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Report of the Committee
on County Courts and
Magistrates' Courts in
Northern Ireland

*Presented to Parliament by the Secretary of State for Northern Ireland
by Command of Her Majesty*

December 1974

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COMMITTEE ON COUNTY COURTS AND MAGISTRATES' COURTS
IN NORTHERN IRELAND

The Right Honourable Lord Justice Jones (*Chairman*)

His Honour Judge Higgins, Q.C.

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Miss B. M. H. Patterson
(*Secretary*)

- (1) During the period for which the Committee sat Mr. McGrath was appointed a County Court Judge.
- (2) Mr. Baxter resigned during the period of the Committee's deliberations and was not replaced.
- (3) Mr. Willis resigned from the Committee on 12 December 1972.

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To:— The Right Honourable William Whitelaw, M.C., M.P.
One of Her Majesty's Principal Secretaries of State.

INTRODUCTION

We were appointed in October 1972 with the following terms of reference:—
“With a view to ensuring efficient and speedy administration of justice, to examine, if necessary recommend changes, and to report to the Secretary of State on the following:—

A. COUNTY COURTS

- (i) Jurisdiction:
 - (a) Original Criminal;
 - (b) Appeals from Resident Magistrates;
 - (c) Civil.
- (ii) Territorial Areas and Boundaries:
 - (a) County Court Judges:
 - (i) The number required;
 - (ii) Their interchangeability;
 - (iii) Any need for control by a President;
 - (b) Venues.
- (iii) Directions as to sittings, dates and times.

B. MAGISTRATES' COURTS

- (i) Magistrates:
 - (a) The number required;
 - (b) Their interchangeability;
 - (c) The need for a Chief Magistrate;
 - (d) Deputy Resident Magistrates.
- (ii) Venues.
- (iii) Directions as to sittings, dates and times.

C. GENERAL

- (i) Convenient venues for trials.
- (ii) Convenient committal of accused for early trial.
- (iii) Convenient venues for Magistrates' Court Appeals.
- (iv) Co-ordination of legal areas with—
 - (a) new Local Government administrative areas;
 - (b) police divisions.
- (v) Impact of new Local Government proposals upon these courts.”

There have been eight meetings of the Committee as well as several consultations between the Chairman, Secretary and individuals about the matters contained in our terms of reference.

On entering upon our deliberations it soon became apparent that a proper consideration of the subjects referred to us could not be carried out without touching on matters which were not within our terms of reference. We felt, however, that as this was inevitable we should express our views on these connected matters rather than leave gaps in our recommendations due to failure to explain how our recommendations might fit in, or be made to fit in, with the legal system generally.

We have had the advantage of very helpful written submissions—made either expressly in relation to our inquiry or in relation to prior or concurrent inquiries on connected matters—from County Court Judges, Resident Magistrates, the Bar Council, the Incorporated Law Society and some solicitors individually, Clerks of the Crown and Peace and Clerks of Petty Sessions. The observations of County Court Judges were most helpfully supplemented by His Honour Judge Brown QC, who attended a meeting with the Chairman and His Honour Judge Higgins QC, and similar supplementation of the views of Resident Magistrates and Clerks of Petty Sessions was provided respectively by Mr. W. P. Doyle, Q.C. (then a Resident Magistrate) and by Messrs. R. I. Taylor and F. A. Edgar, all of whom attended one of our meetings and gave their views, individually in the case of Mr. Doyle, and collectively in the case of Messrs. Taylor and Edgar who represented the Clerks of Petty Sessions. We are also grateful to Mr. A. J. Walmsley, R.M. who provided us with a very full and helpful memorandum on the working of the office of President of the District Court in Eire. Amongst many other documents, we have considered in particular the important Interim Report of the Joint Committee on Civil and Criminal Jurisdiction in Northern Ireland (hereinafter called “the Joint Committee”) and the Report of a Working Party on County Court Organisation set up in March 1970.

In certain instances we have differed from the recommendations of the Joint Committee. However, when it is apparent that our terms of reference have necessitated our viewing matters from a rather different angle and in somewhat different conditions we think that our views are reconcilable in principle with those of the Joint Committee.

During our deliberations Mr. J. L. Baxter found it necessary to withdraw from the Committee due, *inter alia*, to other public commitments.

In our recommendations we have tried to avoid going into matters in too great detail. We have done this for two reasons. Firstly, we feel that once principles or guidelines are agreed upon, as free a hand as possible should be given to those who have to work out the details of proposals and, secondly, we were asked, when we were constituted as a committee, to be as expeditious as possible and so it seemed to us that views on general principles where what really were required and that except in rather special cases it was not appropriate to go into details.

Finally we wish to place on record our thanks to our Secretary, Miss Brenda Patterson, for her unfailing courtesy and assistance to the Committee and the assiduity with which she provided us with information, and we would also like to thank Mr. Willis, and Mr. Hall, who succeeded him, each of the Ministry of Home Affairs, for their assistance in the role of technical advisers in the course of which they provided very helpful papers.

In setting out the terms of our Report we have adhered to the headings of our Terms of Reference except that in Part C we have adhered less to specific headings.

A. COUNTY COURTS

JURISDICTION

Original Criminal Jurisdiction

Considerations

1. The Supreme Court and its functions are not within our terms of reference. Nevertheless since the present original criminal jurisdiction of the County Court is almost co-extensive with that of the High Court we felt that we had to look at the overall position in order to deal with this aspect of our terms of reference. In the vast majority of cases (apart from those now covered by emergency legislation) the court to which an accused person is returned for trial is a matter of chance depending on whether the next available court is an Assize Court or a County Court. Whilst every effort is made to co-ordinate Assize and County Court sittings so as to provide for each County a competent court at regular intervals, problems have arisen in practice. County Court sittings have to be arranged a year ahead and Assizes must be fixed with regard (*inter alia*) to the exigencies of other High Court business with the result that in recent years it has not always been practicable to keep this even flow. In recent years there have been many instances of Assizes and County Courts for the same County sitting almost contemporaneously thus involving two arrays of jurors drawn from the same County with consequent inconvenience to a greater number of the public and added administrative work and cost. The problem has been evidenced most acutely in Belfast where the Crumlin Road Courthouse serves the City of Belfast and also County Antrim. Frequently the Belfast City Commission, the Recorder's Court and the Antrim County Court are sitting at the same time and Assizes have added to the complications. Even apart from the problems and anomalies created by such a situation the question arises whether this dual system of criminal jurisdiction is justifiable at the present time. The Committee is firmly of the opinion that it is not. It is anachronistic and inefficient and makes undue demands upon the public, jurors, the legal profession, the courts' staff and the police. It therefore seems to the Committee that the time is ripe for the establishment of a unified system of courts for the trial of indictable offences. The basic approach should be unification and rationalisation with a view to attaining maximum efficiency and expedition in the dispatch of criminal business. Fundamental to such a system would be the involvement therein of both High Court and County Court Judges. We envisage, as part of such a system, one central court in Belfast (to take over the administration of criminal justice in Belfast) in which the Recorder of Belfast and other County Court Judges would assist High Court Judges in the dispatch of the court's business.

2. Outside Belfast, the Committee feels that, in almost every eventuality, there is a strong case for a local hearing of certain indictable cases, which would also have the advantage of bringing the administration of the criminal law to the country districts.

