

LADY CHIEF JUSTICE OF NORTHERN IRELAND

OPENING OF THE NEW LEGAL YEAR ADDRESS

5 SEPTEMBER 2025

Good afternoon.

This annual Address offers me the opportunity to look back and reflect on the legal year just past; to take stock of what has been achieved and to look forward to what is ahead in the coming year and beyond.

Let me begin by congratulating our three most recent appointees to the county court, Her Honour Judge Ievers KC, His Honour Judge Moynagh and Her Honour Judge Chasemore who were sworn into office yesterday. They have taken on a very important role of county court judge, and I wish them well in their future careers.

I also wish to acknowledge the commitment and drive of all of those within the justice system who work so hard to deliver justice day in and day out. I start with the judges who serve at all tiers for the work they do to deliver justice often under time pressures and in demanding circumstances.

I commend the staff within the Northern Ireland Courts & Tribunals Service who process applications, look after the court estate and support hearings. This year I am particularly delighted to welcome the new cadre of court clerks who have been recruited through a bespoke process to the specific role of court clerk. I wish them well in that crucial role.

I acknowledge the legal profession, barristers and solicitors, who ensure that their clients are effectively represented in our courts and thank them for their contribution to the smooth administration of justice in our jurisdiction. To the Public Prosecution Service and to those at the front line including the police, probation workers, prison officers, social workers, expert witnesses and many others engaged in the criminal justice system, I acknowledge the vital role you play in serving the justice system.

At this point it is worth highlighting that our justice system is underpinned by a strong and collaborative partnership among its constituent organisations, working together to deliver a fair, effective, and responsive system. This spirit of cooperation is exemplified by the Criminal Justice Board, which brings together the Minister of Justice, the Chief Constable, the Director of Public Prosecutions, the Director of the Northern Ireland Courts & Tribunal Service, myself and other senior leaders from across the justice sector to coordinate strategy, share information, and drive improvements.

I should also mention that I, along with my judiciary, maintain strong connections with our neighbouring jurisdictions and that includes international relations. Our relationships, home and abroad, whether through participation in cross-jurisdictional judicial forums, engagement with international legal bodies, or shared training and development initiatives enhance the quality and resilience of our justice system. They also allow Northern Ireland to benefit from comparative legal insights, adopt best practices, and contribute to the global discourse on justice and the rule of law. This interconnectedness strengthens public confidence, supports judicial independence, and ensures that Northern Ireland remains aligned with and contributes to evolving legal norms and innovations worldwide.

Let me now turn to last year's priorities.

Last Year's Priorities

In my Opening of Term address last year, I spoke about two main areas that would form my key priorities for the year just past - namely transparency of the family courts with a focus on private law cases concerning domestic violence and contact disputes; and enhancing the public's understanding of criminal justice, particularly the sentencing process.

My priorities for the past year have had many drivers and one of the most important is ensuring that those who use the courts understand why a judge has reached a particular decision - but also to understand that each case is different. And that applies to family law as it does to other areas. It is the judge's responsibility to act independently and

courageously in applying the particular facts to the law and to reach a decision, unpopular or otherwise.

Before I update you on the progress made over the last twelve months on these issues, I do want to acknowledge the members of the public who have written to me to share their observations about the workings of the family courts and their suggestions for improvement. I want to assure them I have listened. From my own experience practicing in family law and representing a range of people I do understand the impact there can be on individuals and their families who have been through the family courts.

As I committed to in last year's remarks, I established a Judicial Family Working Group, to take forward my key priorities of exploring areas for improvement and reform in the family court system.

We have made progress in this area. First let me speak about open justice. I am clear that achieving greater openness and transparency in the family courts is in accordance with the principle of open justice and will be enhanced if the media are able to report in a way that protects the privacy of the families and children involved. I believe this will contribute to increased public trust and confidence in the family justice system and facilitate better-informed public debate about issues that arise in the family courts.

