

Playing “Catch-up”: Proposed Reforms for Northern Ireland

Long overdue procedural reforms are expected to be implemented in the High Court in Northern Ireland.

Two years ago, the Civil Justice Reform Group (CJRG) concluded its review of the civil justice system in Northern Ireland. The Queen’s Bench Rules Committee has now decided to follow up on the CJRG’s recommendations with a piecemeal modernisation of the legal system.

The proposed reforms include:

- A standard form preaction letter: the plaintiff has to set out their case in detail at the outset.
- Expert witnesses: the court can direct discussion between the experts with a view to identifying points of agreement.
- Both plaintiffs and defendants have a greater opportunity to make payments into court.
- More efficient case management: for instance, if a case is not set down for trial promptly, it will be listed automatically.
- Pleadings: more particulars will have to be given; so, for example, defendants must outline reasons for denying liability and set out what the plaintiff is required to prove.

These changes may seem rudimentary to English practitioners and insurers but their implementation is regarded as very significant in Northern Irish legal circles.

It should be noted that these changes will only apply to the High Court jurisdiction (that is to say, to claims exceeding £15,000). Reasons for not introducing similar measures in the county courts, which deal with 80% of Northern Ireland’s litigation, include a belief that the existing county court system already operates effectively and a fear that the extra work involved (for example, by front-loading the litigation process) would send costs spiralling.

The reforms – when implemented, as anticipated, in the coming months – will generally be welcomed. For defendants and their lawyers, the increased duty of plaintiffs to disclose full particulars of their claim at the outset will be particularly good news. The challenge for defence solicitors will be to embrace the reforms and take a more pro-active approach to cases where for so long it was not possible.

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