3. The Committee does not know what may be contemplated in the matter of the Assizes, but if the County Courts as such, outside Belfast, retain their criminal jurisdiction the situation might arise in which a serious case, either beyond the jurisdiction of the County Court or involving matters too serious or complicated for trial in the County Court, would fall to be tried locally.

4. The Committee has accordingly sought to consider whether the idea of a central court in Belfast could be combined with the present County Courts under a system of Crown Courts which could (as mentioned above) be manned by High Court and County Court Judges. The Committee feels that this would be a simple and practical solution and would have much to commend it in the interests of expedition and efficiency, and also feels that such a procedure would keep a general similarity in principle between the position in Belfast and that in the counties. Moreover such a system, the Committee feels, could be moulded on to the existing system with the minimum of legislation.

Recommendations

5. The Committee's recommendations, on this topic, are as follows:-

- (i) All County Court Judges should retain their present jurisdiction to sit to hear criminal cases.
- (ii) All Judges (High Court and County Court) should be available to sit as part of a Crown Court system.
- (iii) In the Belfast area (the extent of which is shown on the map at Appendix 1 as Areas 25 and 26) the Crown Court, by whatever name it might be called, should take over the present jurisdiction and functions of the Belfast City Commission and the original criminal jurisdiction and functions of the Belfast Recorder's Court and of the County Courts of Antrim and Down in respect of those parts of those counties which are included in Areas 25 and 26. In the country areas (i.e. the whole Province less the Belfast area) the Crown Court should take over the present criminal jurisdiction and functions of the Assizes and the original criminal jurisdiction and functions of the County Court.
- (iv) In the Belfast area the Crown Court should be manned judicially by such Judge or Judges as the Lord Chief Justice should from time to time determine.
- (v) In the country areas the Crown Court should be manned judicially by the County Court Judge for the district, with such assistance from another County Court Judge or Judges as may be necessary and, if any case of unusual importance or difficulty, or in excess of a County Court Judge's jurisdiction, should arise for hearing in a local venue, a High Court Judge should be sent by the Lord Chief Justice to the venue in question to deal with it.
- (vi) In the Belfast area the Crown Court should sit up to ten months in the year, the dates, and number of Courts up to ten to be fixed annually in advance by the Lord Chief Justice. At each Court a High Court Judge would preside, unless otherwise directed by the Lord Chief Justice, and the presiding judge would allocate the business among himself and any judges sent there to assist him.

- (vii) In the country areas the Crown Court should sit six times each year in each district or circuit area. At each Court the County Court Judge for the district or circuit should preside and allocate the work among himself and any County Court Judge or Judges, who might be sent to assist him. Any High Court Judge sitting at such a Court would merely deal with the case or cases with which he was sent by the Lord Chief Justice to deal.
- (viii) The Lord Chief Justice should have the power to direct extra sittings of the Crown Court to be held at any time and at any place that he might determine and to be manned as he should think right.
- (ix) Wide powers of adjournment should be conferred to enable adjournment of cases between the central court in Belfast and other Crown Courts to be effected.

Appeals from Resident Magistrates

6. On the general point here involved the Committee sees no reason to alter the present position in principle. There are matters, such as timing of appeals and sittings of the County Court and the court to which an appeal can be brought, that require consideration but these matters will be dealt with later.

Civil jurisdiction

Considerations

7. The present limit of jurisdiction of £300 in common law cases originated by Civil Bill (which constitute the bulk of Civil cases in the County Court) has one important consequence, namely that it contributes to the High Court lists being crowded with small cases. This is borne out by the experience of High Court practitioners who agree that the incidence of gross verdicts below, or very close to, £300 is too high. Of course if this state of affairs was necessary it would be completely justified but when one realises the depreciation in money values since the limit of £300 was prescribed in 1955, it is, in the Committee's view, impossible to say that such a limit is necessary. The High Court has recently (Order LXV r.61(42)) altered the costs rule to increase the penalty in costs imposed on a litigant who recovers in the High Court a gross verdict which is within the County Court jurisdiction, but that ameliorating step remains only partially effective while the limit of County Court jurisdiction remains at £300.

8. Furthermore the matter must be viewed in the context, partially contributed to by the recent additional commitments in the criminal courts, of 1,426 High Court civil actions awaiting disposal as at 20 September 1973 as against 921 on 30 June 1972. The Committee has considered the percentages of verdicts given at page 7 of the Joint Committee's Report and has caused the figures to be brought forward to cover 1971 in which year out of 944 High Court actions disposed of 195 resulted in verdicts of £500 or less and a further 138 resulted in verdicts of £750 or less. But these figures can only give a rough guide as, of the 944 actions disposed of in 1971, 116 were withdrawn, settled by Registrars' Orders or resulted in verdicts for defendants or disagreements.

9. Though the need for an increased jurisdiction is mainly felt in common law suits it also arises throughout the whole range of the County Court jurisdiction.

10. The Incorporated Law Society of Northern Ireland suggested to the Committee that a divorce jurisdiction should be conferred on the County Court as it felt that the retention of this jurisdiction exclusively in the High Court is unwarranted and contributes to the overload of work in the High Court. There is no public demand for such a change and the Committee does not consider that the number of divorce cases is such as to justify any extension of the County Court jurisdiction in this respect.

11. The Admiralty jurisdiction of the Belfast Recorder is very rarely exercised and the Committee feels that it should be abolished.

12. The Committee is aware of the recent introduction in England of new facilities for arbitration in small claims in the County Court. The Committee realises that its later recommendations as to an increase in Petty Sessions civil jurisdiction, if accepted, would go some way, but only some way, towards achieving much the same object. The Committee feels that while this topic is too far outside the Committee's terms of reference to justify more than passing mention, consideration should be given to the need for such a service in Northern Ireland.

Recommendations

13. The Committee's recommendations, on this topic, are as follows:-

- (i) The Committee does not recommend any change in the nature of the County Court's jurisdiction—as distinct from its monetary extent—except that the Admiralty jurisdiction of the Belfast Recorder's Court should be abolished.
- (ii) In common law claims originated by Civil Bill the Committee recommends an increase to £750 with power thereafter to make further increases by Order up to say £1,000 which might conveniently be effected by Statutory Instrument, but any such proposal should be subject to the affirmative resolution procedure.
- (iii) In claims other than those mentioned in sub-paragraph (ii) the Committee recommends increases to the following figures:-

<i>Enactment</i>	<i>Present limit of jurisdiction</i>	<i>Recommended new limit of jurisdiction</i>	<i>Limit to which the jurisdiction might be raised by Order (see recommendation (ii))</i>
The County Courts Act (Northern Ireland) 1959 (c. 25)			
Section 10(2) (Libel and slander)	"fifty pounds"	"£200"	£300
Section 10(6) (rent)	"three hundred pounds"	"£750"	£1,000
Section 11(2)(a) (Gross value of estate)	"two thousand pounds"	"£3,000"	£5,000
Section 11(2)(b) (Legacies and annuities)	"three hundred pounds"	"£750"	£1,000
Section 11(2)(c) (Legacies etc., charged on land)	"three hundred pounds"	"£750"	£1,000

