

N8 Going North – Legal System

This leaflet is for you if you live South of the border and you want to go North to live or if you have a right to take legal proceedings in the North. It gives a general description of how the legal system operates in the North. It describes the courts and the criminal justice system. Certain aspects of the legal system are covered in other leaflets in this series - for example, consumer rights are described in Leaflet N10 – Consumer Issues.

The information in this leaflet was compiled in March 2006.

The Courts System

The UK Secretary of State for Constitutional Affairs and the Lord Chancellor have responsibility for various aspects of the administration of justice in the North including the operation of the courts, the appointment of judges and the provision of legal aid services. <http://www.dca.gov.uk/>

The Northern Ireland Court Service provides the administration for courts in Northern Ireland.

Northern Ireland Court Service
Information Centre
Windsor House
Bedford Street
Belfast BT2 7LT
Telephone 028 9032 8594
Facsimile 028 9041 2390
www.courtsni.gov.uk

Enforcement of Judgments Office

The Enforcement of Judgements Office (EJO) is part of the Northern Ireland Court Service. The EJO enforces judgments which are lodged with it and maintains a register containing the details of judgments accepted for enforcement. There are set procedures for enforcing a judgment and the EJO has a variety of powers to enforce recovery of debt.

The different Courts

The main courts in the North are:

Magistrates' Court

All criminal cases start out in the magistrates' court. The cases involving minor and summary offences are dealt with in these courts while the more serious cases are sent on to the Crown Court. The magistrate sits without a jury. There are 21 Petty Sessions districts. Generally, the case starts in the Petty Sessions district in which the offence

occurred. Minor or summary offences are those where the maximum penalty is a fine of £2,000 and/or six months imprisonment. They include most traffic offences and some public order offences.

These courts may also hear some family cases, for example, those concerning adoption, maintenance and domestic violence.

Youth Court

The youth court hears criminal cases involving people aged between 10 and 17.

County Court

Civil disputes up to a certain value (£15,000 at present) are heard in the County Court. There are seven County Court areas. Most family cases are heard in the County Court but the more complex cases may be heard in the High Court. They also hear appeals from civil and family decisions of the magistrates' courts and they deal with various licence applications.

Small Claims Court

The Small Claims Courts is part of the County Court and deals with consumer complaints and certain civil cases (up to £2,000).

Crown Court

Criminal cases involving non – minor offences are heard in the Crown Court. There is a jury. Terrorist related cases are heard by one judge without a jury. The judge decides the sentence. The Crown Court also hears appeals from the decisions of the Magistrates' Court in criminal cases.

High Court

Civil cases above a certain value are heard in the High Court. The High Court also hears judicial reviews.

Coroners' Court

Northern Ireland is now one single district for Coroners (previously there had been seven regional districts). There are at present 3 full-time coroners in the North. They inquire into deaths that are violent or appear to be unexpected or unexplained. The Coroner may hold an inquest and may order that a post mortem examination be carried out. Coroners' Courts are run by:

Coroners Service for Northern Ireland
Mays Chambers
28 May Street
Belfast BT1 3LJ
Tel: 028 90 446800
E-mail: coronersoffice@courtsni.gov.uk
www.coronersni.gov.uk

The Court of Appeal

The Court of Appeal sits at the Royal Courts of Justice in Belfast. The Court of Appeal is composed of the Lord Chief Justice who is the President of the Court and three other judges (three judges usually sit in a case). It deals with civil appeals from the High Court, criminal appeals from the Crown Court and appeals on points of law from the county courts, magistrates' courts and certain tribunals.

The House of Lords

The House of Lords is the final Court of Appeal in the UK. It hears appeals on points of law in cases of major importance.

European Court of Justice

Issues of EU law which arise in the domestic courts may be referred to the European Court of Justice.

Tribunals

There are a number of different independent tribunal bodies dealing with areas such as employment rights, benefit entitlement and mental health. Under the recent Review of Public Administration in the North it has been proposed that there will be a combined Tribunal Administration Service administered by the Northern Ireland Court Service.

The Criminal Justice System

The Northern Ireland Office (see Leaflet N9 *Going North – Government and Public Administration*) is responsible for law and order, policing and the prison service.

The Police

The investigation of criminal offences is carried out by the Police Service of Northern Ireland (PSNI). The PSNI is organised into District Command Units (DCUs) which are structured primarily on local council areas. The PSNI is responsible for traffic control. The Code of Ethics for the Police Service sets out the standards of conduct and practice that police officers must keep to – this is monitored by the Policing Board. The PSNI is subject to the freedom of information legislation and you may access certain information which is held about you

<http://www.psni.police.uk>

The Police Ombudsman

The Police Ombudsman is an independent office which investigates complaints about the conduct of the police.

Police Ombudsman
New Cathedral Buildings,
St Anne's Square,
11 Church Street,
Belfast BT1 1PG

Tel: 028 9082 8600

<http://www.policeombudsman.org>

Policing Board

The main aim of the Policing Board is to ensure that the police are efficient and effective. The Board appoints police officers and sets objectives and targets for police performance and monitors progress against these. The Policing Board appoints Independent Custody Visitors to look after the welfare of people who are detained in police stations. It also appoints independent Community Observers to oversee the police selection process.

