

Northern Ireland Courts and Tribunals Service

Consultation on proposals to close Hearing Centres at Bangor, Larne, Limavady, Magherafelt and Strabane courthouses



A response by the Association of Personal Injury Lawyers

2 March 2012

The Association of Personal Injury Lawyers (APIL) was formed by claimant lawyers with a view to representing the interests of personal injury victims. The association is dedicated to campaigning for improvements in the law to enable injured people to gain full access to justice, and promote their interests in all relevant political issues. Our members comprise principally practitioners who specialise in personal injury litigation and whose interests are predominantly on behalf of injured claimants. APIL currently has over 4,800 members in the UK and abroad, of which there are 86 in Northern Ireland, who represent hundreds of thousands of injured people a year.

The aims of the Association of Personal Injury Lawyers (APIL) are:

- to promote full and just compensation for all types of personal injury;
- to promote and develop expertise in the practice of personal injury law;
- to promote wider redress for personal injury in the legal system;
- to campaign for improvements in personal injury law;
- to promote safety and alert the public to hazards wherever they arise; and
- to provide a communication network for members.

APIL's executive committee would like to acknowledge the assistance of the following members in preparing this response:

Karl Tonks – APIL Vice President;

Martin Hanna – APIL Northern Ireland Executive Committee Member;

Peter Jack – Co-ordinator of APIL Northern Ireland Regional Group; and

Lois Sullivan – Secretary of APIL Northern Ireland Regional Group.

Any enquiries in respect of this response should be addressed, in the first instance, to:

Katherine Elliott, Legal Policy Officer

APIL

3 Alder Court

Rennie Hogg Road

Nottingham NG2 1RX

Tel: 0115 958 0585; Fax: 0115 958 0885 E-mail: Katherine.elliott@apil.org.uk

Introduction

APIL's long-standing position is that there should be full and fair access to justice. We believe the proposals, if implemented, could prevent this. If the injured person does not have access to satisfactory court facilities local to them, then their access to justice is ultimately limited. APIL understands that the Northern Ireland Courts and Tribunals Service (NICTS) is faced with a challenging economic environment, however, access to justice must not be diminished for injured people.

Executive Summary

APIL welcomes the opportunity to respond to the NICTS consultation on proposals to close hearing centres at Bangor, Larne, Limavady, Magherafelt and Strabane courthouses.

- We recognise the need for efficiency in the court system but we remain concerned that some of the proposals could inhibit access to justice. We believe that should these proposals go ahead, reassurances should be given that the proposed courts can cope with the expected increased workload; efficient staff and judges are not lost through the transition; the location of the claimant is taken into consideration; and members of the public have access to reasonable court facilities.
- The proposals in this paper do not indicate that there has been a substantial reduction in the use of these hearing centres or they have seen a significant reduction in cases. Therefore, the workload will not be reduced, but simply transferred to another location. Considering these proposals in connection with the increase in the jurisdictional limit of the county courts that is expected to take place in 2012 where the limit will double from £15,000 to £30,000. This now means that the majority of personal injury cases currently heard in the High Court will now be heard in the County Court.
- What seems to have been forgotten when drafting these proposals is that in order to get to the court house currently favoured by them, practitioners and

members of the public may already have to travel, and these proposals necessitate in some cases much further travel.

- We suggest that an additional travel time of up to 50 minutes, and the expense of this, for claimants and witness is not reasonable.

Consultation Questions

Q. 1. What are your views on the closure of Hearing Centres as a way of making best use of available resources?

APIL understands that the Northern Ireland Courts and Tribunals Service (NICTS) is faced with a challenging economic environment, however, access to justice must not be diminished for injured people.

In personal injury law, the only time at which a relocation of the county court would affect the injured person is at trial. However, this is perhaps the most crucial as well as stressful time for the injured person. The injured person will often be reluctant to go to court as a trial can be a daunting experience for them, especially when you consider that an injured person is habitually a one-time user of the system and is not used to this situation. When you include the additional travel that will be required of the plaintiff, surely this will only add to the stress and concerns of the injured person.