In the absence of legislation, in June of this year, I launched a consultation on a pilot scheme which would allow the media to attend and report from our family courts. It would allow participating registered journalists to apply for a "Transparency Order" permitting them to attend in person and report on what they see in specified cases. Those would be in the first instance in the Family Division of the High Court and obviously subject to privacy issues, the principles of anonymity and consent. I intend to run the pilot for a year and keep it under review to identify its utility and where improvements may be made.

I should also add that work on transparency across the courts generally will be greatly assisted by the findings which will come from the Justice Minister's consultation earlier this year on the broadcasting of Court of Appeal and Crown Court judgments and sentencing remarks, with

legislation proposed to follow in the next mandate. Whilst the pace of change has not been as swift as I would have hoped and it means we are still behind other jurisdictions, I am reassured there is momentum to looking at this important issue of broadcasting of courts and I hope that by next year we will have tangible results.

Judicial Guidance - Allegations of Domestic Violence in Family Courts

I launched judicial guidance on family proceedings involving domestic abuse across all court tiers effective from 30 June 2025. This was the product of much reflection and consultation with the valuable assistance of Sir John Gillen, and our presiding family court judges.

The guidance, which is publicly available on the JudiciaryNI website, is designed to support our judiciary in navigating the complex and often distressing realities of domestic abuse within family proceedings. It sets out the approach of the court in any case in which it is alleged or admitted, or there is other reason to believe, that the child or a party has experienced domestic abuse perpetrated by another party or that there is a risk of such abuse. This is particularly where an application is made for a contact and/or residence order or in which any question arises about where a child should live or about contact between a child and a non-residential parent. It also refers to cases being dealt with expeditiously, and with a uniform and child centred approach.

In addition, through the Judicial Family Working Group, we re-emphasised the need for a Personal Education Plan for every child who is looked after in care within the justice system on a multi-disciplinary basis.

Enhancing the Public's Understanding of the Criminal Justice System

I turn to the issue of the public's understanding of the criminal justice system. In terms of the other targets that I placed on myself in relation to this last year, enhancing the public's understanding of the criminal justice system, particularly the sentencing process has been at the forefront. Let me start by acknowledging that this is an area which I know causes on-going discussions including public debate. To that end, I have, myself, explained the sentencing process in detail in a public

lecture given at the Ulster University as part of their 'Ulster Talks' series which is publicly available on the JudiciaryNI website. Helpfully, the audience for my lecture included MLAs, the Commissioner Designate for Victims of Crime, members of the legal profession, students and other members of the public.

It is, of course, the function of government to set sentencing policy and make laws which give effect to those policy objectives. To that end the Justice Minister is currently bringing forward a Sentencing Bill in this mandate, which will address some issues. But it is the function of the independent judiciary to apply the current law. Where appropriate, the judiciary can also define parameters and set guidelines for sentencing courts, and when doing so, it is important that our independence together with our expertise, both as individuals and collectively, is respected. This system of our senior courts, setting parameters and giving guidance has been the practice in this jurisdiction for many years. It is a practice which I am committed to maintaining and also improving where appropriate.

I recognise that sentencing is a matter about which victims, and other members of society, feel very strongly and also which affects victims greatly. I also acknowledge the many testimonies I have received from victims. I have read this correspondence, but I come back to the role of the independent judiciary in reaching outcomes. I need to stress that while consistency in sentencing is desirable, it can never be absolute given the variety of factual and personal circumstances that we see in each criminal case. In this jurisdiction, sentencing does take place within a framework that takes account of the legal parameters, but which also takes account of what is just and proportionate in a particular case applying aggravating and mitigating circumstances.

Our courts have been dedicated to this approach for a considerable period of time. Our Court of Appeal can decide if a sentence is unduly lenient and give guidance. Our Court of Appeal has in recent years utilised this ability in certain areas, some of which I will briefly mention. Firstly, in relation to murder tariffs, our Court of Appeal has recalibrated murder tariffs upwards in recent years¹.