Policing Board
Waterside Tower
31 Clarendon Road
Clarendon Dock
Belfast
BT1 3BG
Tel: 028 9040 8500

<http://www.nipolicingboard.org.uk>

District Policing Partnerships

District Policing Partnerships were set up by the Policing Board in co-operation with local councils. They are composed of councillors and members of the public. Their main role is to give the local community's views on policing, identify, discuss and prioritise local concerns and establish policing priorities. They also contribute to the formulation of local policing plans.

Public Prosecution Service

The Public Prosecution Service for Northern Ireland (PPS) has responsibility for the prosecution of all criminal cases. (Until June 2005, this responsibility was held by the Department of Public Prosecutions and the Police Service of Northern Ireland). Five regional offices of the service are being established and should be in operation by 2007.

<http://www.ppsni.gov.uk>

In general, offences committed in the North are prosecuted in the North and offences committed in the South are prosecuted in the South. However, it is possible to be prosecuted in the North for an offence committed in the South and vice versa.

Criminal Cases Review Commission

This body has jurisdiction in Northern Ireland, England and Wales. The Commission can review any of the following matters:

- a conviction and sentence made by the Crown Court
- a conviction and sentence made by the Magistrates Court
- a verdict of not guilty by reason of insanity

a finding that a person is under a disability but did the act charged.

The Commission cannot overturn a conviction or change a sentence. Its role is to examine cases to identify those where it appears that the original conviction may have been unsafe. Those cases which meet the criteria laid down by law can be referred by the Commission to the Court of Appeal (in the case of Crown Court convictions) or the Crown Court (in the case of Magistrates Court convictions). The court will treat a case referred by the Commission as an appeal against the original conviction. It is the court which will decide whether to alter the conviction or the sentence.

Youth Justice Agency

The Youth Justice Agency is an agency within the Northern Ireland Office. Its main aim is to prevent offending by children. It operates the community services and youth conference services schemes for children at risk and those who have offended. It also operates the Juvenile Justice centre which provides custodial facilities for children referred by the courts system.

<http://www.youthjusticeagencyni.gov.uk/>

Prisons

The Northern Ireland Prison Service is an agency of the Northern Ireland Office. It is responsible for running the prisons. The prisons are monitored by Independent Monitoring Boards who are appointed by the Northern Ireland Office.

The Prison Service finances the Assisted Visitors Scheme which is administered by the Social Security Agency (see Leaflet N2 *Going North – Social Welfare*). You may get up to 26 subsidised visits a year to a relative in prison if you are on Income Support, income based Jobseeker's Allowance, pension credit or have a low income and qualify for Working Tax Credit with a disability or child element. You may apply to your local Jobs and benefits/Social security office.

<http://www.niprisonservice.gov.uk>

Legal Aid

The Northern Ireland Legal Services Commission is responsible for providing publicly funded legal services in the North. It is appointed by the Lord Chancellor. It includes both civil legal services and criminal defence services. It operates a registration scheme for people eligible to provide these services. You may go to a solicitor who is eligible to provide services. The solicitor must establish whether or not you are entitled to legal aid. In order to get legal advice, assistance or representation, your income and capital must be below certain limits. Certain services are excluded from the scheme, for example, you may not get civil legal aid for services such as conveyancing, making wills, defamation or business related matters. If you want criminal defence services you may apply to the magistrates' court where you are being charged.

The Northern Ireland Legal Services Commission
2nd Floor,
Waterfront Plaza,
8 Laganbank Road,
Mays Meadow,
Belfast BT1 3BN
Tel: 028 9024 6441
www.nilsc.org.uk

Lawyers

Solicitors and barristers are self-regulating professions. Lists of practising solicitors and barristers are available from:

The General Council of the Bar
The Bar Library
91 Chichester Street
Belfast BT1 3JQ
Telephone: 028 9056 2350
<http://www.barlibrary.com/>

The Northern Ireland Law Society
Law Society House
98 Victoria Street
Belfast BT1 3J2
Telephone: 028 9023 2606
www.lawsoc-ni.org

Certain solicitors (and barristers) are able to practice both North and South. Complaints against solicitors in the North are dealt with by the Northern Ireland Law Society. If you are not satisfied with the way your complaint has been handled by the Law Society, you may ask the Lay Observer to investigate the matter by sending a written complaint to:-

The Lay Observer
4th Floor
Brookmount Buildings
42 Fountain Street
Belfast
BT1 5EE
Tel: 028 9024 5028

The Lay Observer is neither a solicitor nor a barrister, but is appointed to oversee the way in which the Law Society investigates complaints about solicitors. The Lay Observer can advise you whether or not the complaint was dealt with properly. S/he can recommend that a case should be taken to the Solicitors Disciplinary Tribunal. The Solicitors

Disciplinary Tribunal is independent of the Law Society. It consists of solicitors and lay members, and the hearings are usually in private.

Sources

The websites mentioned and:

Justice (Northern Ireland) Act 2002

Judgments Enforcement (Northern Ireland) Order 1981

Police (Northern Ireland) Acts

Access to Justice (Northern Ireland) Order 2003