<i>Enactment</i>	<i>Present limit of jurisdiction</i>	<i>Recommended new limit of jurisdiction</i>	<i>Limit to which the jurisdiction might be raised by Order (see recommendation (ii))</i>
Section 11(3) (a) principal (b) annual sum, interest or rent charge)	(a) "one thousand pounds" (b) "three hundred pounds"	(a) "£2,000" (b) "£750"	(a) £3,000 (b) £1,000
Section 16(a) (Equity: Administration of estates)	"one thousand pounds"	"£2,000"	£3,000
Section 16(b) (Equity: Administration of trusts)	"one thousand pounds"	"£2,000"	£3,000
Section 16(d) (Equity: Specific performance)	"one thousand pounds"	"£2,000"	£3,000
Section 16(e) (Equity: Relief against fraud, mistake)	"one thousand pounds"	"£2,000"	£3,000
Section 16(f) (Equity: Partnerships)	"one thousand pounds"	"£2,000"	£3,000
Section 16(j) (Equity: Proceedings under Settled Land Acts)	"one thousand pounds"	"£2,000"	£3,000
Section 16(l) (Equity: Trustees Act (Northern Ireland) 1958)	"one thousand pounds"	"£2,000"	£3,000
Section 16(m) (Equity: Infants)	"one thousand pounds"	"£2,000"	£3,000
Section 16(n) (Equity: Construction of deeds, wills, etc.)	"one thousand pounds"	"£2,000"	£3,000
Section 17 (Contentious probate)	"two thousand pounds"	"£3,000"	£5,000
Section 18 (Administration pendente lite)	"two thousand pounds"	"£3,000"	£5,000
Judgments (Enforcement) Act (Northern Ireland) 1969 (c. 30)			
Section 88(2)(a)(i) (Committal for default)	"three hundred pounds"	"£750"	£1,000
Registration of Deeds Act (Northern Ireland) 1970 (c. 25)			
Section 17(1) (Breach of statutory duty by registry officials)	"three hundred pounds"	"£750"	£1,000

No alteration is recommended in the figures set out elsewhere in the sections referred to above but not recommended for increase.

TERRITORIAL AREAS AND BOUNDARIES

The number of County Court judges required

Considerations

14. At the present time there are nine County Court Judges, five of whom are assigned to divisions. The Recorder of Londonderry and the County Court Judge for Tyrone also have responsibility for County Antrim. In addition, assistance is had from Deputy County Court Judges appointed temporarily under Section 107 of the County Courts Act (Northern Ireland) 1959. The use made of Deputy Judges has been quite extensive, in fact in 1971 and 1972 it amounted to the figures shown hereunder, but it should be pointed out that the establishment of County Court Judges was increased from seven to nine in 1973.

	1971	1972
Belfast	160 days	64 days
Tyrone and part of Antrim	65 days	4 days
Down	28 days	10 days
Londonderry and part of Antrim	24 days	27 days
Fermanagh and Armagh	8 days	3 days
Additional Courts for Criminal Injury Claims	30 days	83 days

15. In 1971, accordingly, Deputy Judges sat on 315 days as compared with 723 days on which the "regular" County Court Judges sat and for 1972 the corresponding figures were 191 and 1,089.

16. While realising the necessity for using, on occasions, Deputy Judges, the Committee would prefer to see the employment of such Judges reduced to the minimum.

17. At this time the County Courts, as a result of the disturbances, have unusually heavy lists of criminal cases, both in their original and appellate jurisdictions, and of claims under the Criminal Injuries Acts. It is impossible to predict for how long this state of affairs will last and what effect the operation of the Northern Ireland (Emergency Provisions) Act 1973 and of the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971 will have on the workload of County Court Judges. But the Committee considers it likely that, if its recommendations in relation to the increase of jurisdiction are implemented, there could be a need for another County Court Judge. This is a matter which will have to be kept constantly under review.

Recommendations

18. The Committee's recommendations, on this topic, are as follows:—

- (i) The number of County Court Judges required should be constantly kept under review.
- (ii) One Judge would be needed for each of the seven circuits recommended (see later in this Report); and two, or possibly three, additional Judges would be required for the proper dispatch of business. Of course it is not possible to assess with certainty the effects in practice of the changes recommended and one cannot foresee how long the present pressure of business (e.g. in crime and malicious injuries) may persist but the object should be to reduce to a minimum the employment of Deputy County Court Judges. It should be borne in mind that arrears should not be allowed to mount so as to become unmanageable.

The interchangeability of County Court Judges

Considerations

19. It would seem to be desirable that any County Court Judge should be able to act in any part of Northern Ireland. It would also seem to be desirable that a Judge, whose area might, for some reason, temporarily produce a small amount of work, should be in a position to help out one of his brethren in a busier area. At the same time the Committee feels that it is desirable that a Judge appointed for an area, be that area a division or a circuit, should become identified with that area and be protected from just being moved about irrespective of his consent.

Recommendations

20. The Committee's recommendations, on this topic, are as follows:—

- (i) All County Court Judges should have jurisdiction to act and sit anywhere in Northern Ireland.
- (ii) Any Judge presently appointed to a circuit or area (see Section 102(1) of the County Courts Act (Northern Ireland) 1959) should only be called on to act outside the area to which he is appointed with his consent. This arrangement, however, should be reasonably operated both ways. Unreasonable demands should not be made on County Court Judges and they in turn should be reasonable in giving or withholding consent. That is the only basis on which this system could work.
- (iii) As at present a County Court Judge should be appointed either to a specific circuit or area or to act generally as a peripatetic. A peripatetic Judge should be appointed to act, and should have to act, anywhere in Northern Ireland as required. The Judge appointed to a circuit or area should be able to act anywhere in Northern Ireland but should only be required to act out of his area with his consent—see sub-paragraph (ii). Special terms might be agreed on a Judge's appointment to cover the position where a circuit or area was turning out to be producing a small amount of work, and yet that position did not seem constant enough to justify an alteration in areas.
- (iv) Assuming that the Committee's recommendation (see later in this Report) for the creation of seven circuits is accepted, the Committee considers that seven County Court Judges should be appointed to those circuits and that the remaining County Court Judges should be peripatetic.
- (v) Original criminal work (apart from Belfast) should, initially and as far as possible, be kept in the hands of the regular County Court Judge appointed to a circuit or area. Otherwise one might get the position of a peripatetic Judge going to hear a case which might well have to be adjourned for some purely formal reason, or to enable further information to be obtained, thereby necessitating a second visit for maybe one case.

Control of County Court Judges by a President

Considerations

21. The Committee has considered the position which obtains in the Republic of Ireland where there is a President of the Circuit Court and also a President of the District Court (which corresponds to the Magistrates' Court in Northern Ireland).

22. There does not appear to be any need to appoint a President of the County Court, if the Committee's recommendations for administrative reorganisation hereinafter set out are accepted.

23. If the Committee's proposal for the utilisation of County Court Judges as part of a Crown Court system is accepted there would be an obvious need for co-ordination of the High Court and County Court Judges in relation to criminal work, and also the need for the manning of the County, or circuit, Courts in their civil jurisdiction would remain.

24. Having carefully considered this position, the Committee feels that in an area of the size of Northern Ireland there is a strong case for the administration of all courts by one authority.

