84	33	67	91	91
Arrest discharge	42	37	31	15	30
Appeals from Master	2	3	1	4	1
Interim order	286	221	254	342	196
Committal	1	-	-	-	1
Total	1,853	1,466	1,619	2,085	2,447

The Master dealt with a total of 2,586 bankruptcy proceedings, a 30% increase on the 2003 total of 1,995. The main work area was dealing with bankruptcy petitions; a total of 1,649 including insolvent partnership petitions. There were 45% of the ordinary bankruptcy petitions dismissed or withdrawn (Table B.5).

Table B.5 Bankruptcy proceedings disposals from 2000-2004

	2000	2001	2002	2003	2004
Before judge					
Appeals from Master	4	1	1	-	1
Before Master					
Bankruptcy petitions					
Adjudication order	362	316	347	519	897
Dismissed	603	521	441	561	470
Withdrawn	40	35	70	49	256
Insolvent estates petitions					
Adjudication order	2	-	-	1	-
Dismissed	-	1	3	-	-
Withdrawn	-	1	-	-	-
Insolvent Partnership Petitions					
Adjudication order	1	-	1	-	12
Dismissed	2	3	9	6	12
Withdrawn	-	-	2	2	2
Bankruptcies annulled / rescinded	79	30	62	76	92
Orders to arrest discharge	40	40	32	13	27
Miscellaneous	754	544	587	768	818
Total	1,887	1,492	1,555	1,995	2,587

2.1.3 Companies court proceedings

Table B.6 and B.7 show the companies proceeding entered and disposed from 2000-2004. Compared with 2003, companies' proceedings entered increased by 2%, from 260 to 265. The volume of disposals increased by 32 (13%) from 256 in 2003 to 288 in 2004.

Table B.6 Companies proceedings – New business from 2000-2004

	2000	2001	2002	2003	2004
Petitions files for					
Winding up	171	145	147	176	155
Insolvent partnerships	-	1	3	1	12
Disqualification of directors	11	8	14	14	13
Other	33	44	15	25	27
Originating motions	11	3	6	7	20
Ordinary applications	45	30	38	33	34
Ex-parte applications	9	3	3	4	4
Appeals	-	-	-	-	-
Total	280	234	226	260	265

Table B.7 Companies proceedings – Disposals from 2000-2004

	2000	2001	2002	2003	2004
Winding Up	124	87	68	100	127
Insolvent partnerships	-	-	1	1	6
Disqualification of Directors	16	14	11	7	22
Petitions dismissed withdrawn	72	81	92	96	60
Other	26	44	26	26	26
Originating Motions	12	2	5	7	14
Ordinary applications	40	31	31	19	33
Ex-parte Applications	7	-	1	-	-
Appeals	-	-	-	-	-
Miscellaneous	-	-	-	-	-
Total	297	259	235	256	288

2.2 Queen's Bench Division

2.2.1 Writs and Default Judgments

During 2004, 5,405 writs and originating summonses were issued, a 14% decrease on the 2003 level (Table B.8).

Table B.8 Writs and originating summonses issued from 2000-2004

	Less than £1,000	£1,000- £2,999	£3,000- £14,999	£15,000 or more	Unliquidated	Total
2000	219	471	271	298	4,685	5,944
2001	288	352	271	357	4,712	5,980
2002	374	341	264	380	4,719	6,078
2003	348	323	310	434	4,835	6,250
2004	94	153	358	299	4,501	5,405

The number of default judgments issued decreased from 1,056 in 2003 to 927 in 2004, a decrease of 12%. In total, 19% of judgments were issued for unliquidated amounts, 75% of the liquidated judgments were for amounts less than £15,000, i.e. within the jurisdictional limits for the County Court.

Table B.9 Judgments by default from 2000-2004

	Less than £1000	£1000- £2,999	£3000- £14,999	£15,000 or more	Unliquidated	Total
2000	131	366	199	130	75	901
2001	184	278	253	161	80	956
2002	203	224	193	161	88	869
2003	286	245	261	177	87	1,056
2004	81	156	330	184	176	927

There were 1,987 Queens Bench writs (excluding commercial actions) set down for trial during 2004, an 8% decrease on the 2,157 set down in 2003. The number of Queen's Bench writ actions disposed of increased by 36% from 1,945 in 2003 to 2,653. The number of writs outstanding has decreased to 1,819 at the end of 2004 (Table B.10).

Table B.10 Cases set down and disposed of – General list in 2004

	Outstanding at start of period	Set down	Disposed of		Total	Outstanding at end of period
			Court Disposals	Office Disposals		
2004	2,485	1,987	1,632	1,021	2,653	1,819

There were 1,420 (58%) writs dealt with in court. Only 2% of court cases were disposed of after trial and 42% of disposals were dealt with as office disposals. Actions set down as negligence/breach of statutory duty/nuisance constituted 37% of writs disposed of in court (Table B.11).

Table B.11 Cases disposed of – General list – Method of disposal in 2004

	Court disposal					Office disposal		
	After trial	Settled during course of hearing	Settled – approved by court	Settled without notice	Total	Consent with notice / other	Remitted	Total
Negligence / breach of statutory duty / nuisance	12	150	349	15	526	326	5	331
Breach of contract	-	6	24	-	30	15	-	15
Road Traffic	10	71	325	5	411	315	13	328
Miscellaneous	6	41	399	7	453	271	76	347
Total	28	268	1,097	27	1,420	927	94	1,021

Of the 1,420 writs disposed of in court, 68% resulted in judgments for the plaintiff and 23% were terms endorsed on counsel's brief (Table B.12).

Table B.12 Cases disposed of – General List – Result of Court disposal in 2004

	Judgment for					Total
	Plaintiff	Defendant	Both Parties	Terms endorsed on counsel's brief	Other	
Negligence / breach of statutory duty / nuisance	318	21	12	150	25	526
Breach of contract	14	1	-	13	2	30
Road Traffic	319	6	3	58	25	411
Miscellaneous	319	15	6	103	10	453
Total	970	43	21	324	62	1,420

Actions taken by individuals (excluding minors) accounted for 76% of the writs set down and disposed of. Just under half of writ actions (47%) were taken against corporations/firms or Government/public bodies (Table B.13).

Table B.13 Cases disposed of – General List – Types of plaintiff and respondent 1st Jan -4th July 2004

Type	Plaintiff	Defendant
Bank - Finance House	-	1
Corporation or Firm	7	205
Government – Public Body	1	165
Person under Disability	2	-
Female Individual	214	54
Male Individual	385	239
Minor	58	-
Other	220	223
Total	887	887

Cases disposed of – General List – Types of plaintiff and respondent 5th July – 31st Dec 2004

Type	Plaintiff	Defendant
Bank - Finance House	1	-
Corporation or Firm	4	303
Government – Public Body	-	146
Individual	499	359
Minor	51	-
Other	1	31
Total	556	839

In total, 60% of writs settled in court were for a known amount and 31% of the writs settled in court for a known amount were for amounts of less than £15,000, i.e. an amount within the jurisdictional limits of the County Courts (Table B.14).

Table B.14 Cases disposed of – General list – Final value in 2004

	Less than £1000	£1000 - £2999	£3000 - £14000	>£15000	unliquidated	Total
Negligence	-	11	80	167	268	526
Breach of Contract	-	-	3	6	21	30
Road traffic	-	3	46	241	121	411
Other	1	10	106	174	162	453
Total	1	24	235	588	572	1,420

Delay to Disposal/Start of Trial

In 2004, the average length of time between the issue of a writ to trial or disposal of cases was 33 weeks compared with 31 weeks in 2003 (Table B.15).

Table B.15 Cases disposed of – General list – Time intervals in 2004

	Average in weeks	Total valid cases
Date of issue of writ to date of setting down	19	2,203
Date of setting down to date of 1 st listing	5	2,519
Date of 1 st listing to date of disposal	9	2,389
Date of issue of writ to date of disposal	33	2,221

2.2.2 Commercial actions

During 2004, 53 actions were entered in the commercial list, a 60% decrease on the 131 entered during 2003. In total, 74 cases were disposed of, leaving a total of 142 cases pending at the end of the year. This compares with 163 at the end of 2003 (Table B.16).

Table B.16 Cases set down and disposed of – Commercial list in 2004

	Outstanding at start of year	Entered	Disposals			Outstanding at end of year
			Court Disposals	Office Disposals	Total	
Total	163	53	73	1	74	142

2.2.3 Masters and County Court appeals

There were 309 County Court and Criminal Injury appeals set down in 2004 a decrease of 17% on the 2003 figure of 372; court disposals decreased by 2% from 262 in 2003 to 256 in 2004 (Table B.17).

Table B.17 Cases set down and disposed of - county court and criminal injury appeals from 2000-2004

County court and criminal injury appeals	Outstanding at start of year	Set down	Disposed of	Outstanding at end of year
2000	227	369	339	257
2001	257	440	434	263
2002	263	395	359	299
2003	299	372	262	409
2004	229 ^[1]	309	256	282

[1] Outstanding recalculated after move to ICOS

Appeals from Masters set down decreased from 131 in 2003 to 99, a decrease of 24%. Disposals decreased by 17% from 125 in 2003 to 104 in 2004 (Table B.18).

Table B.18 Cases set down and disposed of – Master’s appeals from 2000-2004

Masters appeals	Outstanding at start of year	Received	Disposed of	Outstanding at end of year
2000	24	87	91	20
2001	20	147	131	36
2002	36	94	126	4
2003	4	131	125	10
2004	10	99	104	5

2.2.4 Sundry Proceedings

The total number of orders dealt with by Masters excluding adjournments and orders granted for costs was 3,336 (Table B.19).

Table B.19 Sundry Queens Bench proceedings in 1st Jan -4th July 2004

	Outcome of application			
	Granted	Refused	Other	Total
Summonses under Order 14	8	1	12	21
Masters orders	904	72	644	1,620

Table B.20 Number of Applications Received and Disposed of 5th July 2004 – 31st December 2004

	Received	Disposed
2004	2,220	1,716

2.2.5 High Court Bails

Tables B.21 and B.22, show the bail applications in 2004. The number of applications for bail to the High Court increased by 8%, from 2,783 in 2003 to 3,005 in 2004. In total, 46% of the applications were granted in 2004 the same as in 2003.

Table B.21 Type of bail applications in High Court from 2000-2004

Year	Type of application					Total
	Ordinary	Variation	Compassionate	Revocation	Other	
2000	1,435	73	68	81	29	1,686
2001	1,459	211	60	95	21	1,846
2002	1,810	355	145	132	36	2,478
2003	2,291	187	120	155	30	2,783
2004	2,416	222	143	157	67	3,005

Table B.22 Outcome of bail applications from 2000-2004

Year	Outcome of application			
	Granted	Refused	Other	Total
2000	836	441	409	1,686
2001	861	417	568	1,846
2002	1,048	527	903	2,478
2003	1,285	667	831	2,783
2004	1,385	674	946	3,005

2.2.6 Judicial reviews

Table B.23 is in relation to judicial reviews. Out of a total of 253 applications, 111 or 44% were granted leave to apply for judicial review.

Table B.23 Judicial Reviews in the High Court from 2000-2004

	Cases lodged	Application for leave to apply for judicial review			Application for judicial review		
		Withdrawn prior to determination	Refused	Granted ^[1]	Withdrawn prior to determination	Dismissed	Granted
2000	242	26	25	177	68	57	34
2001	254	32	48	174	57	61	34
2002	316	27	59	160	41	52	26
2003	340	48	93	173	56	90	49
2004	253	62	58	111	37	122	35

[1] Cases where leave is granted to apply for Judicial Review have not necessarily been disposed of

Table B.24 Registrations under the foreign judgments from 5th July 2004 – 31st December 2004

	2004
UK	233
Republic of Ireland	-
Rest of the EU	-
Rest of World	-
Total	233

2.2.7 Days sat in Queen's Bench

By majority type of work, a total of 445 judge days were spent on Queen's Bench business during 2004. This compares with 417 days in 2003 (Table B.42).

2.3 Family Division

2.3.1 Matrimonial

The number of divorce petitions filed fell by 13%, from 3,231 during 2003 to 2,808 in 2004 (Table B.25).

Table B.25 Divorce – Petitions filed in 2004

	Filed by		Total
	Husband	Wife	
Dissolution	1,028	1,754	2,782
Judicial Separation	2	16	18
Nullity	4	4	8
Total	1,034	1,774	2,808

There was a decrease in the number of divorce cases disposed of in the judges' lists in the High Court (from 1,445 in 2003 to 1,297 in 2004). Of the 1,297 cases disposed of during 2004, 94% were undefended actions (Table B.26).

Table B.26 Divorce – Cases in judges lists in 2004

Type	Pending at start of period	Set down ^[1]	Disposed of			Pending at end of period
			After trial	Otherwise	Total disposed	
Defended	74	116	70	14	84	65
Un-defended	256	1140	1209	4	1213	167
Total	330	1,256	1,279	18	1,297	232

[1] Excludes petitions discontinued before setting down and petitions dismissed by Master.

Tables B.27 and B.28 show the proportion of Decrees Nisi and number of decrees granted in 2004. There were 1,263 decree nisi's granted in the High Court during 2004, a decrease of 5% on the 1,329 granted during 2003. The proportion of all divorce petitions processed to decree nisi in the High Court decreased by 3% to 47% in 2004 (see also County Courts section). The most common ground for dissolution continued to be separation (2 years and consent) accounting for 41% of all cases.

Table B.27 Proportion of Decrees Nisi granted in High Court from 2000-2004

	2000	2001	2002	2003	2004
High Court	51%	50%	46%	50%	47%
County Court	49%	50%	54%	50%	53%

Table B.28 Divorce – Number of decrees granted by type of decree and facts proved in 2004

	Found for		Total
	Husband	Wife	
Decree Nisi			
Dissolution			
Adultery	31	80	111
Behavior	24	289	313
Desertion	0	1	1
Separation (2 years & consent)	181	333	514
Separation (5 years)	132	137	269
Combination of grounds/Other	10	45	55
Total	378	885	1,263
Judicial Separation	1	11	12
Nullity	1	2	3
All decrees	380	898	1,278
Decrees Absolute	342	878	1,220

Table B.29 shows the number of matrimonial appeals in 2004.

Table B.29 Divorce – Matrimonial appeals in 2004

	Pending at start	Set down	Disposed of				Pending at end
			Affirmed	Varied	Dismissed	Withdrawn	
2004	4	4	2	2	0	0	4

The number of Masters miscellaneous proceedings relating to children has risen sharply over the past five years from 195 in 2000 to 498 in 2004 (Table B.30)

Table B.30 Miscellaneous proceedings under jurisdiction from 2000-2004

Orders made and Applications	2000	2001	2002	2003	2004
Judge					
Relating to children	9	12	18	5	2
Judgment summonses	7	3	8	6	6
Motions on notice	60	63	54	48	45
Injunction	21	19	11	13	16
Ancillary relief (Agreements made rule of court)	210	206	159	190	255
Applications adjourned	152	272	201	155	142
Decrees rescinded	-	-	1	-	-
Appeals from Master	32	19	21	28	25
Master					
Relating to children	195	558	575	451	498
Other	483	546	548	611	561
Ancillary relief	641	528	557	542	671
Directions hearings	2,746	2,812	3,314	3,563	4,336
Registration of maintenance order in a magistrates' court					
Application made	2	3	-	-	-
Applications granted	2	3	-	-	-

2.3.2 Probate: Non-Contentious Probate

The number of grants of probate issued during 2004 decreased by 8% from 6,273 in 2003 to 5,742. The Principal Registry accounted for 82% of all grants issued in 2004 (82% in 2003). As in previous years, the vast majority of applications were made by solicitors (94%) (Table B.31).

Table B.31 Probate grants: Non-contentious proceedings in 2004

Grant type and Place of issue	Application		
	Personal	By solicitor	Total
Probate			
Probate and Matrimonial Office	187	3,162	3,349
District Registry	13	686	699
Double Probate			
Probate and Matrimonial Office	-	-	-
District Registry	-	-	-
Letters of Administration with will annexed			
Probate and Matrimonial Office	-	131	131
District Registry	-	20	20
Letters of Administration			
Probate and Matrimonial Office	115	1,052	1,167
District Registry	29	290	319
Letters of Administration (DBN)			
Probate and Matrimonial Office	-	15	15
District Registry	-	3	3
Letters of Administration with will annexed (DBN)			
Probate and Matrimonial Office	-	32	32
District Registry	-	7	7
Total			
Probate and Matrimonial Office	302	4,392	4,694
District Registry	42	1,006	1,048
N. Ireland	344	5,398	5,742

2.3.3 Probate: Contentious Probate

During 2004, there were 152 lodgments for contentious probate proceedings, the same as in 2004. Judges dealt with 51% of contentious probate business, the remainder being dealt with by the Master. The number of non-contentious orders issued by Masters increased from 50 in 2003 to 77 during 2004 (Table B.32).

Table B.32 Probate grants from 2000-2004

	2000	2001	2002	2003	2004
Proceedings lodged					
Caveats	65	83	76	86	99
Warnings to caveats	24	18	15	17	17
Appearances to warning	17	13	7	7	11
Probate writ	12	11	10	11	8
Unproved will	19	25	11	31	17
Total	137	150	119	152	152
Judgments and orders					
Judge					
Probate judgments	1	1	4	3	1
Probate orders	5	2	20	8	35
Master					
Orders under Article 5	6	21	12	18	3
Orders refusing probate	-	-	-	-	0
Certificates of non appearance	2	2	3	3	2
Orders setting aside caveat and all contentious proceedings	6	5	4	6	9
Other contentious proceedings	24	17	36	23	21
Total	48	48	79	61	71
Master non-contentious orders	39	48	66	50	77

2.3.4 Care and Protection

There were 754 patients were referred to the Care and Protection Office in 2004 for investigation under the Mental Health Order, representing an 3% increase on the 2003 total of 730 patients. There were 203 interviews with applicants and controllers compared with 119 during 2003. The total live caseload for 2004 was 1,218 (Table B.33).

Table B.33 Office of Care and Protection – Mental Health proceedings from 2000-2004

	2000	2001	2002	2003	2004
Patients					
Referred to the office	630	706	678	730	754
Restored to management	7	4	6	3	4
Interviews					
Appointments	122	155	130	84	144
Miscellaneous	48	14	31	35	59
Orders					
Issued	712	818	823	924	814
Applications to register enduring power of attorney	98	125	119	129	196
Certificates issued	na	5,869	5,772	5,839	5,996
Live patient caseload	1,356	1,211	1,199	1,212	1,218

Tables B.34 to B.39 show the workload in the Office of Care and Protection and the Solicitors Office in 2004. There were 135 adoption applications made during 2004 compared with 160 during 2003 and 148 adoption orders were made.