¹ *R v Whitla* [2024] NICA 65 and *R v Ali* [2023] NICA 20

Additionally, in the Court of Appeal I have provided what I think is clear and strong guidance in response to the prevalence of domestic abuse in our society, including coercive and controlling behaviour. I have set that out in a number of recent decisions².

I have pointed out that the Public Prosecution Service must consider prosecutions in the Crown Court rather than the Magistrates' Court given sentencing restrictions. In a recent case³ of repeated incidences of domestic abuse I said this:

"In this jurisdiction we are now more alert to the scourge of domestic violence which has become all too prevalent in our society. It is particularly striking in this case that there is a repeat pattern of domestic violence which escalated to murder. This sentence reflects and recognises society's utter condemnation of such behaviour and should be taken as a signal that offending of this nature will attract commensurate sentences."

Most recently, the Court of Appeal has issued guidance on the likely starting point for the new criminal offence of non-fatal strangulation both for cases of medium seriousness and high seriousness and also set out the methodology by which the specific domestic abuse aggravator provided for by section 15 of the Domestic Abuse and Civil Proceedings Act 2021 should be applied. I am confident that as more cases come through the system in this area, further guidance will be given.

Given my statutory responsibility for training judges, one of my key priorities, which is ongoing, is to ensure that judges are assisted in remaining up to date with developments not only in the criminal law generally but also in sentencing in particular.

To that end, judges in this jurisdiction participate regularly in sentencing training facilitated by the Judicial Studies Board for Northern Ireland and, in addition, attend sentencing workshops aimed at promoting sentencing consistency across the jurisdiction. Training sessions have been delivered by recognised experts aimed at better informing judges

² *R v Hughes* [2022] NICA 12; *R v Hutchison* [2023] NICA 3; and *R v McKinney* [2024] NICA 35

³ *R v Hutchison* [2023] NICA 3

as to the impact on victims of actions such as sexual assault, domestic abuse and coercive control. By way of example, through judicial contacts with Foyle Women's Aid, our judges received key training and insights provided by experts and from Women's Aid themselves. This training focused on the impact of non-fatal strangulation as early as June 2019 – well before the new offence was brought on to the statute book. As I have said before, we do have the benefit of support in dealing with violence against women and girls in our jurisdiction at Executive level given the strategy that is in place which is extremely positive and helpful⁴. I believe there is a strong imperative for education on this issue, on the parameters of healthy relationships in schools from the earliest possible age.

Achieving greater transparency in the justice system while maintaining judicial independence remains one of my priorities which will be obvious from what I have said. I also want to emphasise the imperative that those impacted by crime are supported in their understanding of the criminal justice system and particularly the sentencing aspect of that process. This is complex as I have said, and while for those professionals within the justice system it is often the final stage, it is not so for the victims who will continue to live with and try to adapt to the experience that has brought them to that point, sometimes by a lengthy journey through the justice process.

Bearing in mind the issues that arise, I have considered how support around the sentencing aspect of the process could be better. Going forward I have set up a Judicial Sentencing Working Group that will assist me. This is akin to the Judicial Family Working Group, as it comprises some of the most experienced criminal judges in this jurisdiction from all tiers, past and present. This Group will work in tandem with my Sentencing Group and for a time I will chair the group and consider what else we can do as judges to improve the public's understanding of sentencing and sentencing decisions and to look at any guidance that is needed for judges across the various tiers.

One aspect that I have dealt with on sentencing remarks with the input of the Commissioner Designate for Victims is the provision of transcripts for those affected by sentencing. Earlier this year I wrote to the Director

⁴ [Strategic Framework – EVAWG](#)

of Northern Ireland Courts & Tribunal Service in relation to this and I am grateful the Department is looking at better availability of transcripts.

So, accessibility of sentencing remarks is one area that the Judicial Sentencing Working Group will explore including a consideration of the operation of the Magistrates' Court, and the arrangements and practices that are in place around victim impact statements.

I welcome the engagement and interaction with the Chair of the Justice Committee and the Committee on a range of issues, and I am willing to provide any further assistance that I can.