We recognise the need for efficiency in the court system but we remain concerned that some of the proposals could inhibit access to justice. We believe that should these proposals go ahead, reassurances should be put in place. We seek reassurances that:

- the proposed courts can cope with the expected increased workload;
- efficient staff and judges are not lost through the transition;
- the location of the claimant is taken into consideration; and
- members of the public have access to reasonable court facilities.

Q. 2. Are there any factors which you consider would preclude the closure of any of the hearing centres?

The proposals in this paper do not indicate that there has been a substantial reduction in the use of these hearing centres or they have seen a significant reduction in cases in recent years. Therefore, the workload will not be reduced, but simply transferred to another location. Once workloads begin to transfer, there is likely to be increased delays and the repeat of further problems which have been encountered before. For example, members have been given details of orders for dates that witnesses are unavailable. If witnesses have to travel even further because of the proposed closures, there are likely to be increased incidences of unavailable witnesses. APIL is concerned that delays and inefficiencies like these will continue, and progress, if local court services are removed.

Q. 3. Do you consider that the proposed alternative venue for each hearing centre is the most appropriate for the court users?

Whilst the injured person is only likely to attend court for trial of their case it is essential that the injured person has access to a court. What seems to have been forgotten when drafting these proposals is that in order to get to the court house currently favoured by them, practitioners and members of the public may already have to travel, and these proposals necessitate in some cases much further travel. For example, the “ruralness” of some parts of Northern Ireland could present a real problem. The estimated travel times of the proposals in these consultation papers does not take into account what travel the members of the public would have been expected to do in the first instance to get to the current hearing centre they use. It only considers what travel will have to be done from the current court to the new court, and in some instances this is estimated at up to 50 minutes in some circumstances.

This can affect access to justice as it impacts on whether the injured person will be able to be present at court during trial. We would also anticipate that any further

travel expected of the legal representative and their client will increase any travel expenses. These expenses are recoverable from the unsuccessful party and therefore we would expect that there will be increased costs in these cases.

Q. 4. Is the estimated travel time to each alternative court venue reasonable?

We would suggest that an additional travel time of up to 50 minutes, and the expense of this, for claimants and witness is not reasonable. Especially for those where access to finances may be limited either by lack of secure employment or a claimants' inability to work due to injuries suffered.

Q. 5. In relation to the proposed amendments to the court calendar, are there any additional considerations that should be taken into account?

If there are to be hearing centre closures, there needs to be adequate provision of services in the remaining courts to deal with these increased workloads that are expected, which includes an adequate level of staff required to deal with the influx of new cases. Consider these proposals in connection with the increase in the jurisdictional limit of the county courts that is expected to take place in 2012 where the limit will double from £15,000 to £30,000. This now means that the majority of personal injury cases currently heard in the High Court will now be heard in the County Court. Therefore, the figures in the consultation from 2010 court usage that deem to show spare court capacity cannot be accurate of what can be expected in future months.

Further comments

In any amalgamation of court facilities such as those proposed in the consultation it is expected that the court facilities will be shared amongst a larger number of court users. Members of the public using the courts should have access to reasonable facilities, especially when the time they will be required at court is for trial which could be quite a stressful time for them already. In terms of reasonable facilities,

claimants would require, and practitioners would expect to see, private consultation rooms where there is opportunity to speak to counsel and solicitors and refreshments may be made available. A concern here is that rooms like this are often taken for court mediation services, which leaves little opportunity for a solicitor or counsel to consult with their client who is waiting for a trial to begin.

Whilst we understand that the NICTS has made these proposals in order to cut down on costs and expenses, the level of quality of services provided by the courts service must not be compromised in any way.

- Ends -

Association of Personal Injury Lawyers

- ▶ Unit 3 Alder Court, Rennie Hogg Road, Nottingham, NG2 1RX
 - T: 0115 958 0585 ● W: www.apil.org.uk ● E: mail@apil.org.uk