



NORTHERN IRELAND COURT BUSINESS

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LORD CHIEF JUSTICE'S DIRECTIONS

**Direction governing the distribution and transfer of court
business in the magistrates' courts and county courts in
Northern Ireland**

Issued by the Lord Chief Justice's Office

**LORD CHIEF JUSTICE'S DIRECTIONS GIVEN IN ACCORDANCE WITH
SECTION 3(1) OF THE JUSTICE ACT (NORTHERN IRELAND) 2015**

**DISTRIBUTION AND TRANSFER OF COURT BUSINESS IN THE
MAGISTRATES' COURTS AND COUNTY COURTS IN NORTHERN
IRELAND**

Direction governing the distribution of court business in the magistrates' courts and county courts in Northern Ireland

Interpretation

1. In this direction "administrative court division" means the territorial areas as illustrated in the map attached to this direction at **Annex 1**.

The allocation of court business

2. From 31 October 2016 the statutory provisions relating to petty sessions districts and county court divisions were repealed to establish a single Northern Ireland jurisdiction for county courts and magistrates' courts.

3. For the ordinary distribution of cases, however, a guiding principle is necessary to ensure the accessibility of local justice and a consistent approach. The guiding principle, set out in this direction, broadly preserves the current practice in allocating and distributing business (with some exceptions). Any existing arrangements for the allocation or distribution of magistrates' courts or county courts business which are in place on 31 October 2016 will be taken as having been made in accordance with this direction.

Court venues within the administrative court divisions

4. There will be three administrative court divisions. These are set out in the map at **Annex 1**. The court venues within each administrative court division are set out below:

- **North Eastern Division**

- Antrim
- Ballymena
- Belfast
- Coleraine
- Limavady

- **South Eastern Division**

- Armagh
- Craigavon
- Downpatrick
- Lisburn
- Newry
- Newtownards

- **Western Division**

- Dungannon
- Enniskillen
- Londonderry
- Magherafelt
- Omagh
- Strabane

Local Government Districts and corresponding administrative court divisions

5. Court venues in the North Eastern Division will deal with cases originating in the following local Government districts:

- Belfast City
- Antrim and Newtownabbey
- Mid and East Antrim
- Causeway Coast and Glens

6. Court venues in the South Eastern Division will deal with cases originating in the following local Government districts:

- Armagh, Banbridge and Craigavon
- Lisburn and Castlereagh
- Newry, Mourne and Down
- North Down and Ards

7. Court venues in the Western Division will deal with cases originating in the following local Government districts:

- Derry City and Strabane
- Fermanagh and Omagh
- Mid Ulster.

The Guiding Principle

Magistrates' Courts – Criminal & Youth

8. The guiding principle governing the listing of magistrates' courts criminal business is that a magistrates' court for an administrative court division may conduct a preliminary investigation or a preliminary enquiry into an indictable offence or hear and determine a complaint charging a summary offence, if in any such case –

- the offence was committed in the administrative court division, or
- the offence was committed elsewhere than in the court division and the defendant is or is resident (or in the case of a body corporate has its registered office or principal place of business) within the court division;
- it appears necessary or expedient with a view to the better administration of justice that the person charged with the offence should be tried or jointly tried with, or in the same place as, some other person who is charged with an offence and who is in custody or is being or is to be proceeded against within that court division; or
- the court under any enactment or otherwise has jurisdiction to deal with the offence.

9. Offences alleged to have been committed on boundaries or on journeys should be treated as follows:

- (a) where an offence has been committed on the boundary between two or more court divisions, or within 500 yards of such a boundary, or in any harbour, river, arm of the sea or other water lying between them, the offence may be treated for the purposes of this direction as having been committed in either or any of these court divisions.
- (b) an offence begun in one division and completed in another may be treated for the purposes of this direction as having been committed in either.
- (c) where an offence has been committed on any person or on or in respect of any property in or on a vehicle or vessel engaged on any journey or voyage through two or more court divisions, the offence may be treated as having been committed in either or any of those court divisions.
- (d) where the side or any part of a road or any water along which a vehicle or vessel passed in the course of the journey or voyage (upon which an offence was committed) forms the boundary between two or more court divisions, the offence may be treated as having been committed in either or any of those court divisions.

10. The document at **Annex 2** sets out the court venues for particular areas at which magistrates' courts criminal cases, including youth court cases should commence, as determined by the wards within the local government electoral district.

11. A court sitting on a Saturday or Sunday, or on a bank or public holiday can deal with cases from any administrative court division. If a further hearing is required, the case should then be transferred to the appropriate local court venue as identified in the tables in **Annex 2** to this direction.