25. At the moment the three courts staff services (that is those of the Supreme Court, the County Court and the Magistrates Court) are separate. It is felt that they should be unified and a proper courts service should be established, which would provide a proper career structure for members of this unified staff. Opportunity should be given to members of the service to receive instruction at courses, which might be arranged in conjunction with an Institute of Further or Continuing Education, and would lead to a Diploma in Courts Administration. The attendance of members of the staff at such courses should be facilitated by a day release or other scheme involving no loss of salary.

Recommendations

26. The Committee's recommendations, on this topic, are as follows, though as this is largely outside the Committee's terms of reference, it is felt that it should be mentioned only in a general way except in the matter of control by a President:

- (i) The Committee sees no case for the control of County Courts by a President.
- (ii) A Department should be formed to administer the courts service in the Supreme Court, County Court and Magistrates' Court. It is this Department which is later referred to as the "responsible authority".
- (iii) This Department should work under the directions and supervision of the Lord Chief Justice of Northern Ireland.
- (iv) It is, in the Committee's view, vital that the Lord Chief Justice should have effective control of this unified courts service in the same way as he has hitherto had, and has, effective control of the Supreme Court Service and in much the same way as, prior to 1920, the Lord Chancellor of Ireland had control of all the courts services though by reason of the smaller area involved the Lord Chief Justice's powers in relation to the service might be more comprehensive than were those of the Lord Chancellor of Ireland and this would tend towards less severance of certain aspects of administration. The result of this would be that the County and Magistrates' Courts services would form part of the Department mentioned in sub-paragraph (ii) and be administered— together with the Supreme Court service—by, or under the direction of, the Lord Chief Justice.

- (v) The Department referred to should be housed for preference in the Royal Courts of Justice but certainly not physically far therefrom. It is impossible for the Committee to forecast how many persons the Department would require but it should include a senior officer from the Supreme Court, a senior officer in the County Court service and an experienced Clerk of Petty Sessions.

Venues

27. It is felt that this topic, both at County Court and Magistrates' Court level, is best deferred to the end of this Report and there dealt with under Part C.

DIRECTIONS AS TO SITTINGS, DATES AND TIMES

Considerations

28. Here in general the view was expressed that more frequent sittings of the County Court are required than are presently held. The choices really lie between a County Court sitting by terms from 11 January to 31 March, 15 April to 30 June, and from 15 September to 18 December, on the one hand, and, on the other hand, six courts in the year. In practice, whichever solution is adopted, the County Court sits in almost constant session and it has to be realised that, in the public interest, a Judge must have adequate vacations and time for consideration of the more difficult type of case. It should be pointed out that one very experienced County Court Judge, with whom the matter was discussed by the Chairman and Judge Higgins on behalf of the whole Committee, queried the practicability of having six courts—particularly six criminal Courts—in the year.

Recommendations

29. The Committee's recommendations, on this topic, are as follows:—

- (i) Having given careful consideration to the matter the Committee feels that the holding of six courts each year in each circuit area has so much to recommend it that it should be given a chance, particularly as many views favoured such a course. Of course if, on its introduction and after a fair trial, it is found that the objections to such a course outweigh the advantages, the matter could be adjusted by the responsible authority.
- (ii) On the basis of the above recommendation it is further recommended that courts should be held in Belfast to hear civil cases and in areas outside Belfast to hear criminal as well as civil cases as follows:—
 - (a) Starting in the first week of January.
 - (b) Starting the last week of February.
 - (c) Starting in the third week of April.
 - (d) Starting in the first week of June.
 - (e) Starting in the second week of September.
 - (f) Starting in the first week of November.

- (iii) The Committee feels that there is an unanswerable case for an August vacation sitting of the County Court. This should only have to cater for Appeals from Magistrates in custody cases, and other urgent matters. The Committee feels that such a sitting should take place in Belfast—the Judge to sit and the date to be arranged by the responsible authority after consultation with the Clerk of the Crown and Peace for Belfast and, of course, the County Court Judges.
- (iv) An appeal against a Magistrate's conviction should be capable of being lodged at once and put into the Judge's list even for a court then sitting. The case would then take its place in the Judge's list.
- (v) As regards the above times for sittings, of course it should be clearly understood that they are only suggestions. The County Court Judge should have a considerable degree of control over fixing his sittings within the framework of six courts. It should be noted that we have referred throughout to the County Court Judge as such even if his area (see later recommendations) should not be entirely that of a county.

B. MAGISTRATES COURTS

The headings in this Section are taken generally rather than set out specifically:

Considerations

30. The present number of Resident Magistrates has recently been increased to seventeen and there are four Deputy Resident Magistrates. The number of sitting days of regular Resident Magistrates for complete years since 1967 was as follows:-

1968	2,404 days
1969	2,460 days
1970	2,609 days
1971	2,630 days
1972	2,540 days

and the number of days sat by Deputy Resident Magistrates for the same years was:-

1968	407 days
1969	319 days
1970	225 days
1971	429 days
1972	508 days

31. The fact that depositions can be and occasionally are taken by Justices of the Peace is the subject of criticism. Justices should be available to effect remands but only if Resident Magistrates are not available and only Resident Magistrates should conduct preliminary enquiries or investigations. Views were strongly expressed to the effect that the Magistrates' Courts are essentially courts of the people and should therefore sit locally and any proposal to reduce the number of venues should be considered carefully. Difficulties arise in getting summonses signed; these could be overcome if Clerks of Petty Sessions were allowed to sign as well as Justices, as is the case in England.

32. The Committee considered the extent of the civil jurisdiction and felt that it should be increased to reflect the decrease in the value of money.

33. Also representations were made to the Committee about the inadequacies of the buildings in which many Petty Sessions Courts are held and the Committee feels that there is little point in emphasising the importance of these courts without there being reasonable accommodation for the public. The Committee also has had regard to a contemplated extension of the specialist work of Resident Magistrates in regard to Juvenile Courts and domestic proceedings.

Recommendations

- 34. The Committee's recommendations, on this topic, are as follows:-
 - (i) The principle of Deputy Resident Magistrates does not commend itself to the Committee. It is accepted that some assistance by Deputy

Resident Magistrates will be required but it should be clearly understood that they should only be called upon in an emergency such as sudden illness, or wholly unexpected and unavoidable inability to sit, on the part of a Resident Magistrate. It is further considered that there should be a panel of Deputy Resident Magistrates and the responsible authority should select a deputy from the panel in rotation.