Table B.34 Office of Care and Protection – Adoption from 2000-2004

	2000	2001	2002	2003	2004
Originating applications					
Solicitors	32	46	51	42	19
Personal applications	112	91	116	118	116
Total	144	137	167	160	135
Disposals					
Orders made	141	117	164	106	148
Case withdrawn	4	3	10	7	7
Contested application	11	16	9	14	10
Interim directions	na	29	70	97	93

Table B.35 Office of Care and Protection – Wardship from 2000-2004

	2000	2001	2000	2003	2004
Originating summons					
Summons issued	20	15	21	24	20
Number of children involved	47	17	24	36	33
Orders					
Confirming wardship	23	9	20	13	14
Discharging wardship	9	-	8	12	18
Emergency	21	13	12	17	17
Miscellaneous	13	-	15	7	10
Applications for withdrawal					
Received	1	2	4	2	-
Refused	-	-	-	-	-

Table B.36 Office of Care and Protection – Abductions from 2000-2004

	2000	2001	2002	2003	2004
Originating summonses					
Summonses issued	12	10	3	4	6
Children involved	16	15	3	5	11
Orders (including Interim Orders) issued	5	36	18	18	20

Table B.37 Office of Care and Protection – Freeing applications from 2000-2004

	2000	2001	2002	2003	2004
Originating applications	43	60	117	86	54
Contested cases	31	59	78	80	49
Orders made	42	68	92	92	57
Case withdrawn	na	2	7	22	8
Interim orders	na	161	251	310	161

Table B.38 Official Solicitor's Office – Patients caseload from 2000-2004

	2000	2001	2002	2003	2004
Referrals	101	68	68	117	101
Orders:					
Ad. Interim orders	27	19	23	30	21
Controller orders	69	65	60	53	34
Dismissals	57	66	57	64	62
Live cases ^[1]	609	560	571	647	629

Table B.39 Official Solicitor's Office – Minors caseload from 2004

	Received	Current Cases	Disposed
Guardian of the fortune	5	32	-
Matrimonial	-	7	5
Adoption	11	48	6
Children Order	57	179	13
Criminal injury	10	83	9
Inheritance	-	6	-
House purchase / sales	-	30	-
Probate	7	17	4
Queens Bench	-	4	3
Trust funds	-	19	-
Guardianship	-	6	-
Ward of court	-	33	6
Guardian ad Litem	-	9	-
Miscellaneous	11	51	11
Total	101	524	57

2.4 Taxation of Costs

Table B.40 shows the taxation of costs in 2004.

Table B.40 Taxation of Costs in 2004

	Number of Cases Lodged	Number of Bills Taxed	Brought in at £	Allowed £	Average Amount Allowed £
Chancery Division					
Actions and matters	55	51	1,553,341.02	172,848.06	3,389.18
Bankruptcy	0	n/a	n/a	n/a	n/a
Queen's Bench Division					
Actions, Appeals and matters	306	196	3,731,670.71	1,403,844.06	7,162.47
Family Division					
Probate	0	n/a	n/a	n/a	n/a
Matrimonial	856	841	3,977,549.42	3,031,842.52	3,605.04
Fixed Costs (Matrimonial)	3	2	964.90	431.27	215.63
Care and Protection	320	311	4,389,494.93	3,673,713.15	11,812.58
Court of Appeal					
From High Court	3	2	11,512.78	918.50	459.25
Criminal Appeals	43	n/a	n/a	n/a	n/a
Other Matters					
Solicitor's	31	n/a	n/a	n/a	n/a
Order/Act	2	2	11,594.75	9,875.75	4,937.87
Accountant's Fees	0	n/a	n/a	n/a	n/a
Liquidator's Fees	0	n/a	n/a	n/a	n/a
Arbitrations	0	n/a	n/a	n/a	n/a
Criminal Costs Rules	1,733	1,733	n/a	n/a	n/a

2.5 Days sat by judges and court sittings

High Court Judges sat on a total of 2,016 days, a 7% increase on the 1,881 days sat during 2003. By majority type of work, High Court Judges sat for a total of 445 days hearing Queens Bench business or 22% of all days sat and 449 in the Crown Court, 22% of all days sat; the respective percentages for 2003 were 22% and 23% (Table B.41 and B.42).

Table B.41 High Court Judges sitting days: Majority business from 2000-2004

	2000	2001	2002	2003	2004
Court of Appeal					
Civil	107	182	136	81	159
Criminal	102	120	98	86	140
Queen's Bench Division	482	449	379	417	445
Family Division	243	263	253	282	274
Chancery Division	108	152	113	135	123
Appeals					
Civil bill	55	47	23	33	13
Criminal injury	-	2	-	1	-
Bails	175	175	145	236	231
Callover/mixed	109	190	93	178	182
Crown Court ^[1]	440	368	546	432	449
Total	1,821	1,948	1,786	1,881	2,016

[1] Figures in this table will not correspond with figures shown in the Crown Court section due to the definition used. Days are classified on the basis of the majority business undertaken.

Table B.42 Court of Appeal and High Court business sitting times from 2000-2004

	2000	2001	2002	2003	2004
Court of Appeal					
Civil	142:05	261:55	231:17	175:58	430:00
Criminal	110:35	125:37	194:46	201:29	398:54
Queen's Bench Division					
Commercial	362:29	222:30	182:38	232:08	273:58
Other	911:01	891:18	636:40	1022:49	1042:47
Family Division	488:21	682:54	819:08	638:39	672:11
Chancery	256:41	346:10	273:33	187:09	245:26
Appeals					
Civil Bills	118:38	111:06	76:01	68:45	23:17
Criminal Injury	1:05	1:35	1:05	2:45	11:20
Bails	455:21	391:09	330:12	596:05	597:13
Callover	294:56	361:32	155:25	340:48	525:15
Total	3141:12	3400:45	2899:18	3466:35	4220:21

[1] Records are organised on the basis of periods of work undertaken and cannot be aggregated to full sittings. 1999 figures have been partially estimated due to missing data. Excludes time spent by High Court Judges in the Crown Court and business dealt with in Chambers. More than one High Court Judge may sit in some business areas. This table reflects court sittings and not total judicial time.

3 General Notes

3.1 Table B.5

Bankruptcy petitions: A petition to have an individual made bankrupt may be brought by the individual himself (debtors petition) or by any person to whom he is in debt (creditors petition) or where he is a solicitor, by the Law Society.

Insolvent estates petitions: Where a person who was insolvent has died, a petition may be presented to have his estate administered in bankruptcy. The petition may be presented by the deceased's personal representatives or by his creditors.

Insolvent partnership petitions: A petition may be presented for the winding up of a partnership as if it were an unregistered company. A petition may also be presented for the winding up of any corporate member of the partnership or for the bankruptcy of any individual member.

Application to set aside statutory demand: Where a debt is immediately due, the creditor may serve on the debtor a statutory demand for payment. If the debtor fails to comply this may be taken as evidence of his inability to pay the debt and the creditor may petition for his bankruptcy. If the debtor has a defence to the statutory demand he should apply to the court to have it set aside.

3.2 Table B.10

Order 14: The procedure by which a plaintiff may obtain a judgment in his favour if, on an application to the court, the court accepts that the defendant has no answer or defence to the plaintiff's claim.

Order 37: The procedure by which the amount of damages is assessed after judgment is given against a defendant other than at a full hearing. For example, where a defendant has no answer or defence to the plaintiff's case (Order 14).

3.3 Table B.15

Cases involving companies only can be heard by the Commercial Judge.

3.4 Table B.18

County Court and Criminal Injury Appeals: Appeals may be withdrawn before hearing, struck out by Order of the Court or settled by the parties involved on the day set down for trial. If the case proceeds to trial, the appeal is dismissed if the judgment of the County Court is upheld or allowed if the judgment of the County Court is not upheld.

3.5 Table B.19

Interlocutory proceedings: (See also interlocutory appeal in Appeals section). A matter which requires to be resolved in the course of proceedings which will not finally determine the action but is necessary for a suitable adjudication of the action on the merits (e.g. an application for discovery of documents).

Ex-Parte: An application by one side only, without notice of the hearing to the other parties involved.

Master's Orders: Orders made by a Master as distinct from orders made by a Judge.

3.6 Table B.21

Ordinary: An application for bail.

Variation: An application to vary the terms of bail where bail has already been granted.

Compassionate: Application for short-term bail on compassionate grounds for example to visit a sick relative or attend a funeral.

Revocation: Application to rescind bail already granted, for example because of further offence committed, breach of condition of bail etc.

Surety: A surety is a person who has "guaranteed" to the court that another person will turn up for his remand or trial and that he/she (the surety) will pay a sum fixed by the court if the person admitted to bail fails to do so. If the surety becomes uncertain about the likelihood of the person on bail turning up for his/her trial or remands he may apply to the court to be discharged; these applications are recorded under this heading.

3.8 Tables B.22

Judicial reviews: Judicial review is a statutory remedy which is provided for by section 18 of The Judicature (Northern Ireland) Act 1978 (1978 C.23). A judicial review is a procedure by which someone can challenge, in the High Court, the decisions or actions of central or local government, a public body, the Magistrates' Court, the County Court and certain tribunals. Judicial review is only available if there is no other legal remedy. The High Court on judicially reviewing a decision may grant one of the following types of relief:-

- (a) "certiorari", an order that a decision be quashed;
- (b) "prohibition", an order that a body decline to deal with a matter;
- (c) "mandamus", an order to compel the performance of some public duty;

- (d) an “injunction”, an order to stop acting in a certain manner; or
- (e) a “declaration”, an order clarifying someone’s legal position.

3.9 Table B.24

Registrations under The Civil Jurisdiction and Judgments Act (1982) (1982 C.27) as amended: Judgments made in other jurisdictions can be registered in Northern Ireland for enforcement.

3.10 Tables B.26-B.27

Un defended divorce: Proceedings in which a married person applies to (“petitions”) the court for a divorce and the other party (“respondent”) either consents to the divorce or indicates that he/she does not intend to contest the petition.

Defended divorce: Proceedings in which the petitioner applies for a divorce and the respondent indicates that he/she wishes to contest the divorce.

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 where there is a legal marriage but it may be nullified subsequently by order of the court.

Dissolution: Where the parties have been married for a period of 2 years and can prove one of the facts mentioned in Article 3(2) of The Matrimonial Causes (Northern Ireland) Order 1978 [S.I. 1978/1045 (N.I. 15)], the court may dissolve the marriage by granting a Decree Nisi and subsequently a Decree Absolute.

Judicial separation: The formal separation of a husband and wife by decree of the court. The parties to the marriage must have been married for a period of two years and must be able to prove one of the facts mentioned in Article 3(2) of The Matrimonial Causes (Northern Ireland) Order 1978 [S.I.1978/1045 (N.I. 15)]. A final decree of judicial separation suspends the effects of the marriage in relation to the cohabitation of the parties but it does not dissolve the marriage.

3.11 Table B.29

Ancillary Relief: Upon granting a decree of divorce, nullity or judicial separation the court has power to make an order requiring either party to the marriage to make financial provision for the other party and/or any children of the marriage in accordance with such terms as may be specified in the order.

Decree Rescinded: Where the parties are reconciled after the grant of a decree nisi but before the decree is made absolute either party may apply to the court for an order rescinding the decree nisi by consent. The Crown Solicitor and/or any other person not being a party to the cause, may also apply to rescind a decree nisi.

3.12 Table B.30

Grant of probate: A legal document recognising the validity of a will, given to an executor or executors.

Grant of letters of administration with will annexed: A legal document recognising the validity of a will but appointing an administrator because of the failure of the executor/executors named in the will to qualify.

Grant of letters of administration: A legal document giving the appropriate person or persons (not exceeding four) the authority to administer the estate of a deceased who has died without having made a will.

Grant of letters of administration with will annexed - De Bonis Non (DBN): A further grant issued because the person who took out the previous grant (of Letters of Administration with Will Annexed) has died or has become incapable of managing his own affairs, without having completed the administration of the estate. The original grant is cancelled upon the issue of the new one.

Grant of letters of administration - De Bonis Non (DBN): A further grant issued because the person who took out the previous grant (of Letters of Administration) has died or has become incapable of managing his own affairs, without having completed the administration of the estate. The original grant is cancelled upon the issue of the new one.

Unadministered probate: Where a grant of probate is taken out by one executor, who subsequently dies without completing the administration of the estate, and a second executor, who had reserved the right to apply for a grant, does so.

3.13 Table B.32

Caveat: A notice given to the Probate and Matrimonial Office by a person (afterwards referred to as a caveator), who has or claims to have an interest in the estate of a deceased person, to prevent the issuing of a grant without notice to him.

Warning to a caveat: A notice served upon the Probate and Matrimonial Office by any person having an interest in the estate of a deceased in respect of which a caveat has been entered.

The notice has to state the interest of the person issuing the warning and it requires the caveator to give particulars of any contrary interest. A copy of the warning is then served upon the caveator.

Appearance to a warning: If a caveator has an interest contrary to the person who has warned the caveat, he may enter an appearance within 8 days of the service of the warning upon him. The appearance is lodged in the Probate and Matrimonial Office and then the caveator serves a copy of it on the person who warned the caveat. The caveat remains in force until the Probate action is concluded.

Probate writs: A Probate Writ is lodged in an action where there is a dispute regarding a will or wills of the deceased. This action, called a contentious probate action, will be listed for hearing before a judge, when all the necessary papers have been lodged.

Unproved wills: Unproved wills are wills which are lodged for safekeeping (upon the payment of a small fee), by people who do not wish to keep them at home or in a bank or solicitor's office.

Orders under Article 5 of The Administration of Estates (Northern Ireland) Order 1979 [S.I.1979/1575 (N.I. 14)]: Under this provision the court has a discretionary power to appoint an administrator where a person has died, and by reason of any of the circumstances, it appears to the court necessary or expedient to do so.

3.14 Table B.33

Short Procedure Orders: The Court may make an order directing an officer of the Court or other suitable person to deal with the patient's property or affairs (in any matter authorised by the order), where the patient's property does not exceed £5,000 in value and/or the Court has adjudged that it is not necessary to appoint a controller for the patient.

3.15 Table B.34

Taxation: The process of examining, and if necessary varying, a solicitors bill of costs, which is carried out by the Master (Taxing Office).

Solicitor's Order: Under the Solicitors (Northern Ireland) Order 1976 [S.I.1976/582 (N.I.12)] as amended, in certain circumstances either the solicitor or the client can apply to the Master for the bill to be taxed.

Accountant's fees: In a bankruptcy matter, if the Master (Bankruptcy) has directed that a firm of accountants be employed to prepare accounts in the case, the firm's bill may be taxed. Liquidator's fees: Where the Court has appointed a liquidator, the liquidator's bill may also be taxed.

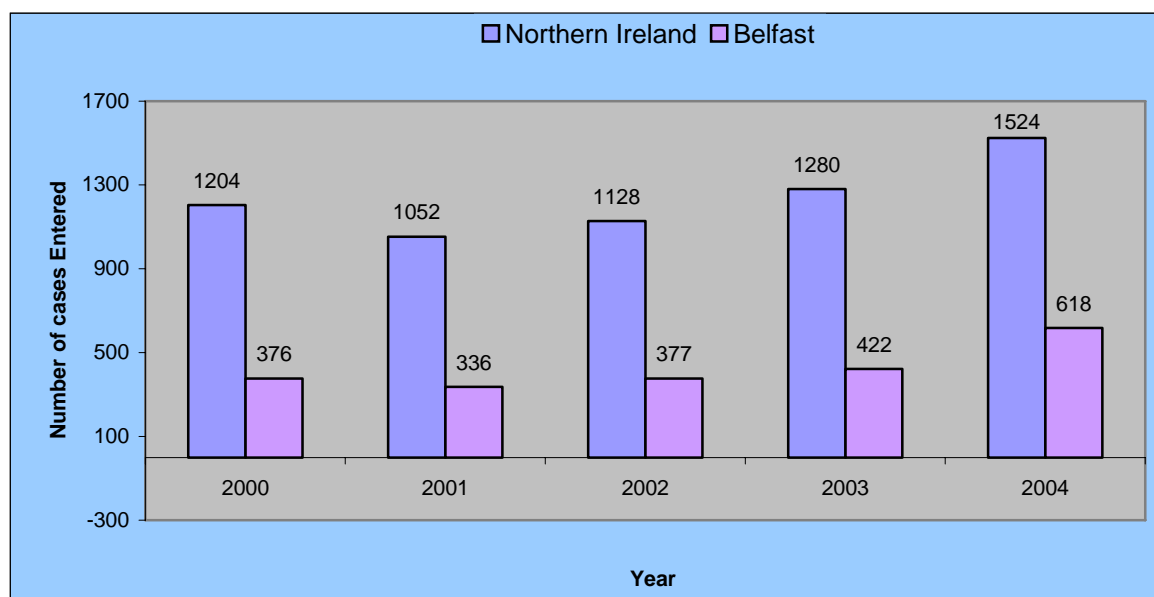
Part C Crown Court

The Crown Court deals with all cases committed for trial by magistrates' courts, cases for trial are usually heard before a judge and jury.

Key facts during 2004

- 1,414 Crown Court cases were received
- 1,313 Crown Court cases were disposed of
- 590 Crown Court cases were pending at the end of 2004
- 73% of defendants disposed of in 2004 were on bail at arraignment
- The average time from committal to first hearing was 15 weeks

Figure C.1 Number of cases and miscellaneous applications received in the Crown Court from 2000-2004



1 Introduction

The Crown Court has exclusive jurisdiction to try offences charged on indictment. Offences tried on indictment are the more serious offences. Some offences will always be tried summarily (i.e. by the magistrates' courts). Some will always be tried on indictment and others may be tried either summarily or on indictment.

The Lord Chief Justice is President of the Crown Court. The Lords Justices of Appeal, High Court judges and county court judges all sit in the Crown Court from time to time, although directions of the Lord Chancellor restrict the hearing of the most serious offences to the more senior judges.

The Crown Court sits in seven divisions within Northern Ireland. Before a case is heard in the Crown Court, the defendant will normally have been committed for trial by a magistrates' court (see Part E). In certain cases, e.g. serious fraud offences, the committal proceedings are not always necessary. Proceedings in the Crown Court are heard by a single judge and all trials, other than those involving offences listed in schedule nine of the Terrorism Act 2000 (called "scheduled offences") are tried by a judge and jury.

The function of the jury is to determine the guilt or innocence of the accused. The judge determines the appropriate sentence. A trial on indictment of a scheduled offence (which is basically a terrorist offence) is heard by a single judge sitting without a jury, normally at Belfast Crown Court. In such cases, the judge determines both the verdict and sentence, although the judge must set out in a written statement the reasons for the conviction.