One matter I do think I need to turn back to is the issue of speeding up justice because this is a key priority for the Criminal Justice Board. I have already mentioned the collaborative approach of the Criminal Justice Board, which is, I think, a visionary way forward for Northern Ireland. There has been some positive progress in this area but there is undoubtedly more to be done. Let me briefly signpost a few initiatives.

Firstly, the Board is committed to continuing to build on previous work with early engagement, better case management and committal reform all aimed at reducing delay. That is not to negativise the time taken within the criminal justice system at present, but it is important to present some balance on how and why cases take time to complete the journey through the court stage.

What is commonly referred to as delay or backlog in the court system needs some contextual explanation. I think that this characterization incorrectly places a focus on only one part of the criminal justice process, when in reality, the time taken for a case to reach its conclusion is affected by factors across the entire criminal justice system and at all stages of the criminal justice process.

I say this not to criticise or shift responsibility to other agencies but rather to highlight that each stage of the process from the complaint being made to police in a criminal case, has a part to play in ensuring that cases move forward in a timely manner.

We have for the past number of years been moving forward in recovering the system following the Covid-19 pandemic. The benefits of funding additional Crown Courts to help manage covid backlogs are clear. Last year there was a significant (11%) increase in the number of Crown Court sittings when compared to pre-covid numbers, which translated into actual benefit delivery in terms of the Crown Court clearing approximately 20% of its opening caseload in the final months of last term.

Pre-covid there were on average 13 Crown Courts in operation in the jurisdiction. The additional funding allowed us to raise that to 15 Crown Courts - and exceptionally 16 or 17 on occasions. Given those achievements demonstrated last year, I ask what might be achievable if we were able to deliver this increased number of courts on a permanent basis? It would be challenging and would require more probation officers; more court clerks; more prosecutors and police officers; and a robust legal profession. But it is doable and manageable, and it is certainly deliverable in terms of judicial resources.

I am pleased that the Criminal Justice Board is taking forward work to consider options for increasing capacity across the justice system to reduce backlogs, but this will require sufficient funding for the justice system as a whole to deliver for victims and witnesses in a timely manner.

Other Judicial Initiatives

I want to highlight a number of areas where I believe changes would bring considerable improvement to how and where our business within the courts could be delivered but which cannot be moved forward without legislative change. These include long overdue changes to the county court jurisdiction in civil claims. I believe changes would realign civil business within the courts to be more reflective of the wider economic landscape and would enable civil justice to be dispensed from the most appropriate forum. The current financial limits for proceedings in the county court and District Judges' court are clearly out of date, but there has been effective engagement and discussions on this with the Minister, and I am keen that work is built on to deliver real change in the civil jurisdiction.

I am also keen there is work done to increase to the remit of the magistrates' court in relation to sentencing, as in most cases this is limited to twelve months' imprisonment. A change would allow the District Judges (Magistrates' Courts), who deal with the largest number of criminal cases in local courts, greater scope to deal with a wider range of cases and in doing so have greater sentencing powers.

While we await progress in these areas, the judiciary have been able to work in collaboration at a local level with our criminal justice partners to try and improve practice, including moving bail hearings from a Friday to a Thursday now in the Magistrates' Courts as well as the High Court.

We have also continued to work alongside the Northern Ireland Courts & Tribunals Service in supporting modernisation of the court estate and the digitalisation of our system through Themis, which is an exciting advance. The Small Claims court element of this work is due to launch later this year.

Priorities for Incoming Year

The work I have outlined regarding family and criminal courts will continue under my oversight and by means of engagement with all those affected in the year ahead, and so these remain priority areas for me.

Rule of Law

A further priority for the incoming year will be to promote a better understanding of the rule of law in this jurisdiction. I will say more about that shortly, but I want to speak firstly about the rule of law and the judiciary.