12. Applications or appeals will normally be listed before a magistrates' court for a court division where one of the parties to the proceedings is resident (or in the case of a body corporate has its registered office or principal place of business) within the court division, or where it relates to –

- criminal proceedings which are to be listed within that court division;
- anything done within the court division for which the court sits;
- anything left undone that ought to have been done within that court division;
- anything done or which ought to have been done either within that court division or elsewhere by a person residing or carrying on a business within that court division;
- any lands, premises or property situated within that court division;
- any matter arising within that court division; or
- any order made or other thing done by a court for that court division.

The Guiding Principle Magistrates' Courts – Civil & Domestic

13. The guiding principle governing the listing of magistrates' court civil business and domestic proceedings is that a magistrates' court for a court division shall hear and determine a complaint or other application/appeal where one of the parties to the proceedings is resident (or in the case of a body corporate has its registered office or principal place of business within the court division, or where it relates to –

- anything done within the court division for which the court sits;
- anything left undone that ought to have been done within that court division;
- anything done or which ought to have been done either within that court division or elsewhere by a person residing or carrying on a business within that court division;
- any lands, premises or property situated within that court division;
or
- any order made, licence granted or other thing done by a court for that court division.

14. The tables at **Annex 2** should be used by the party commencing proceedings to determine in which court venue the proceedings should

originate. For example, if a party wishes proceedings to be dealt with by the appropriate local court in the administrative court division in which they reside, they should use the tables to determine the appropriate court; or alternatively if they wish the proceedings to be dealt with by the appropriate local court in the administrative court division in which the premises which give rise to the proceedings are situated, then the tables should be used to identify the appropriate court.

Family Proceedings Courts

15. The guiding principle governing the listing of business before a Family Proceedings Court is that proceedings may be commenced, and the court hear and determine a complaint or other application where one of the parties to the proceedings or a child is resident within the administrative court division; or there are pending, or have been, in the same court, any other family proceedings which affect or are connected with a child to whom the subsequent proceedings relate.

16. The tables in **Annex 2** should be used to determine in which court venue family proceedings originate, depending on where the party commencing the proceedings determines the case should be dealt with. For example, if it is determined that the proceedings should be issued in the administrative court division in which the children are resident, the tables at **Annex 2** should be used to identify the appropriate court venue.

The Guiding Principle Family Care Centre

17. The listing of business before a Family Care Centre shall be determined with reference to the location of the Family Proceedings Court from which the proceedings originated.

18. Cases which are referred from the Family Proceedings Courts listed in Column (1) of the table below, will be listed in the corresponding Family Care Centre in Column (2):

Family Proceedings Court venue (Column 1)	Family Care Centre listing venue (Column 2)
Antrim Belfast Newtownards	Belfast
Craigavon Lisburn Newry	Craigavon
Ballymena Coleraine	Belfast Family Care Centre sitting in Coleraine
Londonderry	Londonderry
Dungannon Omagh	Dungannon

The Guiding Principle County Court

19. The Guiding Principle governing the listing of county court business is that proceedings may be commenced or heard in a county court for the administrative court division where the defendant is resident or carries on business (or in the case of a body corporate has its registered office or principal place of business), or

- in a court for the administrative court division in which the cause of action wholly or partly arose;
- in proceedings relating wholly or partly to premises, property or land, in a court for the administrative court division in which the premises, property or land or any part thereof is or was situated;
- in proceedings relating to any trust, in a court for the administrative court division in which the persons instituting the proceedings, or any of the trustees reside or in the court in which any fund to which the proceedings relate has been lodged;
- in proceedings for the administration of or otherwise in relation to the estate of a deceased person, in a court for the administrative court division in which that person last resided or carried on business, or in which any of the executors or administrators reside; or
- in proceedings relating to any order made, licence granted or other thing done by a court or otherwise in a court for that administrative court division.

20. The tables in **Annex 2** should be used to determine in which court venue the proceedings originate.

21. Where the plaintiff sues as the assignee of a debt or other legal thing, in action, proceedings may be commenced in any court in which, but for the assignment, the action might have been commenced.

22. Proceedings for an appeal from a magistrates' court shall be commenced in a court for the administrative court division in which the decision appealed against was made.

The Guiding Principle Small claims

23. A small claims hearing may take place-

- in a court in the court division in which the applicant or one of the applicants lives or carries on business; or
- in a court in the court division in which the respondent or one of the respondents lives or carries on business.