All appeals from the Crown Court are heard by the Court of Appeal. A defendant in a non-scheduled case may appeal against conviction on a point of fact, on a point of law or on any other ground. The right of appeal is, in certain cases, subject to obtaining the leave of the court first. In addition to an appeal against conviction, a defendant may also appeal against sentence unless it is one fixed by law, and the leave of the court is always required for an appeal against sentence. A defendant in a scheduled case has an absolute right of appeal (that is, without leave) against conviction and sentence (unless the sentence is fixed by law).

The practice and procedure of the Crown Court is set out more fully in The Crown Court Rules (Northern Ireland) 1979 [SR 1979 No.90] as amended. Procedural rules governing criminal appeals to the Court of Appeal can be found in The Criminal Appeal (Northern Ireland) Rules 1968 [S.R.1968 No.218], as amended.

2 Commentary

2.1 Cases and miscellaneous applications received, dealt with and outstanding

Tables C.1 and C.2 show the number of cases and miscellaneous application received and disposed of in 2004. The number of cases and miscellaneous applications received in 2004 was 1,524, representing a 19% increase on the 1,280 received during 2003. Belfast accounted for 41% of all case receipts in 2004. At the beginning of 2004, 524 cases were outstanding. When combined with the 1,524 cases received during 2004, this resulted in a total of 2,048 cases to be heard. The total number of disposals increased from 1,183 in 2003 to 1,413 in 2004. The disposal rate was 69% in 2004 the same as in 2003.

Table C.1 Cases for trial and miscellaneous applications in the Crown Court in 2004

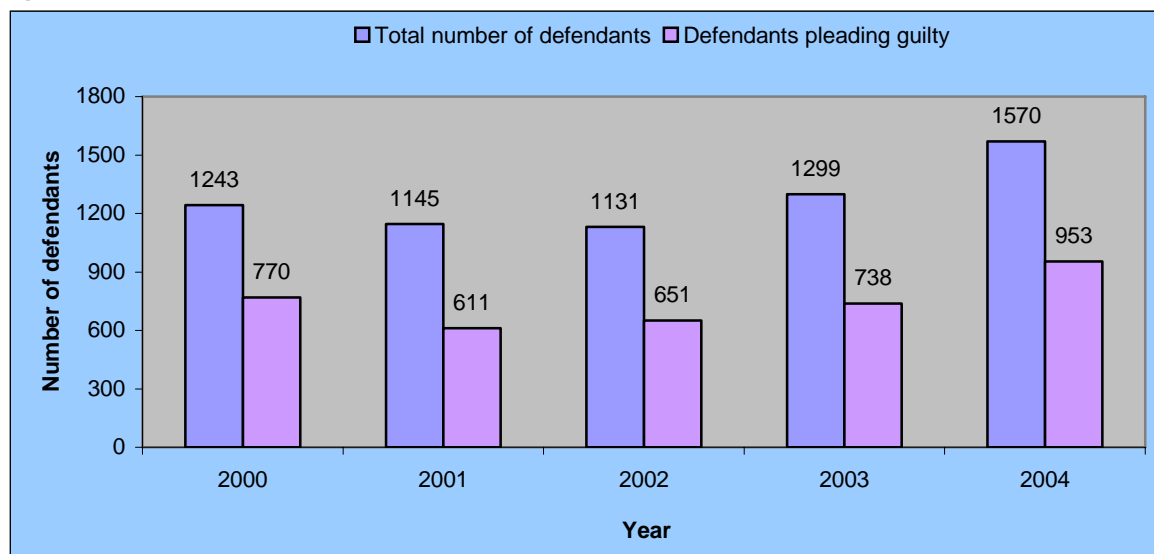
	Cases outstanding at 31/12/03	Received	Transferred in	Dealt with	Transferred out	Cases outstanding at 31/12/04
Belfast	189	618	6	536	8	269
Londonderry	54	126	1	146	4	31
Antrim	94	191	-	199	4	82
Fermanagh & Tyrone	57	183	2	152	2	88
Armagh & S. Down	35	106	1	102	5	35
Ards	52	181	11	177	1	66
Craigavon	43	119	-	101	6	55
N. Ireland	524	1,524	21	1,413	30	626

Table C.2 Cases for trial in the Crown Court in 2004

	Cases outstanding at 31/12/03	Received	Transferred in	Dealt with	Transferred out	Cases outstanding at 31/12/04
Belfast	172	568	6	487	8	251
Londonderry	50	113	1	134	4	26
Antrim	92	180	-	190	4	78
Fermanagh & Tyrone	56	172	2	142	1	87
Armagh & S. Down	35	97	1	93	5	35
Ards	52	174	10	174	1	61
Craigavon	41	110	-	93	6	52
N. Ireland	498	1,414	20	1,313	29	590

Overall, 1,570 defendants were disposed of during 2004 (Figure C.2). This is a 21% increase on the number of defendants disposed of in 2003.

Figure C.2 – Number of defendants disposed of in the Crown Court from 2000-2004



2.2 Waiting times between committal and arraignment

The average waiting time from committal to arraignment was 7 weeks for defendants disposed of in 2004 and 73% of all defendants were on bail when they were arraigned (Table C.3).

Table C.3 Committal to arraignment waiting time for defendants dealt with in 2004

	Number of defendants				Average waiting time in weeks		
	On Bail	In Custody	Mixed	Total	On Bail / mixed	In Custody	Total
Belfast scheduled	49	28	-	77	6.01	6.46	6.18
Belfast non-scheduled	341	190	-	531	8.14	5.87	7.33
Londonderry	132	26	-	158	9.86	3.90	8.88
Antrim	169	44	-	213	5.99	4.69	5.71
Fermanagh & Tyrone	155	24	-	179	4.96	6.55	5.17
Armagh & S. Down	75	26	-	101	5.68	4.82	5.46
Ards	143	48	-	191	7.10	8.83	7.53
Craigavon	84	35	1	120	5.54	8.91	6.55
N. Ireland	1148	421	1	1570	7.02	6.23	6.81

[1] Waiting times do NOT exclude recess.

2.3 Waiting times between arraignment and start of hearing

The average waiting time between arraignment and first hearing was 8 weeks (Table C.4).

Table C.4 Arraignment to start of hearing waiting time for defendants dealt with in 2004

	Number of defendants				Average waiting time in weeks		
	On Bail	In Custody	Mixed	Total	On Bail / mixed	In Custody	Total
Belfast scheduled	52	25	-	77	9.66	23.08[2]	14.02
Belfast non-scheduled	326	202	3	531	9.81	6.77	8.67
Londonderry	129	27	2	158	4.26	2.46	3.90
Antrim	161	52	-	213	8.43	4.14	7.38
Fermanagh & Tyrone	154	25	-	179	12.60	12.41	12.57
Armagh & S. Down	73	28	-	101	7.29	4.60	6.54
Newtownards	139	52	-	191	7.62	4.80	6.85
Craigavon	86	34	-	120	11.16	8.02	10.27
N. Ireland	1,120	445	5	1,570	9.02	7.16	8.49

[1] Waiting times do NOT exclude recess

[2] Includes one defendant whose case lasted over two years

2.4 Waiting time between committal and start of hearing

Table C.5 shows the waiting time in weeks from committal to first hearing for defendants disposed of in 2004. The overall average waiting times between committal and start of hearing has remained at 15 weeks, the same as 2003. Compared with 2003, the average waiting time increased by 1 week for defendants who were on bail or who were heard outside Belfast. Since 2003, waiting times have increased by 6 weeks for those defendants heard before a High Court Judge, and decreased by 1 week for those in custody.

Table C.5 Average time in weeks from committal to first hearing for defendants disposed of from 2000-2004

Condition	2000	2001	2002	2003	2004
Bail/mixed	16	20	19	15	16
Custody	15	16	13	14	13
Scheduled	15	16	19	18	20
Non-Scheduled	16	19	17	14	15
Belfast	14	16	15	16	17
Outside Belfast	16	21	18	14	15
Guilty to all	14	16	15	12	12
Not guilty to at least 1 charge	19	23	20	18	20
High Court Judge	30	33	32	33	39
County Court Judge	15	18	16	13	13
All defendants	16	19	17	15	15

2.5 Defendants disposed of during 2004

There were a total of 1,570 defendants disposed of during 2004. In total, 61% of these defendants had a plea of guilty on all charges, 15% had a plea of not guilty on all charges and <1% of defendants were found unfit to plead on all charges (Table C.6).

Table C.6 Total number of defendants disposed of during 2004

	Pleaded guilty on all charges	Pleaded not guilty – convicted on all charges	Pleaded not guilty – nolle/no bill on all charges	Pleaded not guilty – acquitted on all charges	Found Unfit to plead on all charges	Mixed outcome	Total
Belfast scheduled	27	3	2	23	-	22	77
Belfast non-scheduled	333	14	17	43	5	119	531
Londonderry	100	6	7	12	-	33	158
Antrim	131	4	6	8	2	62	213
Fermanagh & Tyrone	95	3	16	22	-	43	179
Armagh & S. Down	53	3	2	9	1	33	101
Newtownards	133	4	5	5	-	44	191
Craigavon	81	2	1	12	1	23	120
N. Ireland	953	39	56	134	9	379	1,570

2.6 Days Sat by Judges

Table C.7 shows the number of days sat by High Court and county court judges where the majority business was Crown Court work. The number of majority days spent on criminal work by High Court judges increased by 17 days from 432 in 2003 to 449 days in 2004; county court judges' days increased by 169 days from 1,230 in 2003 to 1,399 in 2004. Compared with 2003, the proportion of days sat in 2004 on Crown Court business by county court judges increased from 50% to 52%

Table C.7 Days sat by Judges at Crown Court (majority business) from 2000-2004

	High Court Judges			County Court Judges		
	Majority Crown Court days	Total days	Crown Court days as a percentage of all days	Majority Crown Court days	Total days	Crown Court days as a percentage of all days
2000	440	1,821	24	1,005	2,517	40
2001	368	1,948	19	1,057	2,459	43
2002	546	1,786	31	993	2,348	42
2003	432	1,881	24	1,230	2,479	50
2004	449	2,016	22	1,399	2,686	52

Table C.8 demonstrates the breakdown of sitting days by High Court and county court judges.

Table C.8 Days sat by High Court and County Court Judges at Crown Court in 2004

	Belfast	Other Crown Courts	Total
High Court judges	347	102	449
County court judges	403	996	1,399
Total	750	1,098	1,848

The total number of court sittings rose by 9% from 2,079 in 2003 to 2,265 in 2004. The 1,011 sittings at Belfast represent a 9% increase on the 927 sittings in 2003 and accounted for 45% of the total sittings for all Northern Ireland. The number of sittings in courts outside Belfast increased from 1,152 in 2003 to 1,254 in 2004. Average sitting times have increased from 2 hours and 11 minutes in 2003 to 2 hours and 26 minutes in 2004 (Table C.9). This average includes minor sittings where a single arraignment or miscellaneous application is heard.

Table C.9 Court sittings and average sitting times in 2004

	Sittings	Average Sitting Time (Hours & Mins)
Belfast:		
Court of Appeal	20	0:21
Nisi Prius	8	0:19
QB1	18	0:44
QB2	5	0:12
QB3	1	0:15
QB4	4	1:24
QB5	2	0:32
RCJ	14	0:20
Laganside	939	1:51
Antrim	279	3:58
Antrim @ Belfast	9	1:10
Armagh	1	0:10
Armagh @ Belfast	6	1:12
Armagh @ Downpatrick	1	1:25
Ballymena	21	2:19
Ballymena @ Antrim	1	3:20
Ballymena @ Belfast	1	1:35
Banbridge	1	0:05
Coleraine	7	1:28
Craigavon	142	2:27
Downpatrick	173	2:36
Downpatrick @ Ards	1	2:30
Dungannon	141	2:49
Enniskillen	37	2:13
Lisburn	1	0:30
Londonderry	232	3:10
Londonderry @ Coleraine	6	4:05
Magherafelt	1	0:10
Newry	123	2:41
Newtownards	10	1:08
Omagh	56	2:52
Omagh @ Belfast	4	0:34
Total	2,265	2:26

Note: The increased practice of ad hoc arraignments where a short sitting time is recorded has the effect of decreasing the overall average sitting time.

3 General Notes

Remand: In adjourning a case the court will require the defendant to appear again on the next date fixed. This requirement to appear is referred to as a remand, and may be either on bail or in custody.

Committal: The procedure by which a person is returned for trial to the Crown Court by the magistrates' court

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

Plea: The defendant's admission of guilt or denial of guilt (i.e. "guilty" or "not guilty") in response to the charges put to the defendant at arraignment.

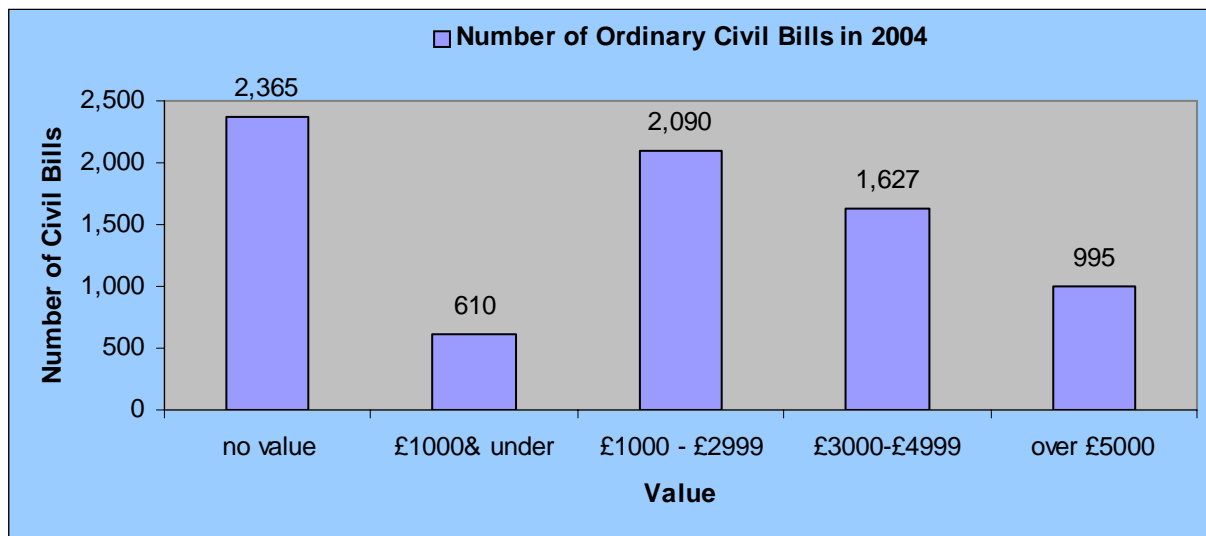
Part D County Court

County Courts deal with civil matters including all monetary claims up to £15,000. In Northern Ireland, there are seven County Court Divisions. However, the court may sit in more than one venue within the Division.

Key facts during 2004

- 996 appellants were dealt with
- 1,181 criminal injury appeals were lodged
- 8,140 ordinary civil bills were lodged
- 12,050 ordinary civil bills were disposed of
- 12,628 small claims were lodged
- 10,586 small claims were disposed of
- 1,434 divorces were dealt with

Figure D.1 Number of ordinary civil bills dealt with by value of award in 2004



1 Introduction

On 31 December 2004, there were 17 County Court Judges (excluding the Chief Social Security Commissioner) and four District Judges in post. The County Court Judges will also sit in the Crown Court to hear criminal cases but District Judges deal exclusively with civil business. A number of deputy County Court Judges and Deputy District Judges have been appointed to sit on an ad hoc basis to conduct County Court business.

1.1 Criminal Business

The County Court's criminal jurisdiction is limited to hearing appeals from the Magistrates' Courts against conviction or sentence.

1.2 Civil Business

Ordinary civil cases (e.g. contract or tort actions) are commenced in the county court if the value of the case is less than £15,000 or less than £45,000 in equity matters (e.g. matters concerning wills).

In disputes relating to ownership of land, the County Court has jurisdiction to hear cases where the annual rateable value of the land does not exceed £4,060 (in the case of land that is wholly or partly uninhabited) as well as cases where the value does not exceed £500 (land consisting solely of dwelling houses). If the value of the case or land is above these limits, the case will be commenced in the High Court.

County Court Judges will normally determine contested civil cases above £5,000. District Judges hear uncontested matters up to £15,000 and contested cases up to a value of £5,000.

District Judges deal with small claims business which is primarily designed to resolve simple consumer disputes, the maximum amount claimable under this legislation is currently £2,000.

Small Claims Courts are informal and do not adhere strictly to the rules of evidence and county court procedure. Parties are encouraged to handle small claims by themselves rather than being legally represented, and legal aid is not available for such cases.

The County Court also has jurisdiction to hear applications for adoptions, undefended divorces and proceedings for libel or slander. The County Court has jurisdiction to determine appeals against decisions made by the Secretary of State for Northern Ireland by claimants for compensation under the criminal injuries and criminal damage legislation. Applications for the grant of intoxicating liquor licenses and certificates of registration for clubs are also made to the county court.

In addition to its original civil jurisdiction, the County Court hears appeals under a number of statutory provisions from the Magistrates' Courts or from other tribunals. All these matters will be dealt with by County Court Judges.

Civil proceedings in the County Courts will normally be commenced by civil bill, although certain cases are required to be commenced either by notice, by issue of a summons or by issue of a petition.

As in the High Court, certain issues may arise between the parties during the course of proceedings that require a reference to the court. Such interlocutory applications will be dealt with by either the County Court Judges or in some instances, the District Judges.

Juries are not used in the County Court.

Cases may be disposed of as in the High Court and it is possible for the plaintiff to obtain a default judgment in respect of certain claims where the defendant does not dispute liability.

The principal legislative provisions affecting the county court can be found in the County Courts (Northern Ireland) Order 1980 [S.I.1980/397 (N.I.3)] as amended and in the County Court Rules (Northern Ireland) 1981 [S.R. 1981 No.225], as amended.

2 Commentary

2.1 Appeals from Magistrates' Courts

Table D.1 shows the number of persons whose appeals were heard in the county court in 2004. There were 996 appellants in 2004. Belfast accounted for most appellants (22%) while Armagh accounted for fewest appellants (8%).

Table D.1 Number of appellants from the Magistrates' Courts dealt with from 2000-2004

	2000	2001	2002	2003	2004
Belfast	209	227	209	226	215
Londonderry	181	233	206	101	134
Antrim	124	150	148	149	182
Fermanagh & Tyrone	189	132	102	127	179
Armagh & S. Down	93	117	112	136	79
Newtownards	111	115	91	98	104
Craigavon	88	118	99	133	103
N. Ireland	995	1,092	967	970	996

Excludes appellants whose appeals were withdrawn or abandoned

It is commonly the case that an individual appellant, having been convicted and sentenced on a number of charges as one case, will lodge appeals against some or all of these disposals. There were a total of 2,684 appeals lodged during 2004. Case receipts were unequally distributed among the divisions with Belfast division alone accounting for 18% of the total appeals lodged. Table D.2 shows that 2,697 appeals (including those withdrawn/abandoned) were disposed of in County Court during 2004.

