**PRACTICE DIRECTION NO. 5 OF 2026**

**IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND**

**AND**

**COUNTY COURT OF NORTHERN IRELAND**

# PRACTICE DIRECTION FOR THE PARTICIPATION OF VULNERABLE PARTIES OR WITNESSES IN CIVIL LITIGATION

## Application and Scope

This Practice Direction applies to all civil proceedings in the High Court and County Court

This Practice Direction has effect from 16 November 2026

Signed this 16th day of November 2026



**The Right Honourable Dame Siobhan Keegan**

**Lady Chief Justice**

**HIGH COURT OF JUSTICE IN NORTHERN IRELAND**

**AND**

**COUNTY COURT OF NORTHERN IRELAND**

# PRACTICE DIRECTION FOR THE PARTICIPATION OF VULNERABLE PARTIES OR WITNESSES IN CIVIL LITIGATION

## 1. Objectives of the Practice Direction

1.1 The overriding objective set out in Order 1 rule 1A of the Rules of the Court of Judicature (Northern Ireland) 1980 and Order 58 of the County Court Rules (Northern Ireland) 1981, is to enable the court to deal with cases justly. That objective requires the court, so far as practicable, to ensure the parties are on an equal footing and that the proceedings are dealt with expeditiously and fairly.

1.2 In order to meet this objective, the court should ensure, so far as practicable, that the parties are able to participate fully in proceedings, and that the parties and witnesses can give their best evidence. It is recognised that vulnerability of a party or witness may impede participation and also diminish the quality of evidence. The court should take all proportionate measures to address these issues in every case and the parties are required to help the court to further the overriding objective at all stages of civil proceedings.

1.3 The aims of this Practice Direction are to set out the additional steps and provisions necessary to encourage, facilitate and support the attendance and full participation of vulnerable parties and witnesses in the civil litigation process and ensure, so far as practicable, they give their best evidence.

1.4 This Practice Direction will be reviewed as soon as reasonably practicable and no later than 12 months in operation.

## 2. Vulnerability

2.1 A person should be considered as vulnerable when a factor – which could be personal or situational, permanent or temporary – may adversely affect their participation in proceedings or the giving of evidence.

2.2 Factors which may cause or contribute to a person's vulnerability as a party or witness include (but are not limited to):

(a) age or lack of understanding;

(b) differences in communication style, language, or use of alternative communication;

(c) physical disability or impairment or health condition to include but not limited to mobility, manual dexterity, physical co-ordination, continence, ability to lift, carry or otherwise move everyday objects, speech, hearing or eyesight;

(d) mental health condition;

(e) an intellectual disability or a learning disability, memory or ability to concentrate, learn or understand; or perception of the risk of physical danger;

(f) impairment of social functioning to include taking part in social interaction; or forming social relationships;

(g) being neurodivergent and requiring assistance and accommodations to participate in daily life;

(h) the impact on them of the subject matter of, or facts relevant to, the case (an example being having witnessed a traumatic event relating to the case);

(i) their relationship with a party or witness (examples being sexual abuse or assault, coercion, domestic abuse or intimidation (actual or perceived)); and

(j) social, cultural, domestic or economic circumstances.

2.3 When considering whether a factor may adversely affect the ability of a party or witness to participate in proceedings and/or give evidence, the court will consider their ability to:

(a) understand the proceedings and their role in them;

(b) express themselves throughout the proceedings;

(c) put their evidence before the court;

(d) respond to or comply with any request of the court, or do so in a timely manner;

(e) instruct their representative/s (if any) before, during and after the hearing; and

(f) attend any hearing.

2.4 The court, with the assistance of the parties, should try to identify any vulnerability of parties or witnesses at the earliest possible stage of proceedings and to consider whether a party's participation in the proceedings, or the quality of evidence given by a party or witness, is likely to be diminished by reason of vulnerability and, if so, whether it is necessary to make directions as a result.

2.5 Where a party is a litigant in person, particular care should be taken by the court, and any legally represented party, to try to identify vulnerability of parties or witnesses.

## 3. Early Directions

3.1 If the court decides that a party's or witness's ability to participate fully and/or give best evidence is likely to be diminished by reason of vulnerability, the court may identify the nature of the vulnerability and may direct such provisions it thinks fit to be made to further the overriding objective. This may include concealing the address and/or contact details of either party or a witness for appropriate reasons.

3.2 Subject to the nature of any vulnerability having been identified, and any direction under paragraph 3.1 above having been made, a review with the parties may be undertaken before a vulnerable person is to give evidence at trial or attend any hearings, to determine what directions of the court are necessary in relation to:

(a) the nature and extent of that evidence;

(b) whether one or more appropriate provisions and/or any other support should be put in place for that person;

(c) any duty or power of the court under any enactment or, where applicable, its inherent jurisdiction, to prohibit, limit or modify cross-examination of (or by) a vulnerable witness or to appoint a legal representative to conduct a cross-examination; and

(d) the conduct of the legal representatives and/or the parties in respect of the evidence of that person.

3.3 Before making any directions for appropriate provisions or other support to further the overriding objective, the court will consider views expressed by the vulnerable party or witness about participating in the

proceedings or giving evidence. Whether or not provisions or other support should be granted will be fact specific, and it may be necessary in certain circumstances for the Court to require medical evidence substantiating vulnerability and making recommendations before making such a determination.

3.4 The court may also find it useful to refer to the Equal Treatment Bench Book (ETBB) for further guidance.

## 4. Appropriate Provisions

4.1. Where the court is satisfied that it is likely to improve the quality of evidence, taking into account the witness's wishes and the ability of the parties to effectively test evidence, it may direct appropriate provisions in respect of the conduct of the trial.

4.2. Appropriate provisions may include, but are not limited to:

(a) preventing a party or witness from seeing another party or witness by the use of screens;

(b) allowing a party or witness to give evidence remotely via the Northern Ireland Courts & Tribunals Service (NICTS) approved platform in operation at the relevant time. Location of witness to be agreed by the court;

(c) hearing a party or witness's evidence in chambers;

(d) dispensing with the wearing of wigs and gowns; and

(e) other appropriate provisions such as: considering how the evidence in chief is to be taken, providing the vulnerable party with questions in advance of cross-examination, considering the timeframe for compliance with orders or directions and providing orders and directions in an alternative format.