24. The Tables in **Annex 2** should be used to determine in which court venue the proceedings originate, depending on how where the party commencing the proceedings determines the case should be heard.

Temporary arrangements

25. For the time being, the wards listed below (which were formerly part of Lisburn Local Government District but are now within Belfast Local Government District) shall be treated as if they are part of the South Eastern Administrative Court Division:

- Ladybrook
- Dunmurry
- Lagmore
- Poleglass
- Twinbrook

26. This will mean that court business from these areas may continue to be listed in Lisburn Court (and then onward to Craigavon Court on appeal or committal) pending any review of these listing provisions. These temporary arrangements are reflected in the tables at **Annex 2**.

Departure from the Guiding Principle

27. Without prejudice to the role of the Chief Clerk or Clerk of Petty Sessions or any person authorised by him/her, in taking routine day to day decisions on workload allocation, the guiding principle may, with the agreement of the Lord Chief Justice or local judiciary, be departed from for good reason.

28. A party to the proceedings can apply for a case to be transferred to a different court venue, either within the administrative court division, or to a court venue outside that administrative court division. If a party wishes to make an application that a case be transferred to another court venue, or another court division they should make this application in writing, in a form which is attached to this direction entitled **APPLICATION FOR TRANSFER** and it must demonstrate good reason for the transfer.

29. The application for a case to be transferred will be determined by the Judge, after considering the grounds which have been set out in the written application, and after taking any views or submissions from parties in the case on or after the first hearing, first appearance or first review of the case.

30. The application for a transfer is made to the Judge who is dealing with the case in the originating court. The Judge will determine the application for transfer after seeking the views of the Judge who will ultimately receive the case if the application for a transfer is successful.

31. A Judge before whom a case is listed, or a Presiding Judge in relation to any case, may, on his or her own motion, transfer a case for good reason.

32. 'Good reason' may include –

- (a) the consolidation of similar complaints or proceedings in relation to the same party or parties;
- (b) the place in which the witnesses or the majority of witnesses reside;

- (c) the place where other cases raising similar issues are being dealt with;
- (d) the need to deal with cases of a specialist nature or requiring special measures, special technology equipment, or victims and witnesses facilities;
- (e) the need to prevent an appearance of bias on the part of the tribunal;
- (f) the efficient management of court accommodation;
- (g) the avoidance of unnecessary delay;
- (h) to facilitate the efficient distribution and disposal of business;
- (i) for reasons of pressing need where court facilities have been damaged or are otherwise not available;
- (j) at the request of a party, victim or witness to the proceedings (*for example a victim in a domestic violence case, or a child witness*); or
- (k) otherwise in the interests of justice.

Ancillary issues

33. Nothing in this direction shall operate to exclude the jurisdiction of any magistrates' court or county court by virtue of any other provision. Any apparent conflict or omission shall be dealt with by judicial discretion pending a revision of this direction.

34. Where proceedings are already before a court, or have been listed to commence in a court prior to the single jurisdiction provisions coming into operation, those proceedings shall continue to be dealt with in that court venue.

OFFICE OF THE LORD CHIEF JUSTICE
25 October 2016

LORD CHIEF JUSTICE'S DIRECTION 05/16

SINGLE JURISDICTION

APPLICATION TO TRANSFER A CASE

Please refer to the notes for completion below

Icos Number:

Name of Case:

Criminal/Civil/Family:

Details of Party making the application to transfer:

Date and location of next court hearing:

An application is made by _____ to transfer this
case from _____
to _____
on the following grounds:

Signed _____

NAME, ADDRESS, CONTACT DETAILS

To be completed by the Court:

Application to Transfer Granted/Refused/Withdrawn:

Date:

Signed:

Notes for completion:

- 1 This form must be completed in all cases where a party is making an application to transfer a case.
- 2 This form when completed should be sent to the court where the proceedings are originating, not the court where it is sought the transfer to.
- 3 In criminal cases, the party seeking the transfer should alert the court and all other parties to the case as soon as they are aware that an application to transfer the case to another venue is likely to be made, by informing the court orally or in writing in advance of the formal notice being lodged. The appropriate form should be submitted to the court, and sent to all other parties in the case well in advance of the case being fixed for contest or trial.
- 4 In non-criminal cases, the party seeking the transfer should complete this form and lodge it with the court. Any application to transfer a case will not be determined by the Judge prior to the first hearing.
- 5 Parties to proceedings will have an opportunity on or after the first hearing to inform the court of their attitude to the application to transfer and make representations.