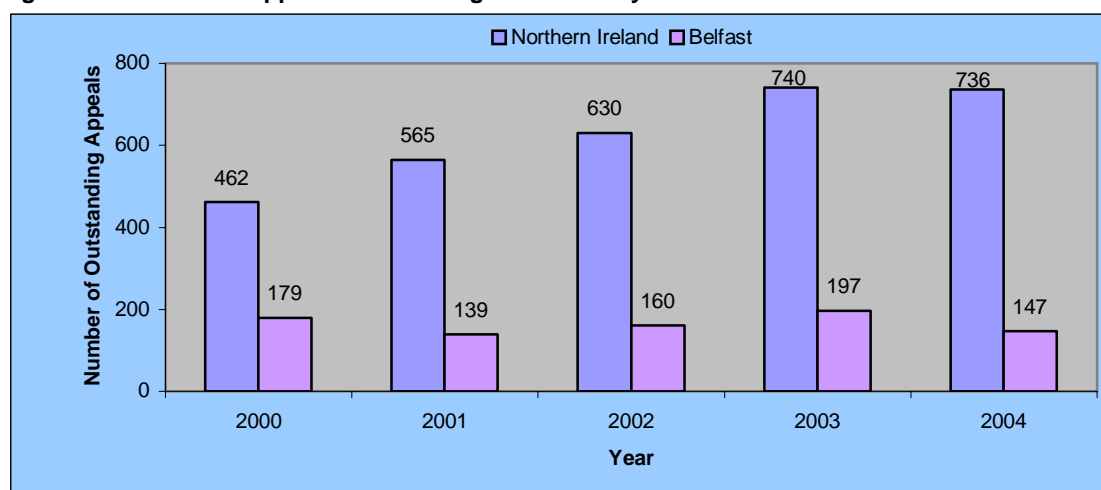
Table D.2 Number of appeals from the Magistrates' Courts in 2004

	Appeals Outstanding at start	Appeals Received	Appeals Transferred in	Appeals dealt with	Appeals otherwise dealt with	Appeals Transferred out	Appeals Outstanding at end
Belfast	197	475	-	525	-	-	147
Londonderry	36	437	-	417	-	-	56
Antrim	119	621	10	509	12	39	190
Fermanagh & Tyrone	85	526	-	531	-	-	113 ^[1]
Armagh & S. Down	22	181	-	161	-	-	42
Newtownards	63	168	5	151	-	7	78
Craigavon	179	276	-	345	-	-	110
N. Ireland	701	2,684	15	2,639	12	46	736

[1] Figure adjusted after manual count.

A total of 736 appeals were outstanding at the end of 2004 compared with 740 at the end of 2003 (Figure D.2).

Figure D.2 Number of appeals outstanding in the County Court from 2000-2004



2.2 Results of appeals

Out of the total of 2,651 disposals during 2004, 99% were heard in court and 1% were either abandoned before they appeared in court or withdrawn in court. There was an average of 2.7 appeals per appellant.

As in previous years the vast majority of appeals (97%) dealt with in court were criminal cases. Only 3% were civil cases. Of the criminal appeals, 77% were against sentence only and 23 % were against conviction.

Tables D.3 to D.5 show the result of appeals for conviction and sentence, sentence only and civil appeals. Excluding withdrawn cases, appeals against conviction led to reversals of conviction or variation of sentence in 68% of cases. Appeals against sentence only were allowed in 61% of cases. Civil appeals were allowed in 71% of cases.

Table D.3 Appeals from the Magistrates' Courts - Number of appeals against conviction and sentence in 2004

	Conviction & sentence affirmed	Conviction affirmed & sentence varied	Conviction reversed	Withdrawn	Total
Belfast	17	19	38	26	100
Londonderry	14	29	6	23	72
Antrim	46	39	34	10	129
Fermanagh & Tyrone	57	36	20	71	184
Armagh & S. Down	7	11	7	16	41
Newtownards	7	17	16	4	44
Craigavon	-	33	6	11	50
N. Ireland	148	184	127	161	620

Table D.4 Appeals from the Magistrates' Courts - Number of appeals against sentence only in 2004

	Withdrawn	Sentence Upheld	Varied	Total
<i>Belfast</i>	118	114	122	354
Londonderry	27	178	241	446
Antrim	120	64	181	365
Fermanagh & Tyrone	113	111	130	354
Armagh & S. Down	18	45	49	112
Newtownards	49	35	59	143
Craigavon	37	68	187	292
N. Ireland	482	615	969	2,066

Table D.5 Appeals from the Magistrates' Courts – Number of civil appeals in 2004

	Order Affirmed	Order reversed	Order varied	Withdrawn	Total
Belfast	1	6	5	5	17
Londonderry	2	1	2	2	7
Antrim	1	8	3	1	13
Fermanagh & Tyrone	4	4	6	5	19
Armagh & S. Down	7	1	3	2	13
Newtownards	3	1	2	1	7
Craigavon	-	-	2	-	2
N. Ireland	18	21	23	16	78

2.3 Criminal Injury Cases

The 1,181 criminal injury cases received during 2004 represents a 57% decrease on the 2,722 cases received during 2003. Case receipts in Belfast accounted for 50% of all receipts. Criminal injury disposals decreased from 3,151 in 2003 to 3,113 in 2004.

The total number of cases outstanding at the end of 2004 was 2,785, a decrease of 41% on the 4,686 outstanding at the end of 2003.

Table D.6 Number of Criminal Injury cases in 2004

	Criminal Injuries Outstanding at start	Criminal Injuries received	Criminal Injuries Transferred in	Criminal Injuries dealt with	Criminal Injuries Transferred out	Outstanding at end
Belfast	1,076	588	1	1096	4	565
Londonderry	587	58	-	434	-	211
Antrim	880	130	6	270	-	746
Fermanagh & Tyrone	414	109	-	279	-	244
Armagh & S. Down	541	81	-	182	5	435
Newtownards	378	126	1	261	-	244
Craigavon	842	89	-	591	-	340
N. Ireland	4,718	1,181	8	3,113	9	2,785

2.4 Civil Bills

The number of new entries in 2004 was 8,140, 29% less than 2003. The number of cases disposed decreased by <1%, with 12,050 cases disposed of in 2004 compared to 12,149 in 2003 (Table D.7).

Table D.7 Number of ordinary civil bills entered and dealt with from 2003-2004

	2003		2004	
	New cases entered	Cases disposed of	New cases entered	Cases disposed of
Belfast	4,266	4,479	3,025	4,072
Londonderry	1,072	1,022	727	1,269
Antrim	1,428	1,463	1,082	1,407
Fermanagh & Tyrone	1,156	1,246	780	1,472
Armagh & S. Down	933	987	619	1,022
Newtownards	1,289	1,491	1,077	1,508
Craigavon	1,283	1,461	830	1,300
N. Ireland	11,427	12,149	8,140	12,050

County Court Judges and deputy County Court Judges (CCJ & DCCJ) dealt with fewer disposals in 2004 (5,219) than in 2003 (6,433). District Judges and deputy District Judges (DJ & DDJ) dealt with fewer cases in court in 2004 than they did in 2003 (2,482 and 2,544 cases respectively). A total of 3,760 cases dealt with were recorded as non-court disposals in 2004, compared with the 2003 total of 2,743 (Table D.8).

Table D.8 Number of civil bills dealt with by disposal type in 2004

	Defended		Non court disposals	Dismissed / Withdrawn	Total disposals
	CCJ & DCCJ	DJ & DDJ			
Belfast	1,930	864	1,109	169	4,072
Londonderry	436	341	407	85	1,269
Antrim	620	309	431	47	1,407
Fermanagh & Tyrone	576	246	576	74	1,472
Armagh & S. Down	414	187	347	74	1,022
Newtownards	727	254	481	46	1,508
Craigavon	516	267	423	94	1,300
N. Ireland	5,219	2,468	3,774	589	12,050

2.5 Civil Bills dealt with

Table D.9 shows that a total of 7,687 ordinary civil bills were dealt with in court during 2004. This represents an 18% decrease on the 9,338 cases dealt with during 2003. Belfast dealt with 36% of ordinary civil bills.

Table D.9 Number of ordinary civil bills dealt with by value of award in 2004

	No value	£1000 & under	£1000 - £2999	£3000 - £4999	Over £5000	Total ^[1]
Belfast	907	208	803	583	293	2,794
Londonderry	299	75	205	116	82	777
Antrim	275	72	244	199	139	929
Fermanagh & Tyrone	264	51	198	172	137	822
Armagh & S. Down	111	63	155	158	114	601
Newtownards	354	62	239	218	108	981
Craigavon	155	79	246	181	122	783
N. Ireland	2,365	610	2,090	1,627	995	7,687

[1] Excludes non-court disposals, cases adjourned generally and withdrawn cases.

2.6 Default Judgments

The total number of default judgment receipts during 2004 was 2,362, a decrease of 37% (3,760) from those received in 2003 (Table D.10).

Table D.10 Number of default judgments lodged in 2004

	Total
Belfast	746
Londonderry	235
Antrim	306
Fermanagh & Tyrone	340
Armagh & S. Down	191
Newtownards	349
Craigavon	195
N. Ireland	2,362

2.7 Small Claims

Table D.11 shows that the number of small claims entered increased from 10,261 cases in 2003 to 12,628 in 2004. Disposals also increased from 10,194 in 2003 to 10,586 in 2004.

Table D.11 Number of small claims entered and dealt with in 2004

	New cases entered	Disposals (Cases brought by)			Default Judgment	Total
		Court	Non-Court disposal	Office		
Belfast	5,835	582	13	1,196	3,113	4,904
Londonderry	869	131	0	166	406	703
Antrim	1,241	188	1	273	546	1,008
Fermanagh & Tyrone	1,074	104	1	220	425	750
Armagh & S. Down	1,126	108	1	296	481	886
Newtownards	1,268	176	2	418	684	1,280
Craigavon	1,215	160	5	354	536	1,055
N. Ireland	12,628	1,449	23	2,923	6,191	10,586

2.8 Undefended Divorce Cases

There were 1,434 decree nisi's granted in undefended divorce cases in the County Court in 2004 (Table D.12).

Table D.12 Number of undefended divorce cases disposed of in County Courts in 2004

	Divorce awarded to		Total
	Husband	Wife	
Belfast	152	163	315
Londonderry	73	139	212
Antrim	107	164	271
Fermanagh & Tyrone	56	95	151
Armagh & S. Down	44	64	108
Newtownards	77	118	195
Craigavon	94	88	182
N. Ireland	603	831	1,434

The percentage of divorce petitions processed to decree nisi stage in the County Court, as opposed to the High Court, was 53%, 3 percentage points more than in 2003. The 2,697 decrees nisi granted across both court tiers in 2004 represents a 2% increase in business on the 2003 figure of 2,651. (Table D.13).

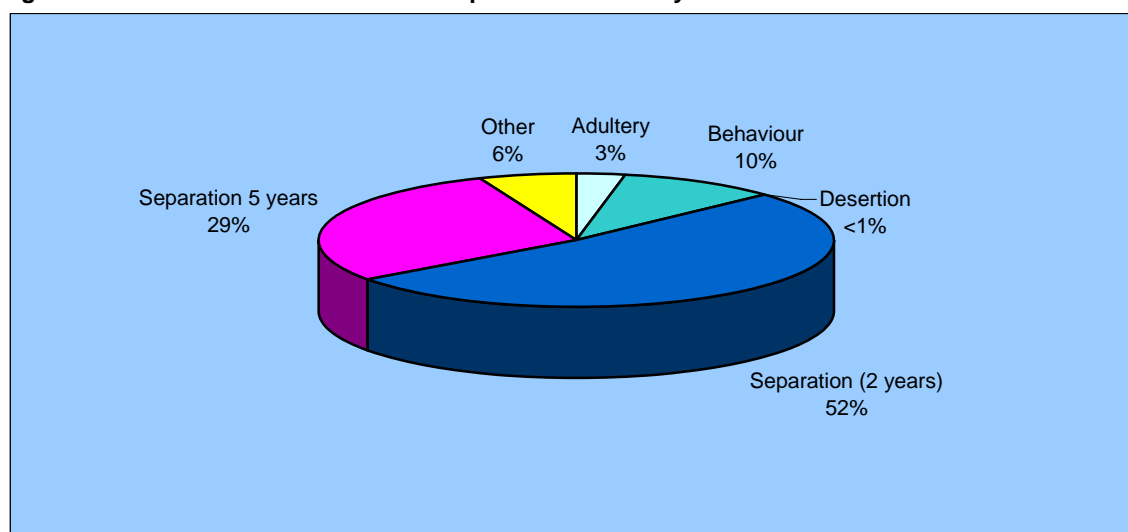
Table D.13 Number of Decrees Nisi granted from 1999-2003

Year	High Court	County Court	Total	% Processed in County Court
2000	1,277	1,207	2,484	49%
2001	1,322	1,320	2,642	50%
2002	1,147	1,324	2,471	54%
2003	1,329 ^[1]	1,322	2,651	50%
2004	1,263	1,434	2,697	53%

[1] Includes 8 double decrees.

Of the cases dealt with in the County Court, the most common grounds for dissolution in 2004 was separation (2 years and consent) in 52% of cases (Figure D.3). In a further 29% of cases, the grounds for divorce were separation of 5 years.

Figure D.3 Grounds for divorce cases disposed of in County Courts in 2004



The percentage of cases resolved in favour of the husband increased to 42% (Figure D.4).

Figure D.4 Number of undefended divorce cases found for husband and wife from 2000-2004

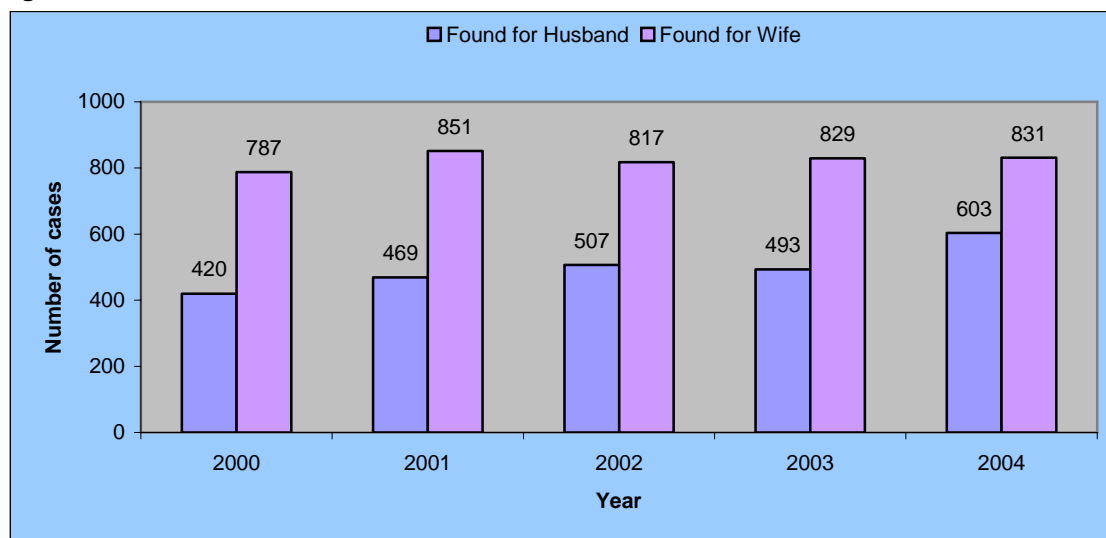


Table D.14 Decree Absolutives granted in County Court 2004

	Total
Belfast	291
Londonderry	201
Antrim	233
Fermanagh & Tyrone	155
Armagh & S. Down	106
Newtownards	108
Craigavon	191
N. Ireland	1,285

2.9 Other civil cases

Other civil cases dealt with in the County Court include divorces, equity, licensing, adoptions, minor payments out, ejectments and other applications.

The number of such cases received by the County Court in 2004 has decreased from 10,993 in 2003 to 8,524 in 2004. The number of other Civil cases disposed of by the County Court also decreased from 10,444 in 2003 to 8,760 in 2005. Belfast County Court dealt with 31% of other civil cases (Table D.15).

Table D.15 Number of other civil cases in the County Court in 2004

	Outstanding at end of 2003	New cases entered	Cases disposed of
Belfast	439	2,719	2,692
Londonderry	321	862	925
Antrim	194	1,196	1,224
Fermanagh & Tyrone	273	877	947
Armagh & S. Down	178	793	737
Newtownards	220	1,075	1,140
Craigavon	129	1,002	1,095
N. Ireland	1,754	8,524	8,760

Table D.15 provides details of disposals for each type of other business for the previous four years. Compared with 2003, licensing disposals decreased by <1%, divorces increased by 8% and minor payments decreased by 26%.

Table D.16 Number of other cases disposed of in the County Court from 2001-2004

	2001	2002	2003	2004
Equity	804	752	1,021	560
Licensing	256	234	245	243
Adoption	12	14	7	20
Divorce	1,320	1,324	1,322	1,434
Minor Payments	791	670	587	435
Ejectments	44	32	39	517
Other Applications	8,462	7,129	7,223	5,551
Total	11,689	10,155	10,444	8,760

Nb. Due to the introduction of a new computer system during the period the number of ejectments dealt with have increased significantly. These now include Housing Executive cases.

2.10 Days sat by Judges and District Judges

Tables D.16 and D.17 demonstrate the days sat in County Courts in 2004. The total number of days sat by Judges in the County Court during 2004 was 1,876, an increase of 194 days on the total of 1,682 days sat in 2003. The number of days sat by County Court Judges increased from 1,235 in 2003 to 1,287 in 2004. The number of days sat by Deputy County Court Judges increased from 447 in 2003 to 589 in 2004. The proportion of days sat by deputies in 2004 was 31% of the total number of sitting days, compared to 27% in 2003. The number of days sat by District Judges sitting as Deputy County Court Judges increased from 135 in 2003 to 209 in 2004.

