

THE NATURE OF THE ROLE OF THE DEPUTY STATUTORY OFFICER

A Deputy Statutory Officer (DSO) may be required to cover work of the full-time judiciary in both of the following areas:

- District Judge
- Master of the High Court

District Judge

The jurisdiction of the District Judge covers a broad spectrum of civil work with the District Judges hearing many of the civil cases in the County Court.

The general civil jurisdiction of the District Judge is £10,000. In assessment of damages where interlocutory judgment has been marked, the limit is £30,000 being the civil jurisdiction of the County Court. The Small Claims Jurisdiction is £5,000 and ancillary relief application are unlimited.

The variety of the work of the District Judge means that no two days are the same and that every week a District Judge is likely to come across something completely new.

Before hearing any case, the District Judge reads the relevant case papers which may include pleadings, medical reports and expert reports. It is crucial that the District Judge is fully familiar with the papers before a hearing and most preparation takes place the night before. Most cases are heard in open court and the District Judge decides them by reaching findings of fact and applying the law to those facts. The District Judge ensures that all parties involved are given the opportunity to have their cases presented and considered as fully as possible. During the hearing the District Judge may ask questions on any point s/he needs clarification. The District Judge also rules on all matters of procedure and evidence which may arise during a hearing.

Master of High Court

Historically Masters have been appointed to specific posts, for example Chancery Master or Matrimonial Master, and tend to work predominately within a particular field. However, Masters, to varying degrees, are regularly required to sit in Divisions and Departments of the High Court other than that to which they are assigned, adapting to the different systems in operation, and the different law applicable, in those other Departments.

Master (Kings Bench and Appeals)

His primary judicial duties include: (a) Review of personal injuries actions with particular focus on clinical negligence cases, to include giving directions and making interlocutory orders; (b) Hearing interlocutory applications either at the King's Bench Summons Court or by special appointment, including assisting the Commercial Hub Judge in often complex commercial applications; (c) Hearing assessments of damages under Order 37 (no monetary limit); (d) Exercise of Admiralty Jurisdiction as Admiralty Registrar; (e) attending to and adjudicating upon requests for the obtaining of evidence by foreign courts. He is also responsible for the supervision of minor's funds in court. Interlocutory applications are heard "in chambers". In the case of the Summons Court this is open to the public and the press, the term "in Chambers" being used essentially as an administrative convenience. Assessments of Damages and multi-party applications are heard in the Masters' Courtroom. Most other matters are attended to in Masters' Chambers which are equipped for hearings including remote hearings using video technology.

Master (Chancery)

Much of the judicial business assigned to the Chancery Division by Order 1 rule 10 of the Rules of the Court of Judicature for Northern Ireland is assigned to the Master (Chancery) under Order 32 rule 11 of the Rules. This includes: (a) applications by mortgagees for possession and for stays of execution of orders for possession; (b) interlocutory applications including applications for summary judgment under Order 86 of the Rules; (c) accounts and inquiries; (d) applications brought by summons in the Chancery Division, including suits for the administration of deceased estates under Order 85 of the Rules; (d) non-contentious probate applications including disputes about entitlement to grants of representation, and (e) actions and applications as referred to the Master from time to time by the Chancery Judge. A typical daily list will contain 35 to

40 cases, with the Court sitting morning and afternoon on most days. In practice most of these cases are in category (a) above.

Master (Bankruptcy)

The Master assigned to the Bankruptcy and Companies Office is the Master (Bankruptcy) within the meaning of the Insolvency (Northern Ireland) Order 1989 and as such has power to exercise the jurisdiction as set out in the Insolvency (Northern Ireland) Rules 1991 and the Rules of the Court of Judicature where they do not conflict with the Insolvency (Northern Ireland) Rules 1991. S/he is in effect the Bankruptcy Judge for Northern Ireland. The power to deal with Insolvency matters in Northern Ireland is exclusively assigned to the Chancery Division of the Court of Judicature in Northern Ireland. The Insolvency Jurisdiction of the High Court has a high volume of work. Except where a conflict of interest arises, all bankruptcy proceedings in Northern Ireland are dealt with solely by the Bankruptcy Master.