C. GENERAL

- (ii) As the difficult time for manning courts is the summer, the Resident Magistrates who are not specifically allocated to Districts should have a priority commitment to work during the summer months and so keep the courts going. They could be compensated by days off at other times of the year. This is a matter which could be dealt with by the responsible authority.
- (iii) The present establishment of seventeen Resident Magistrates and four Deputies seems adequate to man the courts. Of course if the workload should increase an additional appointment, or appointments, may have to be made but this is a contingency which is always within contemplation, just as the number could be allowed to fall if the workload should show a reduction.
- (iv) The Committee regards it as important that the Resident Magistrate should be identified with his area and for preference he should live either in, or very near to, it. Therefore the Committee feels that Resident Magistrates appointed to areas should have priority for their own areas but should be interchangeable and have an obligation to sit where sent and the exercise of supervision on the part of the responsible authority should adjust the matter quite satisfactorily.
- (v) The Committee sees no requirement for a Chief Magistrate. This is really dealt with under Part A where the same principles apply and we feel that the establishment of the responsible authority would render any such office wholly unnecessary.
- (vi) Justices of the Peace should be available for, and competent to exercise, their present jurisdiction subject to the restrictions already mentioned as to the holding of preliminary inquiries or investigations and the effecting of remands.
- (vii) Arrangements should be made to enable Clerks of Petty Sessions to sign summonses.
- (viii) The civil jurisdiction of the Magistrates' Court should be increased to permit the trial of debt proceedings up to £100 in value (see Section 71(1) of the Magistrates' Courts Act (Northern Ireland) 1964), and ejectment proceedings where the rent does not exceed £110 a year (see Section 76(1)(a) of the Magistrates' Courts Act (Northern Ireland) 1964). These increases in jurisdiction should be effected irrespective of any possible involvement of the Petty Sessions Courts in the arbitration service mentioned in paragraph 12 above.
- (ix) Steps should be taken to provide proper Courthouse accommodation.

Note: The matter of venues, sittings, dates and times will be dealt with in Part C of this Report.

Convenient venues for trials - (a) Magistrates' Courts

Considerations

35. It seems to the Committee that it is necessary, for a proper consideration of the organisation best suited to conform with the new local government territorial arrangements now in force, to start at the bottom of the pyramid. Petty Sessions Districts, as we presently know them, are difficult to identify and the Committee feels that there is much to be said for making the Petty Sessions District coincide with the area of the District Council. Clearly one cannot foresee how precisely this will work out in practice. All it is possible to do is to select what appears to be the best of the possible courses which present themselves and the responsible authority can then effect such adjustments as appear necessary from experience. It will be observed that the Committee has not referred to the matter of the new Petty Sessions District proposals in relation to Police divisions. The Committee feels that it is more important to have regard to the local government areas, and both requirements cannot be met.

36. At the moment there are sixty-five Petty Sessions Districts which are run from twenty-four Petty Sessions offices. There are twenty-six District Council areas and if those areas were made the Petty Sessions Districts it appears that twenty-two of the twenty-four Petty Sessions offices could remain at their present locations thereby causing minimum disruption. As there are at present twenty-four Petty Sessions offices it follows that two have to be accounted for. These are (1) Craigavon where there are two Petty Sessions offices (Lurgan and Portadown) and (2) Down where there are two Petty Sessions offices (Downpatrick and Newcastle).

37. The Committee would be in favour of closing the Portadown and Newcastle Petty Sessions Offices thereby leaving twenty-two Petty Sessions Districts (in fact congruent with twenty-two District Council areas) with one Petty Sessions office in each.

38. But as there are twenty-six District Council areas and we have so far only dealt with twenty-two—on the basis that each will be a Petty Sessions District—that leaves four such Districts unaccounted for. These are firstly Newtownabbey which has no Petty Sessions office but which could conveniently be served from Carrickfergus as it presently is. Secondly there are Ballymoney and Moyle but as representations have been received by the Ministry of Home Affairs from the local practitioners to have a Petty Sessions office opened in Ballymoney it is considered that such an office might be opened and it could serve both Ballymoney and Moyle. The remaining area which has no convenient centre is Castlereagh which could be administered from Newtownards. Of the two present Clerks of Petty Sessions who would be displaced on this basis one of those might be appointed to Ballymoney and the other to Castlereagh with an office in Newtownards.

39. So far as the venues for courts in the various districts are concerned, the Committee feels that the Magistrates' Courts should, where possible, bring the law to the people. On that basis we feel a system based on what presently operates should be adequate. It would be as follows, though it must be understood that the system recommended is based on conditions presently obtaining; it should be appreciated that future considerations may call for the closing, or indeed for the opening, of courts.

Recommendations

40. (i) On the above basis, which we recommend, the position would be as set out in the following table:-

<i>New District Council areas and Petty Sessions Districts</i>	<i>Existing Petty Sessions Districts</i>	<i>Proposed Petty Sessions offices</i>	<i>Proposed venue or venues</i>
1. Londonderry	Londonderry	Londonderry	Londonderry
2. Limavady	Limavady	Limavady	Limavady
3. Coleraine	{ Coleraine Garvagh Kilrea Portrush	Coleraine	Coleraine
4. Ballymoney	Ballymoney	Ballymoney	Ballymoney
5. Moyle	Ballycastle Cushendall	Ballymoney	Ballycastle Cushendall
6. Larne	Larne	Larne	Larne
7. Ballymena	Ballymena	Ballymena	Ballymena
8. Magherafelt	Magherafelt Maghera	Magherafelt	Magherafelt
9. Cookstown	{ Cookstown Pomeroy Money more	Cookstown	Cookstown
10. Strabane	{ Strabane Castle derg Plumbridge	Strabane	Strabane Castle derg
11. Omagh	{ Omagh Fintona Dromore	Omagh	Omagh
12. Fermanagh	{ Enniskillen Derrygonnelly Irvinestown Kesh Letterbreen Lisbellaw Lisnaskea Derrylin Newtownbutler	Enniskillen	Enniskillen Derrygonnelly Irvinestown Kesh Letterbreen Lisnaskea
13. Dungannon	{ Dungannon Aughnacloy Clogher Fivemiletown	Dungannon	Dungannon Clogher

<i>New District Council areas and Petty Sessions Districts</i>	<i>Existing Petty Sessions Districts</i>	<i>Proposed Petty Sessions offices</i>	<i>Proposed venue or venues</i>
14. Craigavon	{ Lurgan Portadown	Craigavon	Lurgan* Portadown*
15. Armagh	Armagh Tandragee	Armagh	Armagh
16. Newry and Mourne	{ Newry Rathfriland Kilkeel Warrenpoint Newtownhamilton	Newry	Newry Rathfriland Kilkeel Newtownhamilton
17. Banbridge	{ Banbridge Dromore	Banbridge	Banbridge Dromore
18. Down	{ Downpatrick Ballynahinch Saintfield Castlewellan Newcastle	Downpatrick	Downpatrick Ballynahinch Saintfield Newcastle
19. Lisburn	{ Lisburn Hillsborough Dunmurry (part)	Lisburn	Lisburn Hillsborough
20. Antrim	{ Antrim Toomebridge	Antrim	Antrim
21. Newtownabbey	{ Newtownabbey (part) Ballyclare	Carrickfergus	Newtownabbey
22. Carrickfergus	Carrickfergus	Carrickfergus	Carrickfergus
23. North Down	{ Bangor Holywood (part)	Bangor	Bangor
24. Ards	{ Newtownards Portaferry	Newtownards	Newtownards Portaferry
25. Castlereagh	Newtownbreda	Newtownbreda	Newtownbreda
26. Belfast	{ Belfast Dunmurry (part) Holywood (part) Newtownabbey (part)	Belfast	Belfast

*later Craigavon

We realise that in the submissions, written and oral, which we have received from the Clerks of Petty Sessions some views have been expressed which are not in accordance with these recommendations and fears have been expressed as to the effects of closing some offices and as to the effects upon offices of future alterations in the case-load in the district eg. in the Craigavon area. The Committee has taken careful account of the views so expressed but feels that its recommendations represent the best basis on which to start. It may well be that actual practice will call for adjustments and, if so, the responsible authority can

make such adjustments and also deal with the situation in which alterations in case-loads call for adjustments. So far as the Craigavon area is concerned there is, the Committee feels, something to be said for the retention of separate offices at Lurgan and Portadown or for having a sub-office at one of these towns, until the new court building is established at Craigavon when that district should be administered from one centre.