Table D.17 County Court Judges' days by type of judge from 2000-2004

Type of Judge	2000	2001	2002	2003	2004
<i>County Court Judges</i>	1,512	1,402	1,355	1,235	1,287
Deputy County Court Judges:					
District Judges ^[1]	104	100	158	135	209
Resident Magistrates	25	6	4	7	19
Counsel	124	123	155	149	190
Solicitors	175	238	219	156	171
Total	1,940	1,869	1,891	1,682	1,876

[1] Any business at county court judge level recorded for day

Table D.18 Days sat by judges by majority County Court business from 2000-2004

	2000	2001	2002	2003	2004
County Court Judges:					
Appeal	153	159	142	144	151
Civil business	1,359	1,243	1,213	1,091	1,136
Total	1,512	1,402	1,355	1,235	1,287
Deputy County Court Judges^[1] :					
Appeal	3	12	18	9	11
Civil business	425	455	518	438	578
Total	428	467	536	447	589
All judges:					
Appeal	156	171	160	153	162
Civil business	1,784	1,698	1,731	1,529	1,714
Total	1,940	1,869	1,891	1,682	1,876

[1] Includes District Judges sitting as deputy County Court Judge for any part of the day.
Includes days with majority Children Order business from 1997 onwards

As shown by Table D.19, 804 days were sat by District Judges and by Deputy District Judges in 2004, a 5% decrease on the 849 days sat in 2003. This includes 209 days where a District Judge sat as a Deputy County Court Judge for part of the day. District Judge days fell to 485 days in 2004, while Deputy District Judge days increased by 4 days from 106 days in 2003 to 110 days in 2004.

Table D.19 Days sat by District Judges and Deputy District Judges from 2000-2004

	2000	2001	2002	2003	2004
On civil bills and ejectment					
District Judge	307	354	347	350	263
Deputy District Judge	67	107	55	60	58
On small claims					
District Judge	243	250	251	202	195
Deputy District Judge	46	25	36	43	45
On civil bills and small claims					
District Judge	66	45	59	56	27
Deputy District Judge	-	3	5	3	7
As Deputy County Court Judge					
District Judge	104	100	158	135	209
All business					
District Judge	720	749	815	743	694
Deputy District Judge	113	135	96	106	110
Total	833	884	911	849	804

The total number of sittings which involved civil business (excluding Children Order sittings) increased by 9% from 2,490 in 2003 to 2,712 in 2004. The number of appeal sittings rose by 7% from 260 sittings in 2003 to 277 in 2004. The average sitting time for civil business in 2004 was 2 hours and 44

minutes (2 hours and 42 minutes in 2003); for appeal business the average sitting time was 1 hour 56 minutes, a slight increase on 2003 (1 hour 54 minutes) (Table D.20).

Table D.20 Court sitting times and courtroom usage in 2004

	Appeals		Civil Business ^[1]	
	Sittings	Average sitting time (Hrs: Mins)	Sittings	Average sitting times (Hrs: Mins)
<i>Belfast</i>				
Chichester Street No 3	-	-	1	2:15
Laganside	36	1:12	784	2:54
<i>Londonderry</i>				
Londonderry	46	2:06	276	2:38
Limavady	-	-	7	2:53
Magherafelt	6	2:42	44	3:00
<i>Antrim</i>				
Ballymena	18	2:50	152	2:37
Ballymena @ Coleraine	-	-	2	0:55
Coleraine	22	3:07	122	2:25
Larne	-	-	10	1:24
Antrim	12	0:45	68	1:26
<i>Fermanagh and Tyrone</i>				
Omagh	7	1:33	89	3:00
Enniskillen	13	2:25	52	2:32
Dungannon	32	1:19	118	2:44
Strabane	7	3:11	43	2:50
Strabane @ Londonderry	1	1:00	-	-
<i>Armagh and S. Down</i>				
Armagh	9	2:47	32	3:02
Newry	19	2:12	168	2:40
Banbridge	2	1:27	5	3:07
Banbridge @ Newry	2	1:27	4	3:47
<i>Newtownards</i>				
Newtownards	8	2:39	125	3:17
Downpatrick	11	0:35	72	3:06
<i>Craigavon</i>				
Craigavon @ Belfast			1	1:15
Craigavon	19	1:39	158	2:09
Lisburn	7	1:46	102	3:09
N. Ireland	277	1:56	2,435	2:44

[1] Excludes majority Children Order business

3 General Notes

Civil Bills: The originating document to commence most (though not all) proceedings in the County Court is called a civil bill.

Ejectments: Ejectment civil bills are civil bills, which claim entitlement to recover possession of land including dwelling houses (e.g. where a tenant has stopped paying rent).

Cases Entered/New Entries: Cases entered are all those cases which are in the county court system for hearing.

3.1 Table D.3

Sentence Affirmed: If the sentence imposed by a Magistrates' Court is upheld by the County Court on appeal, it is said to be affirmed.

Sentence Varied: If the sentence imposed by a Magistrates' Court is changed in any way by the County Court on appeal, it is said to be varied.

Reversed: If on an appeal against conviction by a Magistrates' Court the County Court dismisses the charges against the appellant, the conviction is said to be reversed.

Upheld: If on an appeal against conviction by a Magistrates' Court the County Court also finds the defendant guilty of the offence for which he was convicted, the conviction is said to be upheld.

3.2 Table D.11

Other Civil Cases: In addition to criminal injury cases (which include criminal damage and emergency provisions compensation cases), equity, licensing, adoption and divorce proceedings are listed for hearing on specified days.

Other civil cases which may be dealt with by the County Court include such matters as appeals from decisions of various bodies, proceedings under The Consumer Credit Act 1974 (1974 C.39), applications under The Married Women's Property Act 1882 and applications under The Mental Health (Northern Ireland) Order 1986 [S.I.1986/595 (N.I.4)].

Interlocutory matters are also included under this heading.

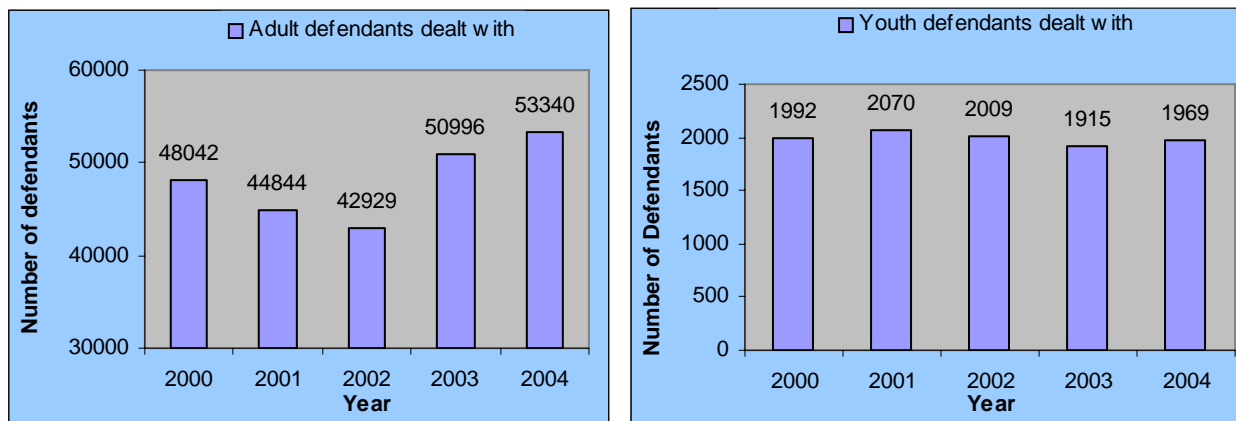
Part E Magistrates Court

The magistrates' courts are where criminal proceedings are commenced and are either dealt or committed to the Crown Court for trial. It also has jurisdiction in a range of civil matters.

Key facts during 2004

- 53,340 adult criminal defendants were dealt with
- 1,969 youth criminal defendants were dealt with
- 31,630 civil applicants were dealt with
- The average waiting time between 1st hearing and disposal for adult criminal cases was 6.6 weeks
- The average waiting time between 1st hearing and finding for youth criminal cases was 8.7 weeks
- 24,365 applications were made for criminal aid certificates
- 1,687 adult and 18 youth defendants were committed to the Crown Court

Figure E.1 Adult and youth defendants dealt with from 2000-2004



1 Introduction

There are twenty-one Petty Sessions Districts in Northern Ireland which are spread throughout the seven county court divisions. A magistrates' court sitting in Petty Sessions (other than a Youth Court) is presided over by a Resident Magistrate sitting alone. At present there are eighteen Resident Magistrates and eighteen deputies.

1.1 Criminal business

Magistrates' courts exercise two basic functions in respect of criminal proceedings:

(1) The trial of summary offences or of indictable offences which may be tried summarily. Ninety seven percent of criminal cases in Northern Ireland are dealt with by the magistrates' courts, the majority of cases are road traffic offences.

(2) An examination of the case against an accused who is to be tried on indictment in the Crown Court. The initial examination can take the form of a preliminary enquiry (where the witnesses' statements are served) or a preliminary investigation (where witnesses appear to give their evidence orally and on oath). These hearings are referred to as committal proceedings as the purpose is to determine whether there is sufficient evidence against the accused to warrant committing him for trial at the Crown Court.

1.2 Youth Courts

Youth Courts are specially constituted courts of summary jurisdiction composed of a Resident Magistrate and two Lay Magistrates (of whom at least one must be a woman).

A Youth is a child under the age of 17 as defined by the Criminal Justice (Children)(Northern Ireland) Order 1998.

1.3 Civil business

The main types of civil business transacted by the magistrates' court are domestic proceedings, debts and ejectments, and licensing applications.

1.3.1 Domestic proceedings

Domestic cases will normally involve disputes between married couples, this may include, for example, an application for a financial provision order, or an application for a non-molestation and/or occupation order where one party has used or threatened to use violence against the other.

1.3.2 Debt and ejectment jurisdiction

The jurisdiction of a magistrates' court in relation to recovery of debt extends generally to debts of up to £100. Larger sums may be recovered in a magistrates' court if a statute specifically provides that they may be recovered

summarily. The magistrates' courts also have power to order the ejection of persons from the premises.

1.3.3 Licensing functions

The magistrates' courts hear applications for the renewal of intoxicating liquor licenses, or certificates of registration for clubs, and applications under The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 [S.I.1985/1204 (N.I.11)].

The principal legislative provisions affecting the magistrates' courts can be found in the magistrates' courts (Northern Ireland) Order 1981 [S.I.1981/1675 (N.I.26)] and in the magistrates' courts Rules (Northern Ireland) 1984 [S.R.1984 No. 225], as amended.

2 Commentary

2.1 Adult criminal business

In 2004, a total of 51,947 defendants were entered with a total of 53,340 dealt with (Table E.1).

Table E.1 Adult criminal business defendants in 2004

	Number of defendants entered	Number of defendants disposed
Belfast	16,739	16,712
Londonderry		
Londonderry	3,812	3,917
Limavady	751	776
Magherafelt	923	871
Antrim		
Antrim	1,547	1,681
Ballymena	2,066	2,033
Coleraine	2,635	2,713
Larne	890	902
Fermanagh & Tyrone		
Dungannon	2,457	2,487
Enniskillen	1,737	1,816
Omagh	1,491	1,800
Strabane	1,061	1,306
Armagh & S. Down		
Armagh	1,530	1,553
Banbridge	873	880
Newry	1,674	2,238
Newtownards		
Downpatrick	1,234	1,349
Newcastle	315	436
Newtownards	1,630	1,533
Castlereagh @ Ards	1,494	1,422
N. Down	2,233	2,339
Craigavon		
Craigavon	2,439	2,436
Lisburn	2,416	2,140
N. Ireland	51,947	53,340

It should be noted that the figures for adult criminal court, shown in Table E.2 is based on figures for all charges, not on defendants. Thus if one defendant faces three separate charges and fines are imposed as a result of each charge, this is recorded as three separate fines imposed. Similarly, if a fine and a suspended prison sentence are imposed as a consequence of one charge, both sentences are recorded.

Table E.2 shows that, in 2004, the number of charges brought was 111,872. Belfast accounted for 34% of the total charges brought (38,014).

Table E.2 Charges brought in 2004

	Indictable Crown Court only	Indictable -triable as summary	Major motoring	Minor motoring	Other summary ^[1]	Fixed penalty defaulter	Charges brought - Probationary Driver	Total
Belfast	1,453	5,103	8,833	9,914	10,788	1,923	-	38,014
Londonderry								
Londonderry	275	654	1,900	1,521	2,662	479	-	7,491
Limavady	10	117	393	441	451	65	-	1,477
Magherafelt	55	84	408	513	484	57	-	1,601
Antrim								
Antrim	169	145	758	1,205	1,192	65	-	3,534
Ballymena	156	513	623	1,115	1,585	143	1	4,136
Coleraine	139	421	1,282	1,491	1,554	164	-	5,051
Larne	20	129	645	387	427	50	-	1,658
Fermanagh & Tyrone								
Dungannon	48	523	1,372	1,102	1,771	181	-	4,997
Enniskillen	60	268	835	993	1,281	84	-	3,521
Omagh	19	708	635	909	1,317	83	-	3,671
Strabane	62	252	798	524	826	100	-	2,562
Armagh & S. Down								
Armagh	34	426	702	746	1,147	53	-	3,108
Banbridge	18	39	319	585	574	8	-	1,543
Newry	104	315	1,407	1,319	1,393	-	-	4,538
Newtownards								
Downpatrick	122	381	940	750	737	92	-	3,022
Newcastle	35	38	286	217	242	25	-	843
Newtownards	180	360	864	729	970	93	-	3,196
Castlereagh @ Ards	96	313	676	1,003	604	109	-	2,801
N. Down	125	407	1,536	1,046	1,455	216	-	4,785
Craigavon								
Craigavon	113	567	1,363	1,340	1,378	161	-	4,922
Lisburn	148	513	1,674	1,539	1,362	165	-	5,401
N. Ireland	3,441	12,276	28,249	29,389	34,200	4,316	1	111,872

^[1] Includes probationary driver

Of the 53,340 defendants disposed of in 2004, 36% had pleas of guilty for all charges while 18% of defendants had all charges withdrawn (Table E.3).

Table E.3 Outcomes of charges in 2004

Venue	Combination of Outcomes	All charges withdrawn	All charges information refused	All charges Crown Court	All charges heard in absence	All charges pleaded guilty	All charges changed plea	All charges convicted	All charges acquitted	Total
Belfast	4,539	2,572	1	653	2,104	5,122	286	173	1,262	16,712
Londonderry										
Londonderry	1,425	505	-	99	205	1,559	37	56	31	3,917
Limavady	123	102	-	17	113	366	24	11	20	776
Magherafelt	294	138	-	11	69	315	10	11	23	871
Antrim										
Antrim	354	318	-	30	212	710	25	12	20	1,681
Ballymena	305	464	22	67	251	861	25	9	29	2,033
Coleraine	1,110	269	-	55	106	1,043	41	38	51	2,713
Larne	122	196	-	19	157	349	23	19	17	902
Fermanagh & Tyrone										
Dungannon	697	574	10	64	286	773	33	30	20	2,487
Enniskillen	487	344	3	51	230	609	34	27	31	1,816
Omagh	453	370	3	39	223	577	62	35	38	1,800
Strabane	305	311	2	8	191	387	34	46	22	1,306
Armagh & S. Down										
Armagh	444	225	3	33	109	665	11	18	45	1,553
Banbridge	99	162	-	9	152	438	1	8	11	880
Newry	337	627	1	58	246	894	14	22	39	2,238
Newtownards										
Downpatrick	283	288	1	38	186	463	34	21	35	1,349
Newcastle	101	111	-	8	81	118	9	3	5	436
Newtownards	250	296	-	13	366	545	17	28	18	1,533
Castlereagh @ Ards	254	205	-	8	284	636	11	10	14	1,422
N. Down	352	482	-	47	504	902	6	21	25	2,339
Craigavon										
Craigavon	677	393	4	49	277	958	20	28	30	2,436
Lisburn	472	418	4	48	290	837	15	21	35	2,140
N. Ireland	13,483	9,370	54	1,424	6,642	19,127	772	647	1,821	53,340

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Of the 102,576 types of disposals in 2004, 49% were fines and 14% were disqualifications from the driving (Table E.4)

Table E.4 Types of disposals from 2001-2004

	2001	2002	2003	2004
Immediate Prison sentence	4,082	4,530	4,869	4,699
Suspended Prison sentence	3,842	2,918	3,541	3,879
Enforced suspended prison sentence	217	260	273	434
Community service order	1,126	1,034	1,144	1,186
Fine	39,814	39,130	45,509	50,100
Absolute discharge	516	557	657	681
Conditional discharge	3,223	3,511	3,846	3,508
Probation order	1,596	1,479	1,458	1,712
Combination order	120	181	219	226
Custody Probation order	19	12	5	8
Disqualification	10,676	11,149	13,026	14,857
Bound over	841	1,058	1,010	1,041
Penalty Points	9,552	8,641	8,759	8,801
Endorsement only	1,115	1,257	1,711	2,517
Compensation order	1,893	1,803	1,894	1,920
Other	6,926	6,491	8,541	7,007
Total	85,558	84,011	96,462	102,576

The average waiting time for defendants disposed of in 2004 between the date of summons to the date of first hearing for the whole of Northern Ireland in 2004 was 9 weeks. Banbridge and Belfast had the highest average time of 13 weeks while Downpatrick had the lowest at 3 weeks. The waiting time between the date of first hearing and disposal averaged 7 weeks for the whole of Northern Ireland. Downpatrick had the longest average waiting time at 10 weeks while Larne, Craigavon and Banbridge had the shortest at 5 weeks (Table E.5).

Table E.5 Average waiting times in 2004 ^[1]

	Time in weeks between date of summons/charge to date of first hearing	Time in weeks between date of 1 st hearing to date of finding	Time in weeks between date of 1 st hearing to date of disposal
Belfast	12.7	4.2	6.8
Londonderry			
Londonderry	6.6	4.3	5.1
Limavady	6.8	4.5	5.3
Magherafelt	6.3	4.9	5.9
Antrim			
Antrim	7.3	5.8	6.1
Ballymena	7.7	7.2	8.5
Coleraine	7.9	7.1	8.2
Larne	7.5	4.4	4.7
Fermanagh & Tyrone			
Dungannon	8.2	5.2	5.5
Enniskillen	7.9	6.3	7.2
Omagh	9.2	6.8	7.5
Strabane	7.0	5.5	6.7
Armagh & S. Down			
Armagh	7.2	6.3	6.6
Banbridge	12.8	4.5	4.7
Newry	9.0	5.8	5.9
Newtownards			
Downpatrick	3.2	9.6	10.1
Newcastle	4.7	5.9	6.0
Newtownards	8.2	6.2	6.5
N. Down	8.4	6.1	6.2
Castlereagh @ Ards	7.7	6.3	6.7
Craigavon			
Craigavon	8.5	4.2	4.7
Lisburn	8.5	7.2	7.9
N. Ireland	9.3	5.6	6.6

^[1] Figures based on adults disposed of in 2004 and excludes Bench Warrants, Adjourned Generally cases and Deferred Sentences

2.2 Youth criminal business

Between 2003 and 2004, there was a 20% increase in defendants entered into Youth Courts with 1,862 entered in 2004 compared to 1,554 entered in 2003 (Table E.6).

