

**Public Consultation**  
**Draft Code of Conduct in relation to McKenzie Friends and**  
**revised Practice Note 03/2012**

The courts in Northern Ireland, as in other jurisdictions in the United Kingdom, have seen an increase in the number of self-represented litigants in recent years. Those who do not have legal representation may be permitted to have a lay advisor in court to assist them, at the judge's discretion, but such persons are only exceptionally given a right of audience. Such an advisor is commonly known as a McKenzie friend.

Having considered recommendations CJ 96, CJ 97 and CJ 98 in the Civil Justice Report the shadow Civil Justice Council hopes that the draft Code of Conduct will ensure appropriate control on the use of McKenzie Friends and if followed in conjunction with the revised Practice Note 03/2012 will enable a McKenzie Friend to be of assistance to the court.

A draft Code of Conduct and revised Northern Ireland Practice Note has been drafted and is now open for consultation. It sets out the existing law in Northern Ireland and largely follows the English model but takes into account the main Northern Ireland case law and relevant rules of court.

Although the shadow Civil Justice Council is not a public authority for the purposes of s. 75 of the Northern Ireland Act, consideration has been given to the equality impacts of this proposal. It is considered to have positive equality impacts for those who do not speak English as a first language and for people with certain disabilities, who may find it of particular benefit to have someone to assist them during the hearing. It should be emphasised that McKenzie friends are not considered to be a substitute for interpreters and other professionals who ensure the right of access to justice in cases where they are required and the proposed draft Code of Conduct and revised Practice Note does not affect the provision or funding of these services.

If you would like to respond to this consultation, please reply to Catherine Di Maio, the secretariat of the shadow Civil Justice Council by **22 January 2024** by e-mail at [LCJOREform@courtsni.gov.uk](mailto:LCJOREform@courtsni.gov.uk) or in writing to: Reform Branch, Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF. If you need any help in responding or would like this letter and draft practice note and draft code of conduct in another language or format, please let me know. A summary of responses may be published. While we cannot guarantee confidentiality for any response you may give, we will be happy to consider any reasons you have for wishing to seek confidentiality for all or part of your response.