Master (Matrimonial)

The main function of the Matrimonial Master is the division of matrimonial property on divorce and the jurisdiction is founded on the Family Proceedings (Northern Ireland) Rules 1996, the Matrimonial Causes Order (Northern Ireland) Order 1978 and the Rules of the Supreme Court.

The Masters case manage all cases from start to finish and so will be aware before any hearing of the general thrust of the case. The present system involves a four-stage process: (i) first direction hearing; (ii) first review hearing; (iii) financial dispute resolution hearing; (iv) full hearing. Reasoned judgments have to be given in all cases and in many cases that run written judgments are required.

Master (Care and Protection)

The work of the Master (Office of Care and Protection) involves the hearing of matters relating to: (a) applications under the Children (Northern Ireland) Order 1995 including public and private law cases, emergency and ex-parte applications; (b) Applications under the Adoption (Northern Ireland) Order 1987 and under the Judicature (Northern Ireland) Act 1978 including wardship applications; (c) applications under the Family Homes and Domestic Violence (Northern Ireland) Order 1998, including emergency and ex-parte applications; (d) applications in

relation to Patients as defined in Part VIII of the Mental Health (Northern Ireland) Order 1986 to include: appointing Controllers; approving Statutory Wills; approving gifts from or settlement of Patients funds; objections to the registration of Enduring Powers of Attorney, and general matters relating to the property and affairs of patients including the approval of all deeds relating to the sale, transfer or mortgage of Patients property, and investment of Patient's Funds. The monetary limits of the Masters' jurisdiction are not restricted, and frequently the monetary value of a Patient's financial affairs can be very significant and extremely complex involving issues relating to company law, equity, probate, inheritance and other taxation issues to consider when overseeing the management of a Patient's affairs.

Master (Taxation) and Master (Enforcement of Judgements Office)

The Master is responsible for assessing costs incurred in all the Divisions of the High Court, which include, personal injury and clinical negligence actions, commercial court actions, family cases (divorce, separation, adoption, wardship, non-molestation, child abduction, all Children Order cases), chancery cases, probate actions, cases involving patients affairs, and judicial review. Because the majority of the cases are disposed of by adjudication on the papers and the acceptance of the provisional assessment, those cases which require to be listed for hearing tend by definition to be contentious. Disputes between solicitor and client are particularly acrimonious. Appeals by their nature require a hearing. In all these circumstances a formal adversarial hearing and determination is required.

Uniquely within the UK, Northern Ireland has had a centralised statutory system for the enforcement of all judgments delivered by the civil courts, together with a range of tribunal and arbitral awards, and including judgments of other UK, EC and foreign judgments registered for enforcement in NI. The enforcement jurisdiction exercised by the Master is unlimited in monetary value.

The principal functions of Master include, issue of warrants of arrest; issue of seizure, receiver and charging orders over property; issue of garnishee orders (typically freezing of bank accounts); issue of orders for the delivery of possession (evictions); issue of certificates of unenforceability; setting aside of enforcement orders and granting stays of enforcement.

General

The Masters are supported in all Departments by a team of Deputy Masters who are an essential and integral part of the Masters' team. The Deputy Masters provide cover where Masters are absent because of other duties or sickness, and also where the volume of work requires additional resources. In general Deputy Masters are engaged on a day-by-day basis to attend the cases listed on a particular day and are not assigned any of the additional work associated with certain posts, such as for example Registrar of Deed Polls. However, from time-to-time Deputy Masters may be engaged for longer periods of time, for example where a Master is on longer term sick leave, and in those circumstances they would be expected to perform the full duties, including the additional work, of the Master whose post they are covering. Deputy Masters sit either in the Deputy Masters' Chambers on the 2nd Floor of the High Court building, or in the chambers of the Master whose post they are covering.