

## **THE NATURE OF THE ROLE OF A DEPUTY COUNTY COURT JUDGE**

The role of the Deputy County Court Judge is to assist the judiciary in meeting the challenges of the full range of the work of the County Court and the work of the Family Care Centres. Additionally, it is expected that the Deputy County Court Judge will serve on the Historical Institutional Abuse Redress Board, if required by the Lady Chief Justice.

The public face of the judge is sitting in court and hearing evidence and legal submissions. However, the role is much more extensive. The determination of most County Court and family cases demands considerable preparation and whilst most judgments will be delivered orally, on occasion a written judgment may be required.

In the Family Care Centre there is an assigned Family Judge primarily sitting in Belfast. There are other Centres in Craigavon, Dungannon and Londonderry. The Judge is responsible for deciding both private and public law applications under the Children (NI) Order 1995 which have been transferred by the Family Proceedings Court. The judge also hears appeals from the Family Proceedings Court. Among the most difficult private law applications are those where the parent with whom the children of the parties are living is implacably hostile to contact between the children and the other parent. They can also involve issues arising from a caring parent's desire to relocate abroad.

The most common public law application is for a Care Order in which the child will be represented by a guardian ad litem. In public law applications the trial bundles are voluminous, comprising reports from the Trust, statements of evidence on behalf of the parents, expert evidence, a report from the guardian ad litem, discovery of Trust contact records. The cases can involve consideration of complex medical issues on causation of injuries and difficult psychological and psychiatric matters relating to the parent's child-rearing ability.

The County Court Judge also hears applications under the Adoption (Northern Ireland) Order 1987 including applications to free a child for adoption and

applications to adopt a child. Some of the latter are by a parent and step-parent and some others are in respect of a child who has been already freed for adoption. The child who is the subject of a full application order will usually be present in court with the applicants who are often accompanied by members of their extended family.

The civil jurisdiction of the County Court Judge is varied and encompasses claims for damages in tort or contract up to the limit of £30,000, including commercial actions, clinical negligence, and noise induced hearing loss actions, ejectment suits, actions in respect of title to land the net annual value of which is less than £500, equity actions, applications under the Married Women's Property Act 1882, partition proceedings, statutory appeals, and liquor and bookmaking licensing applications. The proposals in the Gillen Family and Civil Justice Review (2017) envisage a significant increase in the limit for damages. Any increased limit will have significant implications in terms of the complexity of cases, the range of interlocutory applications and the duration of the hearing of civil cases.

In recent years the jurisdiction has been extended to include claims of discrimination on the grounds of race or disability in the provision of goods and services, and a significantly increased range of statutory appeals.

The role will also entail hearing criminal appeals involving conviction and sentence from the Magistrates' and Youth Courts, the latter involving sitting with Lay Magistrates. These are important cases and will frequently involve careful consideration of pre-sentence reports to determine the appropriate sentence, in accordance with Magistrates' Court practice.

Deputy County Court Judges will be provided with Induction training and will be expected to attend JSB training events, if requested to do so.

**November 2022**