- (ii) In order that the Petty Sessions Courts should truly administer local justice it is necessary to have some means whereby, within a Petty Sessions District, cases are heard locally. If this is not done it could, for example, result in all cases arising in Fermanagh being heard in Enniskillen. The Committee feels that provision on the lines of Sections 31 and 87(3) of the Magistrates' Courts Act (Northern Ireland) 1964, in which the Petty Sessions District is substituted for the County or County Borough, would meet the case if the Clerk of Petty Sessions, subject to any final ruling by the Resident Magistrate, if sought, were empowered to say at which venue within his Petty Sessions District a case should be heard and we so recommend.
- (iii) We have already stressed the importance of providing adequate court accommodation (see paragraph 34(ix) above). Unless juvenile courts and domestic courts are held on days different from the ordinary courts, a practice which we recommend, such accommodation should include separate waiting rooms for juveniles and women. The Committee also considers that in Belfast primary responsibility for domestic courts should, as is the case with juvenile courts be allocated to one Resident Magistrate as the business transacted in those courts is of a category in which specialisation is desirable.
- (iv) The Committee recommends that courts of summary jurisdiction should sit at times and on dates to be fixed by the responsible authority in consultation with the Resident Magistrate concerned.
- (v) The allocation of Resident Magistrates to areas is a problem which must be dealt with but it is one on which we can express no concluded view as time alone will tell just what the various commitments amount to, and they may very well change from time to time. However, it would seem on the basis of present commitments that the following might be a reasonable allocation:-

<i>District Council area and Petty Sessions District</i>	<i>Number of Resident Magistrates</i>	<i>Venues</i>
1. Londonderry 2. Limavady 3. Coleraine	1	Londonderry Limavady Coleraine
7. Ballymena 4. Ballymoney 5. Moyle	1	Ballymena Ballymoney Ballycastle Cushendall Antrim
20. Antrim		
21. Newtownabbey 22. Carrickfergus 6. Larne	1	Newtownabbey Carrickfergus Larne
	24	

<i>District Council area and Petty Sessions District</i>	<i>Number of Resident Magistrates</i>	<i>Venues</i>
11. Omagh 13. Dungannon	1	Omagh Dungannon Clogher
9. Cookstown 8. Magherafelt		Cookstown Magherafelt
10. Strabane		
12. Fermanagh	1	Strabane Castlederg Enniskillen Irvinestown Letterbreen Kesh Derrygonnelly Lisnaskea
15. Armagh 16. Newry and Mourne	1	Armagh Newry Rathfriland Kilkeel Newtownhamilton
17. Banbridge		Banbridge Dromore
23. North Down 24. Ards	1	Bangor Newtownards Portaferry
15. Down		Downpatrick Ballynahinch Saintfield Newcastle
14. Craigavon 19. Lisburn		1
25. Castlereagh *later Craigavon	Lisburn Hillsborough Newtownbreda	
26. Belfast	5 (to include one primarily for juvenile and one for domestic proceedings)	Belfast

The above allocation results in thirteen Resident Magistrates being allocated to areas made up of one or more Petty Sessions Districts. The remaining Resident Magistrates over and above such thirteen would be peripatetic.

Convenient venues for trials--(b) County Courts

Considerations

41. Having now grouped the sittings for Magistrates' Courts, the Committee proceeds to consider the next matter, namely how those groupings should be further grouped for County Court purposes. The old conception of the County Court has, to some extent, already disappeared and a further departure therefrom is necessary to fit in with the District Council areas which the Committee has adopted and equated territorially with the Petty Sessions Districts.

42. There is more than one possible solution to this grouping problem and the Committee is in no way dogmatic as to the correctness of its recommendations; it merely makes them as the solution which seems to it preferable in the light of existing conditions.

Recommendations

43. The Committee's recommendations, on this topic, are as follows:-

(i) Northern Ireland should be divided into seven circuits as follows (the numbers quoted against the Local Government Districts correspond with the numbers on the map of Local Government Districts attached hereto as Appendix 1):-

<i>Circuit</i>	<i>Local Government Districts and Petty Sessions Districts</i>	<i>Population</i>
1. Belfast	25 Castlereagh	59,700
	26 Belfast	412,300
		472,000
2. Down	17 Banbridge	30,300
	18 Down	48,700
	23 North Down	54,000
	24 Ards	50,100
	16 Newry*	73,100*
		256,200
3. Tyrone Fermanagh	9 Cookstown	26,200
	11 Omagh	38,600
	12 Fermanagh	51,000
	13 Dungannon	41,500
		157,100
4. Antrim (North)	4 Ballymoney	21,300
	5 Moyle	14,600
	6 Larne	30,200
	7 Ballymena	51,800
	8 Magherafelt	30,300
		148,200
5. Antrim (South)	19 Lisburn	68,600
	20 Antrim	27,600
	21 Newtownabbey	70,700
	22 Carrickfergus	27,000
		193,900
6. Londonderry	1 Londonderry	82,300
	2 Limavady	22,900
	3 Coleraine	45,400
	10 Strabane	34,900
		185,500
7. Armagh	14 Craigavon	69,000
	15 Armagh	46,600
		115,600

*This local government area could conveniently be included in either Circuit No. 2 or Circuit No. 7.

(ii) At this point the Committee considers it convenient to deal with places of court sittings:

So far as indictable offences are concerned it is felt that one centre in each circuit area should suffice. Distances are comparatively small and it ought to be quite possible for jurors, witnesses and others concerned to attend at one centre in each circuit area and by having one centre the work of organising the attendance of jurors would be eased. Therefore the Committee feels that the following centres should be adopted for the trial of indictable offences:-

Circuit 1	(26 Belfast and 25 Castlereagh)	Belfast
Circuit 2	(17 Banbridge, 18 Down, 23 North Down, 24 Ards, 16 Newry)	Downpatrick
Circuit 3	(9 Cookstown, 11 Omagh, 12 Fermanagh, 13 Dungannon)	Omagh
Circuit 4	(4 Ballymoney, 5 Moyle, 6 Larne, 7 Ballymena, 8 Magherafelt)	Ballymena
Circuit 5	(19 Lisburn, 20 Antrim, 21 Newtownabbey, 22 Carrickfergus)	Newtownabbey*
Circuit 6	(1 Londonderry, 2 Limavady, 3 Coleraine, 10 Strabane)	Londonderry
Circuit 7	(14 Craigavon, 15 Armagh)	Armagh

*Until the new Courthouse at Newtownabbey is completed the venue for Circuit 5 should be Belfast.

The view has been expressed by one experienced County Court Judge that one circuit centre for criminal work is too little. The Committee has carefully considered this view, and the distances involved, and, having done so, considers that one centre in each circuit area ought to suffice but that if the responsible authority, as a result of experience, feels that more than one centre would be desirable in any particular circuit area, then it can make any necessary adjustment.