Table E.6 Youth criminal business defendants in 2004

	Number of defendants entered	Number of defendants disposed
Belfast	792	754
Londonderry		
Londonderry	167	171
Limavady	2	-
Magherafelt	36	21
Antrim		
Antrim	25	48
Ballymena	69	141
Coleraine	122	112
Larne	22	31
Fermanagh & Tyrone		
Dungannon	31	37
Enniskillen	52	49
Omagh	19	47
Strabane	27	32
Armagh & S. Down		
Armagh	48	33
Banbridge	15	6
Newry	48	70
Newtownards		
Downpatrick	63	90
Newcastle	2	-
Newtownards	67	100
Castlereagh @ Ards	2	-
N. Down	137	104
Craigavon		
Craigavon	69	55
Lisburn	47	68
N. Ireland	1,862	1,969

As in the adult section, Table E.7 is based on charges and not defendants. The number of charges brought in 2004 was 4,083. Over half of charges brought were other summary charges (52%) (Table E.7).

Table E.7 Charges brought in 2004

	Indictable Crown Court only	Indictable -triable as summary	Major motoring	Minor motoring	Other summary ^[1]	Fixed penalty defaulter	Probationary Driver	Total
Belfast	35	350	199	35	873	-	-	1,492
Londonderry								
Londonderry	2	107	28	15	169	-	-	321
Magherafelt	-	7	3	1	26	-	-	37
Antrim								
Antrim	1	22	14	6	69	-	-	112
Ballymena	1	78	66	65	116	-	3	329
Coleraine	-	63	41	21	93	-	-	218
Larne	-	11	16	5	41	-	-	73
Fermanagh & Tyrone								
Dungannon	-	31	5	5	28	-	-	69
Enniskillen	-	8	40	28	33	-	-	109
Omagh	-	7	13	16	64	1	-	101
Strabane	-	15	3	1	32	-	-	51
Armagh & S. Down								
Armagh	-	25	17	8	35	-	-	85
Banbridge	-	3	-	-	5	-	-	8
Newry	-	36	18	4	69	-	-	127
Newtownards								
Downpatrick	16	51	29	9	119	-	-	224
Newtownards	1	75	53	10	96	-	-	235
N. Down	5	36	26	35	147	-	-	249
Craigavon								
Craigavon	-	30	33	5	52	-	-	120
Lisburn	-	25	35	3	60	-	-	123
N. Ireland	61	980	639	272	2,127	1	3	4,083

^[1] Includes probationary driver

Of the 1,969 youth defendants disposed of in 2004, 53% were guilty pleas to all charges (Table E.8).

Table E.8 Outcomes of charges in 2004

Venue	Combination of Outcomes	All charges withdrawn	All charges information refused	All charges Crown Court	All charges heard in absence	All charges pleaded guilty	All charges changed plea	All charges convicted	All charges acquitted	Total
Belfast	229	104	-	3	27	294	27	11	59	754
Londonderry										
Londonderry	12	35	-	-	1	116	2	1	4	171
Magherafelt	3	8	-	-	-	9	-	-	1	21
Antrim										
Antrim	8	4	-	1	-	30	-	5	-	48
Ballymena	16	6	1	-	-	97	9	9	3	141
Coleraine	16	11	-	-	4	69	2	-	10	112
Larne	4	1	-	-	-	24	-	1	1	31
Fermanagh & Tyrone										
Dungannon	5	5	-	-	1	18	2	3	3	37
Enniskillen	11	3	-	-	2	30	1	1	1	49
Omagh	14	9	-	-	-	20	-	3	1	47
Strabane	6	4	-	-	1	17	2	2	-	32
Armagh & S. Down										
Armagh	6	2	-	-	-	23	1	1	-	33
Banbridge	-	1	-	-	-	5	-	-	-	6
Newry	8	9	-	-	-	47	-	3	3	70
Newtownards										
Downpatrick	14	16	-	-	-	42	11	3	4	90
Newtownards	19	19	-	-	-	50	4	5	3	100
N. Down	10	11	-	2	2	75	2	2	-	104
Craigavon										
Craigavon	10	4	-	-	-	40	-	-	1	55
Lisburn	11	13	-	1	-	31	8	-	4	68
N. Ireland	402	265	1	7	38	1,037	71	50	98	1,969

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Of the 12 types of disposals imposed in 2004, 19% were conditional discharges. In 2003, there were 3,657 sentences imposed with 23% of them conditional discharges (Table E.9).

Table E.9 Types of disposal in the youth court from 2002-2004

	2002	2003	2004
Training school	326	259	416
Attendance centre order	197	274	296
Community service order	127	223	185
Fine	390	358	539
Absolute discharge	23	27	20
Conditional discharge	931	843	710
Probation order	651	594	523
Disqualification	222	201	301
Endorsement only	44	57	28
Bound over	59	34	17
Compensation order	111	134	98
Other	484	653	636
Total	3,565	3,657	3,769

The average waiting time for youth defendants between the date of summons to the date of first hearing for the whole of Northern Ireland in 2004 was 7 weeks. Coleraine and Belfast had the highest average time of 8 weeks while Downpatrick had the lowest at 3 weeks. The waiting time between the date of first hearing and disposal averaged 14 weeks for the whole of Northern Ireland. Downpatrick had the longest average waiting time at 27 weeks while Craigavon had the shortest at 8 weeks (Table E.10)

Table E.10 Average waiting times youth defendants in 2004 ^[1]

	Time in weeks between date of summons to date of first hearing	Time in weeks between date of 1 st hearing to date of finding	Time in weeks between date of 1 st hearing to date of disposal
Belfast	8.0	5.6	9.8
Londonderry			
Londonderry	6.9	6.1	14.2
Magherafelt	6.7	13.1	15.8
Antrim			
Antrim	5.4	12.7	16.4
Ballymena	5.0	10.1	19.5
Coleraine	8.2	10.9	14.0
Larne	6.0	4.4	8.2
Fermanagh & Tyrone			
Dungannon	5.3	17.5	22.8
Enniskillen	6.9	8.8	12.3
Omagh	7.8	9.1	15.0
Strabane	5.7	10.8	15.3
Armagh & S. Down			
Armagh	4.0	7.7	12.0
Banbridge	4.0	16.4	17.2
Newry	6.3	13.3	16.0
Newtownards			
Downpatrick	2.9	18.0	26.6
Newtownards	7.9	16.5	20.2
N. Down	6.7	6.4	12.8
Craigavon			
Craigavon	6.4	4.3	7.7
Lisburn	7.3	12.6	17.1
N. Ireland	6.9	8.7	13.8

^[1] Figures based on youths disposed of in 2004 and excludes Bench Warrants, Adjourned Generally cases and Deferred Sentences

2.3 Committal Proceedings

In the adult courts, there were 1,687 defendants involved in preliminary enquiries and preliminary investigations during 2004 (Table E.11).

Table E.11 Adult and youth committals in 2004

	Adult Court		Youth Court	
	Defendants	Charges	Defendants	Charges
Belfast	620	2,241	5	8
Londonderry				
Londonderry	90	291	-	-
Limavady	22	62	-	-
Magherafelt	21	66	-	-
Antrim				
Antrim	51	192	1	5
Ballymena	69	304	-	-
Coleraine	94	331	1	8
Larne	20	50	-	-
Fermanagh & Tyrone				
Dungannon	93	345	-	-
Enniskillen	71	178	1	1
Omagh	42	243	-	-
Strabane	25	147	-	-
Armagh & S. Down				
Armagh	39	126	-	-
Banbridge	10	18	-	-
Newry	60	171	-	-
Newtownards				
Downpatrick	57	318	1	16
Newcastle	15	47	-	-
Newtownards	46	332	3	9
Castlereagh @ Ards	32	109		
N. Down	52	201	4	4
Craigavon				
Craigavon	69	289	-	-
Lisburn	89	424	2	5
N. Ireland	1,687	6,485	18	56

2.4 Civil business

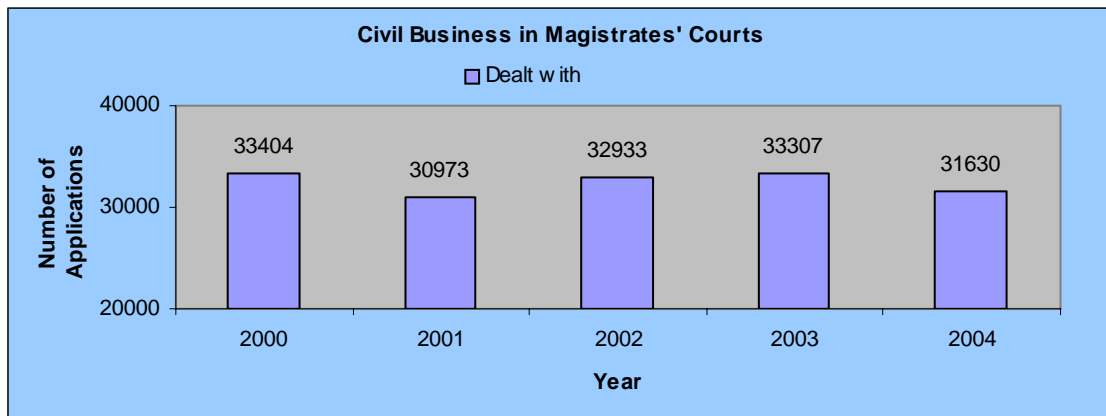
The number of applications dealt with by the civil courts in 2004 was 32,412 (Table E.12).

Table E.12 Civil cases - 2004

	Disposals			Civil Applications entered
	Orders made	Dismissed / withdrawn	Total	
Belfast	6,049	1,350	7,399	7,239
Londonderry				
Londonderry	2,190	763	2,953	3,024
Limavady	386	184	570	490
Magherafelt	538	135	673	771
Antrim				
Antrim	718	201	919	1,007
Ballymena	675	244	919	997
Coleraine	1,320	611	1,931	2,152
Larne	452	169	621	593
Fermanagh & Tyrone				
Dungannon	1,582	643	2,225	2,533
Enniskillen	922	258	1,180	1,086
Omagh	713	229	942	747
Strabane	592	270	862	931
Armagh & S. Down				
Armagh	873	402	1,275	1,266
Banbridge	192	88	280	353
Newry	1,269	379	1,648	1,280
Newtownards				
Downpatrick	693	288	981	1,382
Newcastle	225	44	269	202
Newtownards	649	209	858	1,065
Castlereagh @ Ards	291	77	368	419
N. Down	969	317	1,286	1,465
Craigavon				
Craigavon	973	558	1,531	1,666
Lisburn	1,445	495	1,940	1,744
N. Ireland	23,716	7,914	31,630	32,412

Figure E.2 shows that the number of cases dealt with has been similar over the past five years.

Figure E.2 Civil business from 2000-2004



There were a total of 3,683 applications for non-molestation orders, 736 applications for occupation orders, and 1,043 combination occupation and non-molestation orders dealt with. Of these, 23% of applications were withdrawn, and 15% were granted orders by consent (Table E.13).

Table E.13 Outcome by type of application in 2004

Business type	Order made by consent	Order other	Application dismissed / refused	Application withdrawn	Vary / external / discharge	Total Applications
Domestic	323	212	53	282	13	883
Protection and exclusion	11	18	4	8	1	42
Varying and arrears	179	171	52	125	45	572
Debt and ejections	2,796	14,322	51	5,592	0	22,761
Licensing	389	82	11	6	0	488
Non Molestation	428	2,189	267	746	53	3,683
Occupation Articles 11 to 16	79	440	59	149	9	736
Combination order of non molestation and occupation	178	502	65	272	26	1,043
Other	263	984	24	148	3	1,422
Total	4,646	18,920	586	7,328	150	31,630

[1] Includes two orders where the type was not recorded

2.5 Legal aid - Criminal Certificates

The number of applications for criminal aid certificates increased by 9% from 22,436 in 2003 to 24,365 in 2004. The majority of applications (79%) were for magistrates' courts business and 3% of these were refused. There were 3374 applications for certification of cases for counsel, with a 7% refusal rate (Table E.14)

Table E.14 Criminal aid certificates in 2004

	Granted	Refused	Total
Certified for Counsel			
Adult	2,827	215	3,042
Youth	303	29	332
Magistrates' Court			
Adult	16,857	508	17,365
Youth	1,750	28	1,778
County Court Appeals			
Adult	277	16	293
Youth	12	0	12
Crown Court			
Adult	1,517	11	1,528
Youth	15	0	15
Total	23,558	807	24,365

2.6 Sitting times

There were 4,052 sittings of the magistrates' courts, averaging 3 hours and 3 minutes, during 2004 (Table E.15).

Table E.15 Calendar and additional sittings in 2004

Venue	All Business		Number of Sittings			
	No of Sittings	Average Sitting Time	Criminal	Civil	Youth	Mixed
Belfast	1,083	3:12:25	900	80	101	2
Londonderry						
Londonderry	190	4:13:42	150	13	24	3
Limavady	55	3:40:21	53	2	-	-
Magherafelt	79	3:12:43	65	2	-	12
Antrim						
Antrim	86	4:22:12	59	13	14	-
Ballymena	130	3:31:36	81	33	16	-
Coleraine	163	4:03:29	107	30	24	2
Larne	77	3:50:27	41	23	12	1
Fermanagh & Tyrone						
Dungannon	153	3:16:10	126	12	11	4
Enniskillen	135	3:53:03	122	1	1	11
Omagh	120	3:53:17	98	5	-	17
Strabane	104	3:35:37	81	9	3	11
Armagh & S. Down						
Armagh	110	3:38:35	95	5	3	7
Banbridge	52	3:15:40	40	7	1	4
Newry	151	4:04:50	102	33	13	3
Newtownards						
Downpatrick	131	3:26:27	92	18	18	3
Newcastle	13	3:48:27	12	1	-	-
Newtownards	130	3:04:02	91	24	14	1
Castlereagh @Ards	88	3:18:21	76	12	-	-
N. Down	119	3:19:54	86	22	11	-
Craigavon						
Craigavon	190	2:43:41	145	27	12	6
Lisburn	195	3:05:12	148	32	13	2
N. Ireland	3554	3:03:18	2,770	404	291	89

Table E.16 examines the special sittings throughout 2004.

Table E.16 Special Courts in 2004

Venue	All Business		Number of Sittings			
	Sittings	Average Time	Criminal	Civil	Youth	Mixed
Belfast	2	2:25:00	1	-	1	-
Londonderry						
Londonderry	27	0:33:08	26	-	1	-
Limavady	-	-	-	-	-	-
Magherafelt	-	-	-	-	-	-
Antrim						
Antrim	-	-	-	-	-	-
Ballymena	46	0:34:53	45	1	-	-
Coleraine	1	0:20:00	1	-	-	-
Larne	-	-	-	-	-	-
Fermanagh & Tyrone						
Dungannon	11	0:26:49	11	-	-	-
Enniskillen	-	-	-	-	-	-
Omagh	22	0:51:21	22	-	-	-
Strabane	-	-	-	-	-	-
Armagh & S. Down						
Armagh	8	0:31:15	8	-	-	-
Banbridge	8	0:26:52	7	-	1	-
Newry	12	0:45:00	11	-	1	-
Newtownards						
Downpatrick	3	0:38:20	3	-	-	-
Newcastle	-	-	-	-	-	-
Newtownards	11	0:41:21	11	-	-	-
Castlereagh @Ards	-	-	-	-	-	-
N. Down	12	0:22:55	12	-	-	-
Craigavon						
Craigavon	27	0:30:33	26	-	-	1
Lisburn	3	0:31:40	3	-	-	-
N. Ireland	193	0:36:17	187	1	4	1

3 General Notes

3.1 County Court Divisions & Petty Sessions Districts

For the purposes of conducting the business of the courts, Northern Ireland is divided geographically into seven areas called county court divisions. Within each division there are one or more petty sessions districts, which broadly correspond to the boundaries of local district councils.

3.2 Tables E.1-E.9

Indictable (triable summarily) offences: A serious criminal offence where a defendant can be tried in the Crown Court, but with the consent of the Prosecutor and Defendant, is triable in a magistrates' court.

Summary offences: Less serious offences which are triable in a magistrates' court.

Summary trial: A trial which takes place in a magistrates' court.

Remand: The decision of a Resident Magistrate to admit or return a defendant to custody or on bail until his case is next listed. Committal: A person is committed for trial (also referred to as returned for trial) to the Crown Court, where a magistrates' court, on considering the evidence against him, is satisfied that there is a case to answer.

Charges dealt with: This category includes charges dealt with summarily as well as charges disposed of by way of committal proceedings.

Charges not dealt with: This category includes summary charges adjourned.

3.2 Table E.11

Special court: A special court is a magistrates' court sitting outside the regular scheduled sittings of the court.

3.3 Tables E.12 and E.14

Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 [S.I.1985/1204 (N.I.11)]: This Order provides for the licensing of bookmakers, gaming machines, bingo clubs, lotteries, amusements and clubs.

The Registration of Clubs (Northern Ireland) Order 1996 [S.I.1996/3159 (N.I.23)]: This is the certificate which is issued by the county court upon the grant of an application for the registration of a club. An application for the renewal of registration of a club is made every five years to the magistrates' court.

Application for Renewal of Intoxicating Liquor Licence: Under The Licensing (Northern Ireland) Order 1996 [S.I.1996/3158 (N.I.22)], the county court may grant pubs, hotels, restaurants and certain other premises an intoxicating liquor licence. An application to renew such a licence is made every five years to the magistrates' courts.

3.4 Table E.15

Criminal aid certificate: Legal aid for representation before a criminal court is granted at the discretion of the court. Before a criminal aid certificate can be granted (except for the charge of murder) the court must be satisfied that it is in the interests of justice that legal aid should be given. In all cases, the person's means must be such that he or she needs assistance in meeting the costs of his or her own defence.