The work of judges is integral to the rule of law. Where disputes cannot be resolved by some other means, judges adjudicate impartially and independently. In doing so they ensure that the laws are applied correctly and enforced. Our everyday lives are underpinned by the knowledge that we can rely on the courts to resolve disputes or uphold an individual's rights. The rule of law requires that a member of the public must be able to go into court and know that the judge hearing that case is completely neutral, not favouring one side or the other - and

that they will apply the law fairly and impartially based only on the facts of the case.

All judges in Northern Ireland to this day take an oath or affirmation to do right to all people “without fear or favour, affection or ill-will according to the laws and usages of this realm.”

Judges must be independent and be seen to be independent, free from the influence of government, the legislature and political parties; from the public and lobbying groups; from the media; and from other judicial colleagues. They must not allow anybody or anything to deflect them from deciding cases on anything other than the legal and factual merits.

The burden of maintaining judicial independence does not fall to judges alone. Following the devolution of justice in April 2010, the Northern Ireland Executive and UK Government signed the Concordat on Judicial Independence which states:

“The independence of the judiciary in Northern Ireland is essential in a democratic society which supports the rule of law. It is of paramount importance that the judicial function remains independent of government and immune from any partisan or political interest.”

Additionally, section 1 of the Justice (Northern Ireland) Act 2002 establishes a constitutional commitment to judicial independence that must be upheld by Ministers and all with responsibility for the administration of justice.

It is well established that these legislative provisions require Ministers to support judicial independence in word and deed; and for members of the executive and legislative branches of government to be circumspect when discussing cases before the courts and to defend judges from hostile comments and from those who would attack their motives. I am grateful to the Lord Chancellor and our own Justice Minister for their support of the independent judiciary.

Maintaining judicial independence, does not mean that judges are unaccountable or should be shielded from any scrutiny. Judges hear cases in open court, their judgments are public records, and they are

individually accountable for their judicial decisions through the appeals process. Politicians and members of the public are entitled to comment and to criticise decisions made by the courts – indeed that is a sign of a healthy democracy. However, comment needs to be well informed.

Since my last Opening of Term address, challenges to the rule of law have emerged locally and globally, so much so that the term ‘rule of law’ is in the public domain. This legal year I want to promote a better understanding of what the rule of law means – what are the challenges – and how we should act to protect it. There are a number of aspects which I will briefly mention in relation to this.

One is protection of the independence of the judiciary, which I have already referred to. Another is that the rule of law requires the legal system to be properly resourced otherwise problems arise in relation to access to justice. A further area, which might not be so well appreciated, is that the rule of law is linked to economic prosperity. The quality of a country’s legal institutions, in particular the independence and competence of its judiciary, are important to investment levels, innovation, and an economy’s Gross Domestic Product growth.

The Rule of Law Index measures a country’s adherence to the rule of law from the perspective of ordinary individuals and their experiences with the rule of law in their societies. It is a mark of the respect with which the judiciary in this jurisdiction is held that the UK and Ireland are ranked within the top fifteen of the one hundred and forty two countries in the Index.

Building on the Rule of Law Pledge initiative which the Law Society began, I will launch a Rule of Law Project in partnership with the Bar of Northern Ireland this year. This will include a series of themed events aimed at promoting an understanding of what the rule of law is; those factors which undermine it; and what we are doing and can do collectively to uphold the rule of law. I am encouraged that the project will involve representatives from a wide range of professions and perspectives including politicians, journalists, the judiciary, the legal professions and other representative groups. It would be my hope that all those engaged with and interested in the criminal justice system, the family justice system and all aspects of our law will engage with this and

that this project will contribute to Northern Ireland being recognised as a best practice example of the rule of law.

Conclusion

In concluding this address, I want to emphasise my continuing commitment to work with all stakeholders across the justice system to ensure that we can maximise the effectiveness of our collective efforts for the benefit of society. This collective approach is more important than ever when we are operating in an environment of budgetary pressures within the justice system and beyond. Exploiting the benefits of technology will be a key factor with a focus on those initiatives and projects that will achieve the maximum benefit. I will do all that I can to ensure that the judiciary engage and contribute to the goals I have set out while maintaining our independence and upholding the rule of law.