(iii) If the changes which we propose are adopted, the position of Clerks of the Crown and Peace obviously has to be considered. In this connection three factors stand out. Firstly, it is too much to expect the Clerk of the Crown and Peace for Belfast to be responsible for both Circuits Nos. 4 and 5 (North and South Antrim) as well as Belfast. Secondly, one Clerk of the Crown and Peace would be sufficient for Circuits Nos. 4 and 5 (North and South Antrim). Thirdly, if Circuit No. 3 (Tyrone and Fermanagh) is established, there would be no need for two Clerks of the Crown and Peace for that area.

Therefore the Committee recommends that one of the offices of Clerk of the Crown and Peace in Tyrone and Fermanagh be discontinued and that a new office of Clerk of the Crown and Peace be established in Ballymena to cover Circuits Nos. 4 and 5, (North and South Antrim).

(iv) Turning to the Civil side the Committee feels that the maximum possible discretion should be given to County Court Judges in the matter of venues for the hearing of cases within their area or circuit. For ease of administration, if there is more than one suitable courthouse in an area

or circuit at which a Judge will sit, the circuit should be divided into Divisions. Such Divisions should be made up of one or more complete District Council areas. The composition of a Division should be made by reference to the accessibility of the Courthouse to serve it and to the convenience of litigants particularly defendants. Litigation commenced in a Division, by reason of a defendant's residence therein or otherwise, should in the first instance be venued to the Courthouse for that Division and thereafter the County Court Judge should be given a discretion as to where any particular case should be heard.

On that basis the Committee takes the view that cases could be entered for hearing at the following places:-

Circuit 1	(Belfast)	Belfast
Circuit 2	(Down)	Newtownards Downpatrick Newry
Circuit 3	(Tyrone/Fermanagh)	Omagh Enniskillen Dungannon
Circuit 4	(Antrim (North))	Ballymena Magherafelt
Circuit 5	(Antrim (South))	Newtownabbey Lisburn
Circuit 6	(Londonderry)	Londonderry Coleraine Strabane
Circuit 7	(Armagh)	Lurgan* Armagh

*later Craigavon

The Committee had a representation from the County Court Judge of Down that Banbridge be named as a centre for Down. The Committee feels that while there may very well be substance in this suggestion, the policy should be to keep these centres to a minimum particularly as the Judge should be able to take a case at Banbridge (see above) and the responsible authority can always make such adjustments as it thinks proper.

The Committee feels that County Court Judges should have a wide discretion to arrange their Courts. As regards remitted actions, it is felt that they should be sent by the High Court to the town which is the circuit centre for the hearing of indictable cases, whereafter they could be heard by the County Court Judge at any courthouse within the circuit area which he thinks appropriate, having regard to the views and convenience of the parties.

So far as appeals from Magistrates are concerned they should be entered for hearing at the circuit centre for the hearing of indictable cases whereafter the County Court Judge could take them, or any particular case, there or at another court in the circuit area either by consent or, in default of consent, at such court within the circuit area as he thinks appropriate.

(v) On this matter of venues the Committee has considered the question of Civil Bill appeals.

Such cases arising from Belfast, Down and Antrim (North and South) are presently heard in Belfast and the Committee sees no reason why this practice should not continue.

But appeals can arise from cases the parties to which live, or one of the parties to which lives, in an inaccessible part of Counties Fermanagh, Londonderry, Armagh or Tyrone. No doubt if the jurisdiction is increased, as we have recommended, many of the appeals would be substantial and would justify a hearing in Belfast. But a Civil Bill for £10, or even less, can be of great importance to the parties concerned and might involve the attendance of many witnesses. Moreover the interests, not only of the Appellant, but also of the Respondent, must be considered since an Appellant, if he had an unquestionable right to a hearing in Belfast, might well, in a small case, put in an appeal to Belfast *in terrorem*.

Having considered the matter carefully the Committee takes the view that in all circuits except 1 (Belfast), 2 (Down), 4 (Antrim, North) and 5 (Antrim, South) either party should have the right to appeal either to Belfast or to Armagh or to Omagh or to Londonderry. And if in such cases the appeal is lodged for Belfast the Respondent should have the right to apply to a High Court Judge in Belfast seeking, on the grounds of hardship, that the appeal be sent to either Armagh, Omagh or Londonderry. Then in March and October each year a High Court Judge should be made available to visit Armagh, Omagh or Londonderry, as required, to dispose of any pending County Court Appeals so listed for those centres. But the Committee wishes to make it quite clear that where a High Court Judge goes out of Belfast to sit in a Crown Court or to hear the Civil Bill appeals he should be treated in all respects as a Judge of Assize.

The Committee recognises that taken in conjunction with its recommendations as to the Criminal Courts, these recommendations would result in the termination of the Assize system as such. This matter is not within the Committee's terms of reference but the Committee feels bound to mention it, and to recommend it.

As far as Criminal Courts and Civil Bill appeals are concerned such a result must follow from the Committee's recommendations as to these matters, and the practice of hearing High Court actions on Assize has long fallen into disuse, so the abolition of the Assizes as such would have no effect in practice on High Court actions.

Convenient committal of accused for early trial

44. On the assumption that the Committee's views, which would include an increased number of sittings for criminal trials, will be accepted, the Committee sees no necessity for recommending any alterations in the present position, save that a person committed for trial should be triable at a court then sitting.

Convenient venues for Magistrates' Courts Appeals

Co-ordination of legal areas with:-

- (a) new Local Government Administrative Areas;
- (b) Police Divisions; and

Impact of new Local Government proposals upon these Courts.

These matters have already been dealt with.

Other matters

45. The Committee feels that it should be somewhat more explicit as to the functions of the Department recommended to be set up under the direction and control of the Lord Chief Justice. As the Committee sees it, its principal functions might include:-

- (i) The allocation of Judges to man the Crown Court in Belfast and the provision of a High Court Judge to sit in a Crown Court outside Belfast should it be necessary to provide one.
- (ii) Ensuring that the County Courts are manned for each day on which a Court is due or required to sit.
- (iii) Ensuring that the Magistrates' Courts are manned for each day on which a Court is due or required to sit.
- (iv) The staffing of the Supreme Court, County Court and Petty Sessions offices and the appointment, placing, exchange and advancement of the personnel in, and as between, these offices.
- (v) Ensuring that matters relating to accommodation in Courthouses are brought to the notice of the appropriate Ministry.
- (vi) Effecting adjustments, in the light of experience, as to the places in which Courts should be held, the areas for Courts and the days for sittings.
- (vii) The important matter of close liaison between the County Court Judges, Resident Magistrates, Crown and Peace offices and Petty Sessions offices.
- (viii) Watching, and if necessary making recommendations as to, the required number of County Court Judges and Resident Magistrates.
- (ix) Arranging for a County Court vacation sitting in August.
- (x) Maintaining close liaison with the appropriate Rules Committees.
- (xi) Making arrangements for the circulation to inferior courts of all considered judgments.

As regards the first of the above functions, the nomination of a High Court Judge to sit in any Court should be a matter for the Lord Chief Justice personally.

46. The Committee also considers that efforts should be made to encourage Judges and Resident Magistrates to meet. It is therefore recommended that accommodation should be provided in Belfast, with all necessary facilities including a library, for their use.