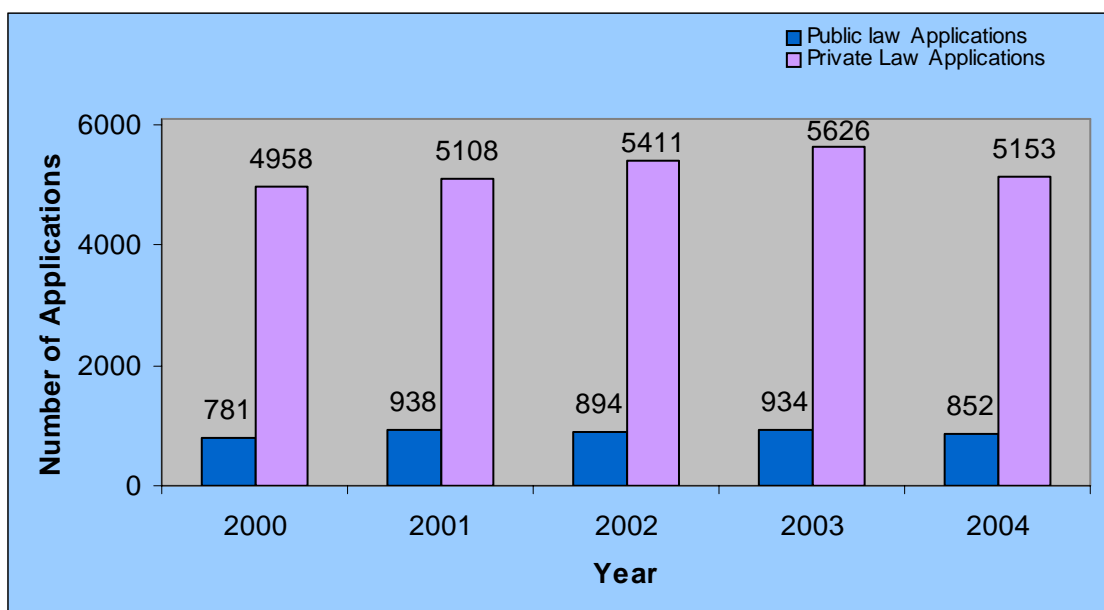
Part F Children Order

Business relating to the welfare, residence/contact, care and protection of children may be brought under The Children (Northern Ireland) Order (1995). Most Children Order business is conducted before Family Proceedings Courts and Family Care Centres.

Key facts during 2004

- 6,005 total applications were lodged
- 5,548 total applications were dealt with
- 3,947 number of children were involved
- 2,732 orders were made by consent
- 81% of applicants and 95% of respondents were parents

Figure F.1 The number of public and private law applications from 2000-2004



1 Introduction

The Children (Northern Ireland) Order 1995 [S.I.1995/755 (N.I.2)] was implemented on 4th November 1996. Business relating to the welfare, residence/contact, care and protection of children may be brought under the Children Order (1995) [S.I.1995/755 (N.I.2)]. Most of this business is conducted before Family Proceedings Courts and Family Care Centres.

The Family Division of the High Court also exercises jurisdiction, but the intention is that business should be entered in the Family Proceedings Court and transferred to higher court tiers where complexity, gravity, consolidation or general interest warrant it. While, not all court venues have been designated as Family Proceedings Courts/Family Care Centres, magistrates' and county courts can deal with business under the Order if it arises in the course of other business (e.g. maintenance or divorce proceedings).

2 Commentary

2.1 Applications entered and disposed

Table F.1 shows that a total of 6,005 applications were lodged in designated courts in 2004. The majority of free-standing business (93%) was lodged in Family Proceedings Courts, with 3% lodged in the High Court and 4% lodged in Family Care Centres. Of the 5,332 applications dealt with by court disposals only, the High Court accounted for 6% of all business dealt with, Care Centres for 5% and Family Proceedings for 89%.

Table F.1 Free-standing cases by venue in 2004

Venue	Applications outstanding at start ^[1]	Lodged	Transferred in	Dealt with	Non-court disposal	Transferred out	Applications outstanding at end
High Court							
Probate and Matrimonial	285	76	0	92	0	0	269
Wardship and Adoption	261	110	104	234	0	0	241
Total	546	186	104	326	0	0	510
Care Centres							
Belfast	79	71	70	128	7	13	72
Londonderry	61	95	0	87	9	26	34
Craigavon	17	38	57	56	0	36	20
Dungannon	0	18	0	4	0	2	12
Total	157	222	127	275	16	77	138
Family Proceedings Court							
Belfast	576	1,341	0	1,085	102	82	648
Ballymena	357	749	2	751	0	31	326
Craigavon	157	305	0	340	0	20	102
Dungannon	231	529	0	505	0	15	240
Lisburn	59	406	0	251	98	1	115
Londonderry	301	575	0	512	0	13	351
Newry	588	794	1	552	0	27	804
Newtownards	573	898	0	735	0	26	710
Total	2,842	5,597	3	4,731	200	215	3,296
N. Ireland	3,545	6,005	234	5,332	216	292	3,944
Private Law ^[2]	3,027	5,153	89	4,581	190	139	3,359
Public Law ^[3]	518	852	145	751	26	153	585

[1] Excludes appeals against non-judicial decisions

[2] Parental Responsibility, Contact, Residence, Prohibited Steps, Specific Issues, Family Assistance, Appointment of Guardian, Contribution and Other Financial, Occupation and Non-molestation applications

[3] Other applications

Contact and residence were the main types of order sought, totalling 40% and 29% of all applications, respectively. In total, 80 emergency protection orders were lodged with a further 16 extensions requested (Table F.2).

Table F.2 Free-standing proceedings by type in 2004

Type	Applications outstanding at start	Lodged	Transferred in	Dealt with	Non-Court disposal	Transferred out	Applications outstanding at end
Parental responsibility	288	485	10	370	25	11	377
Contact: permission	1,205	2,367	33	2,297	95	58	1,155
Contact: refusal	23	46	0	47	0	0	22
Residence	1,163	1,729	37	1,438	59	60	1,372
Prohibited steps	176	288	2	191	6	5	264
Specific issues	135	155	5	147	5	5	138
Family assistance	1	4	0	5	0	0	0
Care	344	418	135	361	13	145	378
Supervision	7	28	1	28	0	1	7
Education supervision	15	29	0	22	0	0	22
Child assessment	0	1	0	1	0	0	0
Emergency protection	1	80	0	79	0	1	1
Extension of EPO	0	16	0	14	0	0	2
Recovery	2	7	0	8	0	0	1
Secure accommodation	20	49	1	43	5	2	20
Article 53 contact	49	67	5	57	1	1	62
Appointment of guardian	11	40	0	37	0	0	14
Contribution & other financial	24	10	0	20	0	0	14
Non-molestation	1	22	2	25	0	0	0
Occupation orders	0	7	0	4	0	0	3
Other orders	80	157	3	138	7	3	92
Article 56 investigations	0	0	0	0	0	0	0
Total	3,545	6,005	234	5,332	216	292	3,944

Note: see notes in Table F.1

There were 14 connected court proceedings lodged in 2004 (Table F.3).

Table F.3 Connected proceedings by tier in 2004

Venue	Applications outstanding at start	Lodged	Transferred in	Dealt with	Non-Court disposal	Transferred out	Applications outstanding at end
County Courts	0	6	0	3	1	0	2
Magistrates' Courts	0	8	0	1	3	0	4
N. Ireland	0	14	0	4	4	0	6

Connected proceedings refer to applications lodged on non-designated Family court days

The average disposal time for cases in 2004 was 53.6 weeks in the High Court, 36.9 weeks in the Care Centres and 23.8 weeks in the Family Proceedings Courts compared with 42.6 weeks, 30.9 weeks and 21.3 weeks respectively in 2003. Disposal times of cases in the Care Centre and High Court may include the time spent at the lower courts if the cases were transferred (Table F.4).

Table F.4 Average lodgment to disposal time in weeks for Children Order Cases: Free Standing Cases in 2004

Venue	Average lodgment to disposal time in weeks
High Court	53.6
Care Centres	
Belfast	41.5
Londonderry	37.1
Craigavon	26.9
Total	36.9
Family Proceedings Court	
Belfast	25.9
Antrim	20.6
Ballymena	21.8
Coleraine	21.7
Craigavon	19.2
Dungannon	17.1
Larne	23.7
Lisburn	16.9
Londonderry	23.5
Newry	23.0
Newtownards	33.0
Omagh	14.1
Total	23.8
N. Ireland	25.7

Note: Cases disposed of in the Care Centre or High Court will include time spent at the lower court tiers if the case was transferred.

2.2 Outcome of Children Order applications

There were 2,732 orders were made by consent in 2004. A further 830 applications were withdrawn (Table F.5).

Table F.5 Outcome of Children Order applications: Free standing cases

		Order of No Order		Other Order		Application refused	Application withdrawn
		Granted by consent	Granted other	Granted by consent	Granted other		
Parental Responsibility	Order	53	22	189	35	29	56
	Discharged	-	-	2	1	-	7
Contact: Permission	Order	255	59	1,426	267	118	312
	Discharged						
Contact: Refusal	Order	10	8	26	30	26	11
	Discharged	-	-	-	-	-	-
Residence	Order	174	44	790	172	48	264
	Discharged	-	-	-	-	-	-
Prohibited Steps	Order	6	8	41	41	9	55
	Discharged	2	4	2	11		7
Specific Issues	Order	11	13	45	19	2	19
	Discharged	-	-	-	1	-	-
Family Assistance	Order	-	-	1	6	-	2
	Discharged	-	-	-	-	-	-
Care	Full	27	19	74	171	3	19
	Discharged	6	-	16	17	2	7
Supervision	Full	3	-	24	6	-	-
	Discharged	-	-	4	-	-	2
Education Supervision	Order	9	-	7	3	-	2
	Extension	-	-	-	-	-	-
	Discharged	-	-	-	-	-	1
Child Assessment	Order	1	-	-	-	-	-
	Discharged	-	-	-	-	-	-
Emergency Protection	Order	1	2	2	16	-	1
	Extension	1	-	-	4	-	1
Recovery	Order	-	-	1	6	-	-
	Variation	-	-	-	-	-	-
Secure Accommodation	Order	4	2	13	6	1	19
	Discharged	-	-	-	-	-	-
Article 53 Contact	Order	2	6	3	20	7	15
	Discharged	-	-	-	6	-	-
Appointment of Guardian	Order	2	1	4	9	-	1
	Termination	7	4	28	17	1	4
Contribution & Other Financial	Order	-	1	2	1	-	3
	Variation	-	-	-	-	-	-
	Discharged	-	-	-	-	-	-
Non-Molestation	Order	-	-	1	2	-	3
	Variation	-	-	-	-	-	-
	Discharged	-	-	-	-	-	-
Occupation Orders	Order	-	-	1	-	-	-
	Variation	-	-	-	-	-	-
	Discharged	-	-	-	-	-	-
Article 56 Investigations	Order	-	-	-	-	-	3
	Discharged	-	-	-	-	-	-
Other Orders	Order	11	3	30	32	10	16
	Discharge	-	-	-	-	-	-
Total		585	196	2,732	899	256	830

Note: The total number of outcomes is not equivalent to the total number of applications dealt with from Table F.1 due to the inclusion of own motion orders in the above table.

2.3 Characteristics of applicants, respondents and children involved

Of the 4,001 applicants in free-standing cases, 81% were parents. Health and Social Services Trusts brought 11 % of the applications. Over nine in ten respondents were also parents (95%) (Table F.6).

Table F.6 Applicants and respondents: Free standing cases in 2004^[1]

	As Applicants	As Respondents
Mother	1,289	2,394
Father	1,929	1,284
Grandparent	164	32
Other Family	52	15
Step Parent	13	-
Foster Parent	5	-
Guardian	-	-
Child	1	5
Both parents	9	106
Health & SS Trusts	452	79
C.S.A.	15	-
Education & Library Boards	30	3
Official Solicitor	-	5
Welfare Officer	-	-
Other	11	5
Unknown	31	73
Total	4,001	4,001

[1] Numbers refer to the number of individuals or organisations making a free-standing application and not to the numbers of applications made by the applicant.

In total, 3,947 children were involved in free-standing Children Order cases. Just over a third (36%) were aged between 0 and 4 years of age and 51% were male (Table F.7).

Table F.7 Age and gender of children involved: Free-standing cases in 2004

	Age Range (%)				Number of children in respect of whom orders have been made
	0-4 Years	5-8 Years	9-12 Years	13-16 Years	
Male	33.3%	29.6%	22.9%	14.2%	2,004
Female	34.8%	30.1%	20.1%	15.0%	1,820
Total	36%	28.9%	21.0%	14.1%	3,947

Note: The total includes 123 children whose gender is unrecorded

2.4 Transfers of cases between courts

Complexity accounted for 47% of the reasons quoted for the transfer of cases between courts. Of the 154 cases transferred, only 9 had two reasons quoted (Table F.8).

Table F.8 Reasons for the transfer of business in 2004

Venue transferred to	Convenience	Urgency/gravity	Complexity/importance	Consolidation	Other	Total
High Court ^[2]	-	5	21	17	9	52
Care Centres						
Belfast	-	1	27	6	13	47
Craigavon	-	6	17	2	9	34
Dungannon	3	1	-	-	-	4
Londonderry	-	3	10	3	1	17
Family Proceedings Court						
Belfast	1	-	1	2	1	5
Antrim	-	-	-	-	-	-
Ballymena	-	-	-	-	-	-
Coleraine	-	-	-	-	-	-
Craigavon	-	-	-	-	1	1
Lisburn	-	-	-	-	-	-
Londonderry	-	-	-	1	-	1
Newry	-	-	-	1	-	1
Newtownards	-	-	-	-	-	-
Omagh	-	-	-	-	1	1
N. Ireland	4	16	76	32	35	163

[1] Of the total number of cases transferred, 9 had two reasons for their transfer.

2.5 Sitting times

Table F.9 and F.10 show the total court time and the average sitting times in 2004. Over 1,025 hours of High Court time, 982 hours of county court time and 2,755 hours of magistrates' court time was devoted to dealing with free-standing Children Order business in 2004. This represents an overall increase of 15% from 4,134 hours and 07 minutes in 2003 to 4,762 hours and 17 minutes in 2004.

Table F.9 Total court time taken in hours and minutes: Free-standing cases

Type	High Court		Care Centre		Family Proceedings	
	Time ^[1]	Business ^[2]	Time	Business	Time	Business
Public Law	117:31	2,676	463:28	1,158	887:12	7,312
Private Law	907:24	1,408	518:54	1,006	1,867:48	24,060
Total	1,024:55	4,084	982:22	2,164	2,755:00	31,372

[1] Includes time sat by Judges and Masters.

[2] Business refers to the total number of disposals, adjournments, interim orders, own motion orders and transfers

Table F.10 Average Children's' Order sitting times in hours and minutes in 2004

	High Court	Care Centre	Other County	Family Proceedings	Other Magistrates'	Total
Average sitting time	1:59	1:59	0:17	3:26	0:44	2:36

Table F.11 shows the Children Order sitting days by venue.

Table F.11 Children Order sitting days by venue in 2004

Venue	No. of sitting days
High Court	515
Care Centres and other county court	
Belfast	297
Dungannon	22
Craigavon	53
Londonderry	127
Total	499
Family Proceedings Court and other magistrates'	
Belfast	239
Ballymena	63
Craigavon	41
Dungannon	17
Newry	66
Newtownards	148
Omagh	50
Londonderry	91
Total	715
Non-Designated Venue	
Antrim	17
Coleraine	20
Enniskillen	1
Larne	24
Lisburn ^[2]	34
Magherafelt	1
Strabane	1
Total	98
N. Ireland	1,827

[2] Craigavon sits at Lisburn

3 General Notes

Free standing proceedings are those proceedings brought in their own right. Connected proceedings are those proceedings which arise in the course of other business.

The broad headings of private and public law are not defined anywhere, but are widely used and understood to respectively refer to;

- proceedings that arise in the course of domestic proceedings and matrimonial causes or where parents are otherwise in dispute about their children; and
- proceedings that occur when authorities or authorized bodies intervene to prevent neglect or abuse of children.

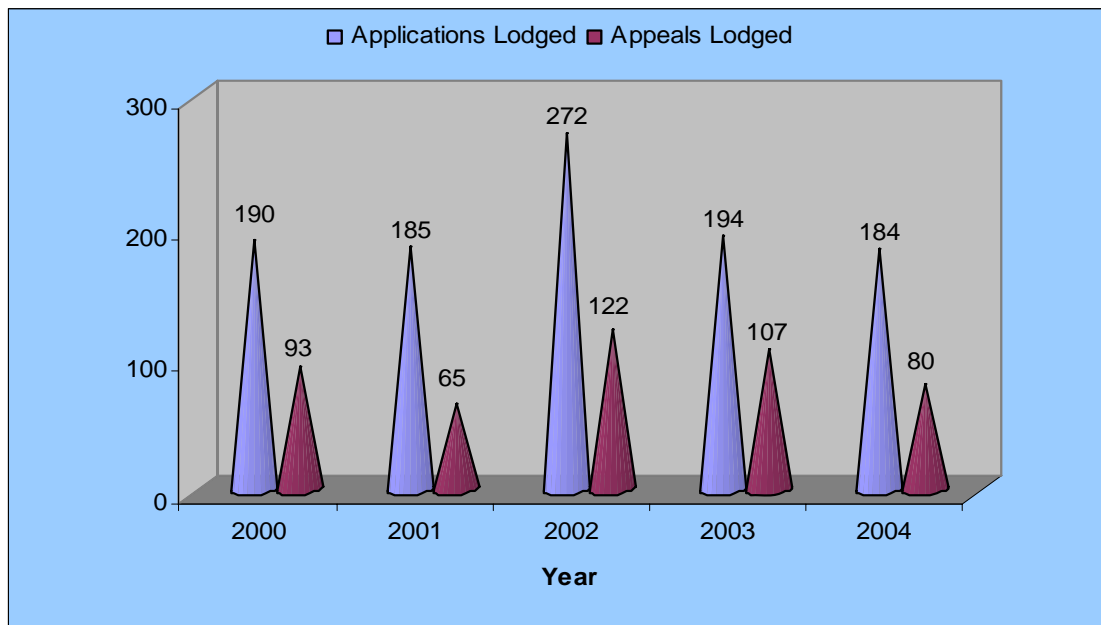
Part G Sundry Commissions, Tribunals and Courts

This section covers the caseload from Social Security Commissioners and Child Support Commissioners and Pensions Appeal Tribunals.

Key facts during 2004

- 184 applications for leave to appeal to the Commissioners were lodged and 169 were cleared
- 80 appeals to the Commissioners were lodged and 81 were cleared
- 25 Entitlement appeals for Pensions Appeal Tribunals were received and 25 were cleared
- 61 Assessment appeals for Pensions Appeal Tribunals were received and 54 were cleared
- 13 Specified Decisions were received and 13 were cleared

Figure G.1 – Social Security Commissioners –Applications and Appeals Lodged 2000 – 2004



1 INTRODUCTION

1.1 Social Security Commissioners and Child Support Commissioners

Social Security Commissioners are appointed under the Social Security Administration (Northern Ireland) Act 1992 (1992 C.8). They hear applications for leave to appeal and appeals from decisions of Unified Appeal Tribunals in relation to matters arising from social security, child support and tax credits etc.

Commissioners are barristers or solicitors of at least 10 years' standing. Apart from the Chief Commissioner there is one other full-time Commissioner and one deputy Commissioner. An appeal against the decision of a Commissioner can be made on a point of law to the Court of Appeal if leave to do so is given by the Commissioner or the court. Detailed rules regulating the conduct of proceedings before the Commissioners are set out in the following instruments:

- i. The Social Security Commissioners (Procedure) Regulations (Northern Ireland) 1999 [S.R.1999 No. 225];
- ii. The Child Support Commissioners (Procedure) Regulations (Northern Ireland) 1999 [S.R.1999 No. 226]; and
- iii. The Social Security Commissioners (Procedure) (Tax Credit Appeals) Regulations (Northern Ireland) 2003 [S.R.2003 No.18]

Child Support Commissioners are appointed under the Child Support Act 1991 (1991 C.48) and also hear applications for leave to appeal and appeals from decisions of Unified Appeal Tribunals. Rules regulating the constitution and conduct of Unified Appeal Tribunals are set out in the Social Security (Northern Ireland) Order 1998 [S.I.1998/1506 (N.I.10)].

1.2 Pensions Appeal Tribunals

Pensions Appeal Tribunals are established under The Pensions Appeal Tribunals Acts of 1943 (1943 C.39), and The Pensions Appeal Tribunals Act 1949 (1949 C.12) and The Child Support, Pensions and Social Security Act 2000 (2000 C.19) for the purpose of determining appeals against the decisions of the Secretary of State in respect of war disablement pensions.

There are three types of appeals:

- i. Entitlement appeals to determine whether a person qualifies for a pension;
- ii. Assessment appeals to determine the assessment of degree of disablement caused or made worse by service.
- iii. Specified decisions relating to entitlement to various allowances, supplements, extra pensions, awards, expenses, maintenance, deductions and payments.

In all appeal types, the Tribunal normally consists of a legally qualified Chairman, a medical member and a lay member with forces experience. In

entitlement and specified appeals a further appeal on a point of law may be made by either party with leave, to the Court of Appeal.

Detailed provisions about the procedures before Pensions Appeal Tribunals in Northern Ireland are contained in the Pensions Appeal Tribunals (Northern Ireland) Rules 1981 [S.R. 1981 No.231], as amended.

2 COMMENTARY

2.1 Social Security Commissioners and Child Support Commissioners

There were 184 applications for leave to appeal to the Social Security Commissioners lodged during 2004, 10 less than the 194 lodged during 2003. There were 169 application for leave cleared in 2004, a 31 % decrease on the 246 cleared during 2003 (Table G.1).

Table G.1 Social Security Commissioners' caseload 2000-2004

	Application for leave to appeal to the Commissioners		Cleared			Outstanding
	Outstanding	Lodged	After hearing	Without hearing	Total	
2000	96	190	23	201	224	62
2001	62	185	4	137	141	106
2002	106	272	8	244	252	126
2003	126	194	13	233	246	74
2004	74	184	6	163	169	89

The number of appeals to the Commissioners lodged decreased by 25 % from 107 in 2003 to 80 in 2004; 81 were cleared compared with 123 in 2003. There were 48 appeals outstanding at the end of the year compared with 49 in 2003 (Table G.2).

Table G.2 Social Security Commissioners' caseload from 2000-2004

	Appeal to the Commissioners		Cleared			Outstanding
	Outstanding	Lodged	After hearing	Without hearing	Total	
2000	117	93	54	85	139	71
2001	71	65	29	79	108	28
2002	28	122	26	59	85	65
2003	65	107	34	89	123	49
2004	49	80	20	61	81	48

Table G.3 shows the number of applications to the Commissioners for leave to appeal to the Court of Appeal from 2000-2004.

Table G.3 Social Security Commissioners' caseload from 2000-2004

	Application to the Commissioners for leave to appeal to the Court of Appeal		Cleared			Outstanding
	Outstanding	Lodged	After hearing	Without hearing	Total	
2000	-	3	-	3	3	-
2001	-	3	-	2	2	1
2002	1	2	-	2	2	1
2003	1	3	-	4	4	-
2004	0	2	-	2	2	-

2.2 Pensions Appeal Tribunals

Tables G.4 to G.7 show the caseload of Pensions Appeal Tribunals in 2004. 25 entitlement appeals were dealt with in 2004 compared with 33 during 2003; 54 assessment appeals were dealt with. The majority of appeals (69%) were dealt with after a hearing.

Table G.4 Pensions Appeal Tribunals caseload 2004

	Entitlement Appeals		Disposals				Outstanding
	Outstanding	Received	With hearing	Without hearing	Total	Appeals Adjudged	
2004	11	25	18	7	25	13	11

Table G.5 Pensions Appeal Tribunals caseload 2004

	Assessment Appeals		Disposals				Outstanding
	Outstanding	Received	With hearing	Without hearing	Total	Appeals Adjudged	
2004	13	61	43	11	54	9	20

Table G.6 Pensions Appeal Tribunals caseload 2004

	Specified Decision Appeals		Disposals				Outstanding
	Outstanding	Received	With hearing	Without hearing	Total	Appeals Adjudged	
2004	3	13	8	5	13	3	3

Table G.7 Pensions Appeal Tribunals caseload 2004

	Late Applications		Disposals				Outstanding
	Outstanding	Received	With hearing	Without hearing	Total	Appeals Adjudged	
2004	9	23	1	9	10	0	22

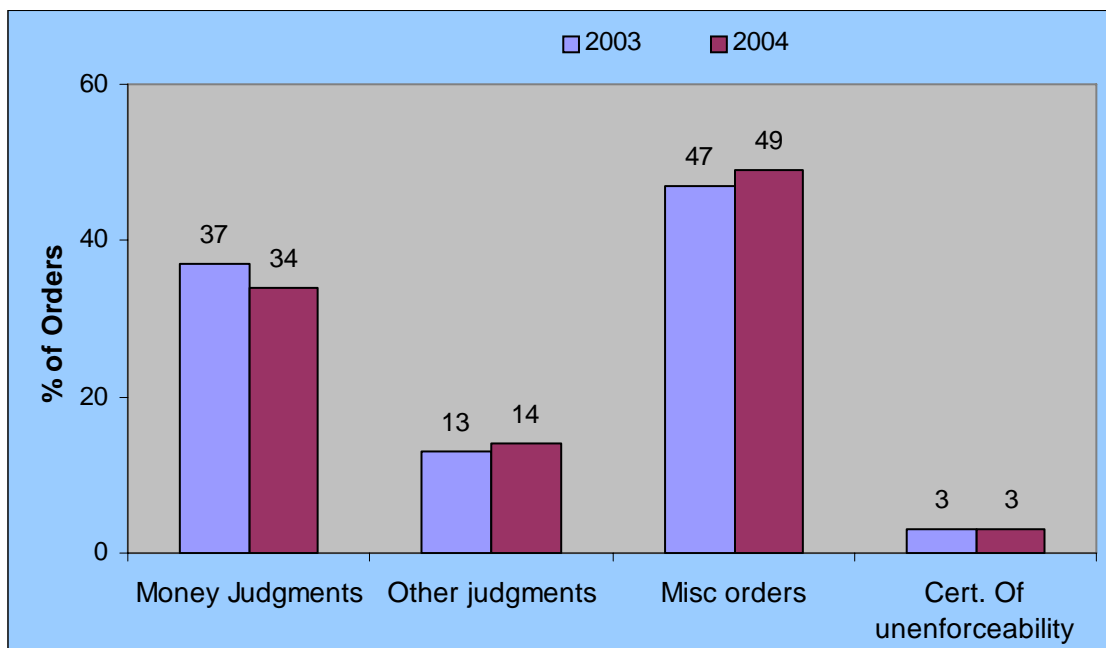
Part H Enforcement Of Judgments Office

Since the early 1970s, the task of enforcing civil judgments in Northern Ireland has been simplified by the creation of the Enforcement of Judgments Office (EJO), which operates under the supervision of the Master (Enforcement of Judgments), assisted by the Chief Enforcement Officer.

Key facts during 2004

- 14,067 enforcement orders were made
- 7,734 enforcement applications were accepted
- 88% of applications that were accepted were money judgments (453 preliminary applications and 6,335 Money Judgments)
- 17,551 Notices of intention to enforce were lodged.

Figure H.1 Enforcement Orders made from 2003-2004



1 Introduction

1.1 Enforcement of Judgments

The Office is regulated by The Judgments Enforcement (Northern Ireland) Order 1981 [S.I.1981/226 (N.I.6)], as supplemented by The Judgments Enforcement Rules (Northern Ireland) 1981 [S.R. 1981 No.147], as amended.

The main business of the EJO is the enforcement of money judgments obtained by creditors as a result of court or tribunal proceedings.

If the judgment debtor fails to pay the sum due (after service of a formal Notice of Intention to Enforce), the creditor may lodge an Application for Enforcement. His/her court judgment is entered in a public register and an investigation into the financial affairs of the debtor is conducted in the EJO.

Before an application is accepted a fee is payable to the EJO by the creditor. The EJO may enforce a money judgment by all or any of the following methods:

-

- Attachment of Earnings Order, which enables the sum due to be deducted from the debtor's regular earnings.
- Instalment Order, which has similar effect to an Attachment of Earnings Order but applies generally to self-employed judgment debtor.
- Seizure Order, which allows seizure of the debtor's goods.
- Order Charging Land, which secures the debt on property or land owned by the debtor or in which the debtor has a valuable interest.
- Order Charging Funds, Stocks and Shares, which secures the debt on other assets of debtor.
- Stop Order, which attaches to any money held by the court to the credit of the debtor and to any moneys to which he may become entitled as a result of pending court proceedings.
- Order Appointing Receiver, which allows the Chief Enforcement Officer to be appointed to receive money due to the debtor from a third party for the purpose of satisfying the debt.
- Attachment of Debts Order (also called a Garnishee Order), which attaches to sums due to the debtor (e.g. a credit in the debtor's bank account) to require payment of the sum to the EJO.

The EJO also has a role in the enforcement of other non-money judgments. This may involve the making and enforcement of an Order for Delivery of Goods (where the creditor is, under the judgment, entitled to the possession of specified goods) or the making and enforcement of an Order for Delivery of Possession of Land (where the creditor has obtained a judgment entitling him to possession of specified land or premises).

Where it appears to the EJO that the judgment cannot be enforced within a reasonable time, the Office may issue a Notice of Unenforceability After giving the debtor and creditor an opportunity to be heard, the EJO may grant a Certificate of Unenforceability. Where such a certificate is granted no further application for enforcement of money judgments will be accepted unless the financial circumstances of the debtor change.

A Certificate of Unenforceability is, for the purpose of bankruptcy proceedings, evidence that the debtor is unable to pay his debts. Against some of the EJO's orders (such as an Order for the Delivery of Possession of Land or Attachment of Earnings Order) an aggrieved party may appeal to the High Court; against the rest an appeal may be made, on a question of law only, to the Court of Appeal. In both instances the decision of the appellate court is final.

2 Commentary

2.1 Applications and Orders for Enforcement

Excluding Certificates of Unenforceability, the number of enforcement orders made decreased by 11 % from 15,207 during 2003 to 13,609 in 2004 (Table H.1).

Table H.1 Enforcement orders made from 2000 - 2004

	2000	2001	2002	2003	2004
Enforcement Orders	10,195	9,343	10,567	15,207	13,609

The volume of searches of the Register of Judgments lodged for enforcement showed a 1% decrease from 125,690 in 2003 to 124,624 in 2004. The number of Notices of Intention to Enforce lodged decreased by 12% from 19,859 in 2003 to 17,551 in 2004 (Table H.2).

Table H.2 Applications for Enforcement from 2000 - 2004

	2000	2001	2002	2003	2004
Notices of Intentions Lodged	17,325	16,240	20,598	19,859	17,551
Number of Searches	86,411	88,640	108,766	125,690	124,624
Applications Rejected	698	732	857	823	601
Stay Applications Lodged	17	22	31	12	29
Third Party Applications Lodged	6	3	N/A	N/A	0

There were 7,734 enforcement applications accepted during 2004. The majority of applications accepted were Money Judgments (82%) (Table H.3).

Table H.3 Applications for Enforcement accepted from 2000 - 2004

	2000	2001	2002	2003	2004
Preliminary applications (Article 23 - Money Judgments)	429	412	403	455	453
Money Judgments	6,998	6,398	7,947	7,324	6,335
Judgments for the Delivery of Possession of Land	386	349	684	781	872
Judgments for the Delivery of Possession of Land and Money	29	76	115	136	73
Judgments for Delivery of Goods	2	1	-	9	1
Judgments for Delivery of Goods and Money	-	-	-	1	0
Total	7,844	7,236	9,149	8,706	7,734

Table H.4 show that the number of miscellaneous orders has decreased from 7,402 in 2003 to 6,946 in 2004. This represents a 6% decrease during the year.

Table H.4 Orders for enforcement from 2000 - 2004

Enforcement Orders Made	2000	2001	2002	2003	2004
On Enforcement of Money Judgments					
Installment Orders	573	586	592	609	499
Seizure Orders	313	239	234	199	76
Authorisation to seize	-	-	-	-	-
Orders Charging Land	2,970	2,775	2,413	2,486	2,250
Receiver Orders	873	935	988	904	860
Orders under S.27 (1) C.P.A.	170	159	166	116	82
Attachment of Debts Orders	102	89	52	112	89
Provisional Attachment of Earnings Order	1,168	1,165	1,178	939	630
Suspended Attachment of Earnings Order	476	511	417	260	217
Liberty to Exercise the Power of Sale	278	190	173	63	17
Total Enforcement of Money Judgments	6,923	6,649	6,213	5,688	4,720
On Enforcement of Other Judgments					
Orders for Delivery of Possession of Land	424	560	1,459	2,106	1,941
Orders for Delivery of Possession of Goods	3	1	3	11	2
Total Enforcement of Other Judgments	427	561	1,462	2,117	1,943
Miscellaneous Orders	2,845	2,133	2,892	7,402	6,946
Certificates of Unenforceability	639	475	513	474	458
Total Orders for Enforcement	10,834	9,818	11,080	15,681	14,067

2.2 Money Received

Fees received in 2004 amounted to £2.72 million. After deducting refunds to creditors, the net sum of £2.56 million remained (Table H.5).

Table H.5 Moneys received: Payments/fees from 2000 - 2004

	2000	2001	2002	2003	2004
Fees Received					
Notices of Intention	354,680	322,837	410,460	398,520	351,340
Searches	465,036	453,522	543,830	628,454	661,912
Admitted Debt Procedure	11,882	-	-	-	-
Enforcement Fees ^[1]	1,627,927	1,467,808	1,805,580	1,764,946	1,675,529
Gazette Payments	-	-	16,000	22,000	22,000
Certificates of Satisfaction	-	-	8,730	10,164	11,436
Total fees received	2,459,525	2,244,167	2,784,600	2,824,084	2,722,217
Less Refunds	212,507	202,493	238,809	183,027	167,013
Net Total Fees Accepted	2,247,018	2,041,674	2,545,791	2,641,057	2,555,204

[1] Includes vesting orders, suspense and stays of enforcement fees and refunds (Account 3)

2.3 Hearing/Attendance Details

The means of debtors is assessed either by Nominated Officers who interview debtors in the Enforcement of Judgments Office or by Enforcement Officers who interview debtors at home.

Debtors are called to the office for examination either through a summons, a conditional order or a warrant of arrest. There was a decrease in the number of summonses from 1,856 in 2003 to 1,108 in 2004. There was an increase in the number of warrants of arrest issued with 399 in 2003 and 411 in 2004 (Table H.6).

Table H.6 Hearing and attendance details from 2000 - 2004

Nominated officers	2000	2001	2002	2003	2004
Summons Issued	363	599	566	1856	1,108
Conditional Orders made	2,486	2,256	1,952	2698	2,682
Warrants Issued	421	354	444	399	411
Examination on foot of -					
Summons	85	80	85	171	84
Conditional Orders	304	212	253	122	92
Warrants	153	147	132	31	69

3 General Notes

Notice of Unenforceability: A Notice of Unenforceability can be issued, under Article 18 of The Judgments Enforcement (Northern Ireland) Order 1981 [S.I.1981/226 (N.I.6)] as amended, where it appears to the EJO that a money judgment in respect of which an application for enforcement has been made cannot be enforced within a reasonable time.

Preliminary Application (Article 23): Under Article 23 of The Judgments Enforcement (Northern Ireland) Order 1981 [S.I.1981/226 (N.I.6)] as amended, where the outstanding draft exceeds £3,000 the creditor may make a preliminary application to the EJO.

The EJO will provide a report on the debtor's means, on the basis of which the creditor can decide whether to make a full application for enforcement.

Orders under Section 27(1) of The Crown Proceedings Act 1947 (1947 C.44): Where money is payable by the Crown to some person (the debtor) and the debtor owes money to another person (the creditor) an order may be made under the above provision requiring the Crown to pay what it owes direct to the creditor.

Nominated Officer: This refers to the officer nominated under Rule 23 of The Judgment Enforcement Rules (Northern Ireland) 1981 [S.R.1981 No.147] as amended, by the Chief Enforcement Officer, for the purpose of examining or interviewing a debtor to ascertain his means.

Part I Court Funds Office

1 Introduction

The Court Funds Office has responsibility for the management of monies which are under the control and supervision of the Court, the principal instances of which are:

- (a) where a settlement is made in favour of a minor in a civil action in either the County Court or in the High Court, the Court Funds Office will manage those funds until the minor attains the age of 18
- (b) where a person is deemed to be incapable of managing his/her affairs due to mental incapacity or illness, his/her financial affairs may be managed by the Court Funds Office
- (c) where moneys are paid into court by a defendant in a civil action, by way of a formal offer to the claimant

As part of its management responsibilities, the office is responsible for ensuring that funds in court are appropriately invested.

Fuller details are in the published accounts, "Funds in Court in Northern Ireland, Statement of Account" and "Supreme Court of Judicature Northern Ireland Land Purchase Account", published by the Stationery Office.

2 Commentary

Table I shows the Court Funds Office holdings at 31st March 2004 and at 31st March 2005.

Table I.1 Court Funds Office holdings as at 31.03.2004 and 31.03.2005

	As at 31.3.04	As at 31.3.05
	Market Value (£)	Market Value (£)
Funds in Court		
Cash	926,168	2,423,404
Commissioners for the Reduction of the National Debt	113,907,145	112,332,282
Gilts	44,488,882	52,523,666
Equities	36,920,091	39,603,437
ISA's	3,579,142	4,130,876
PEP's	3,877,883	3,785,886
National Savings	787,744	361,885
Others	103,975	201,823
Land Purchase		
Cash	124,616	138,955
Securities	146,270	145,547
Land Purchase Trustee		
Cash	53,472	59,528
Securities	57,332	55,473
Total	204,972,720	215,762,762

This leaflet can be made available in a wide range of alternative formats. Requests for alternative formats should be made to the Information Centre.

Northern Ireland Court Service

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