47. The staffing position in the County Courts will have to be examined and substantial changes will have to be adopted. This necessity arises from:-

- (i) the present inadequacy of the staffs;
- (ii) the workload which would be imposed by the increases recommended in jurisdiction, particularly at common law;

(iii) any duties which may be contemplated for Clerks of the Crown and Peace in connection with juries;

(iv) the calls of other, and better paid, employment.

48. A Clerk of the Crown and Peace, at the time of his appointment, must be a practising solicitor of six years' standing. As a result a solicitor employed in the County Court service is not qualified for appointment. The Committee considers this to be wrong and an anomaly which should be removed. The Committee considers that solicitors in the Service should be eligible and that time spent in the County Court service should reckon as qualifying service. The Committee also feels that the Clerk of the Crown and Peace's time qualification for maximum pension (25 years) when coupled, as it is, with a retiring age of 72 years raises an anomaly which should properly and fairly be removed by reducing the qualifying period to 20 years as in the case of Resident Magistrates.

(Signed) E. W. JONES (Chairman)
J. P. HIGGINS
H. GARRETT McGRATH
J. M. SHEARER
JOHN KERNOHAN
BERNARD M. McCLOSKEY
F. BRIAN HALL

BRENDA M. H. PATTERSON (Secretary)

28 November 1973

SUMMARY OF PRINCIPAL RECOMMENDATIONS

1. A Crown Court system should be established to take over the present original criminal jurisdiction and functions of the Courts of Assize and County Courts (including those of the Recorder's Courts of the cities of Belfast and Londonderry).

2. In the Belfast area the Crown Court should be manned judicially by such judges of the High Court and of the County Court as the Lord Chief Justice may determine.

3. Outside the Belfast area the Crown Court should be manned judicially by the County Court judge for each circuit, as suggested in the Report, with such assistance as the Lord Chief Justice may determine; provided that in particular cases of unusual importance or difficulty or outside the jurisdiction of the County Court the Lord Chief Justice would direct that they be heard by a High Court Judge.

4. All appeals from Magistrates' Courts should continue to be heard by the County Court judge.

5. The civil jurisdiction of the County Court in common law claims should be increased immediately to £750 with corresponding increases in other limits of jurisdiction. Further increases could be made by statutory instrument.

6. Petty Sessions Districts should be co-extensive with the new Local Government Districts and the jurisdiction of Magistrates' Courts should be based on Local Government Districts rather than on counties as at present.

7. New Petty Sessions Districts should be grouped to form County Court circuits of which seven should be established. In each circuit one Crown Court centre should be designated for original criminal business.

8. All County Court judges should have jurisdiction to act and sit anywhere in Northern Ireland. One judge should be given primary responsibility for each circuit but could be called upon to act outside that area with his consent. Other judges appointed in addition to the seven allocated to circuits would be peripatetic.

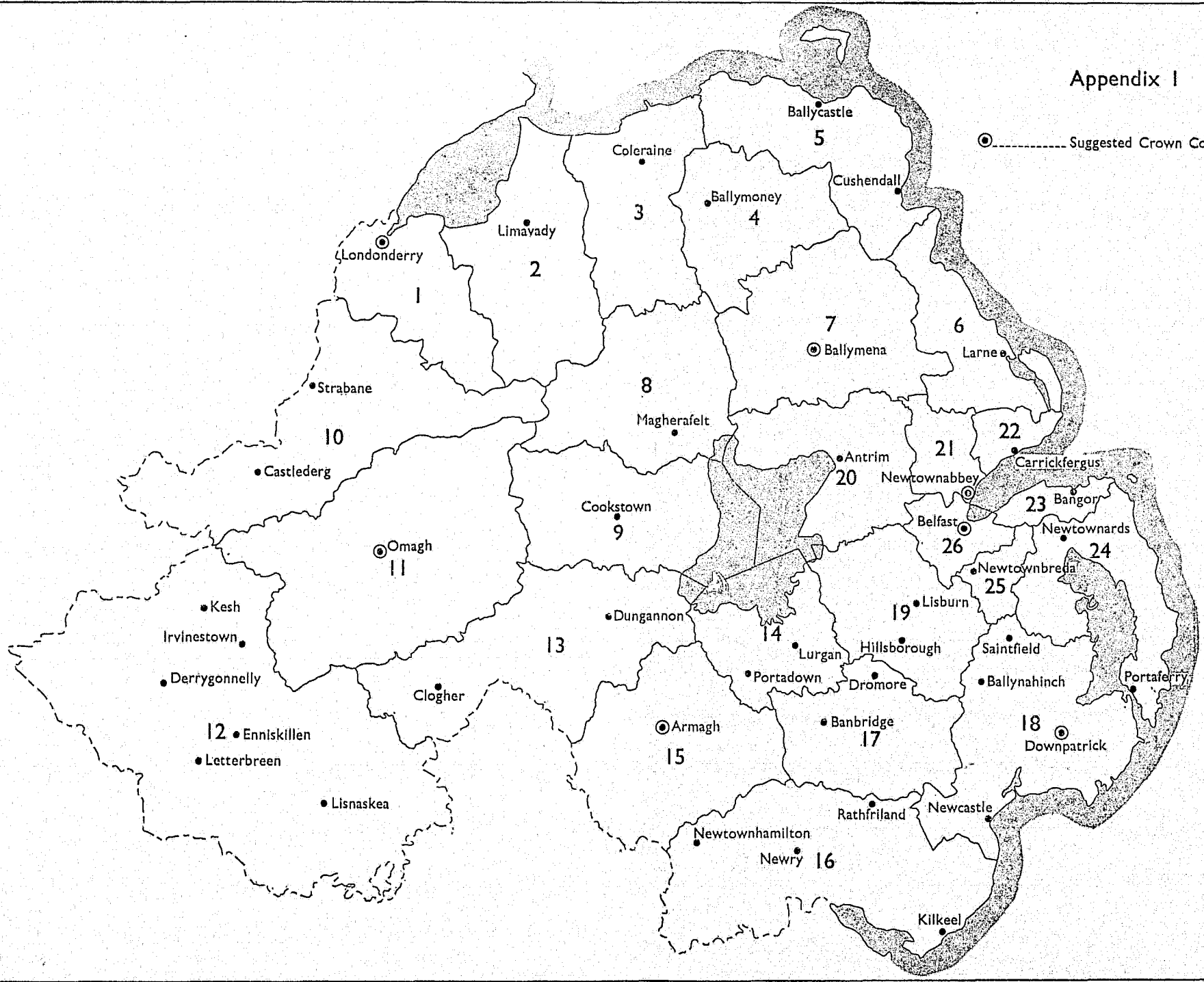
9. A Resident Magistrate should be assigned to each of the eight circuits or groups of courts outside Belfast and five Resident Magistrates should be appointed to have responsibility in Belfast, two of whom might be specialists in juvenile and domestic proceedings. Other Resident Magistrates appointed in addition to the thirteen allocated to circuits would be peripatetic.

10. Separate sittings should be held wherever warranted to transact juvenile and domestic court business.

11. A responsible authority should be created under the direction and control of the Lord Chief Justice to undertake administrative functions for all courts.

Appendix I

⊙----- Suggested Crown Court Venues



END

7 dble/men