

## **BRIEFING PAPER: THE NORTHERN IRELAND COURT SERVICE**

**3 October 2007**

### **INTRODUCTION**

This briefing is prepared for Members of the Executive Review Committee to facilitate their understanding of the Northern Ireland (NI) Court Service, in view of the possible devolution of Policing and Justice to NI.

Section 1.0 of this briefing provides the background information on the NI Court Service outlining the basic information, for example, the court structure, organisational structure of the NI Court Service and recent developments.

For comparative purposes, sections 2.0 and 3.0, respectively concern the court services in Scotland and the Republic of Ireland. Each section sets out information relating to the court structure, organisations structure and a commentary on recent developments, where appropriate.

Section 4.0 identifies potential issues arising from the previous sections which the Committee may wish to consider.

### **SECTION 1.0 - THE NORTHERN IRELAND (NI) COURT SERVICE**

This section outlines the following:

- 1.1 Legislative basis of NI Court Service;
- 1.2 Role of the NI Court Service;
- 1.3 Accountability of NI Court Service;
- 1.4 Interaction of NI Court Service with Public;
- 1.5 Court Structure within NI Court Service;
- 1.6 Organisational Structure of NI Court Service;
- 1.7 Recent Developments; and,
- 1.8 Comments

#### ***1.1 Legislative basis of the NI Court Service***

The legislation underpinning the NI Court Service is the *Judicature (Northern Ireland) Act 1978*.<sup>1</sup> This legislation established the NI Court Service “to carry out the administration of court business.”<sup>2</sup> It is an independent body, separate from the NI Civil Service.<sup>3</sup>

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<sup>1</sup> <http://www.courtsni.gov.uk/en-GB/AboutUs/>

<sup>2</sup> [http://www.courtsni.gov.uk/en-GB/AboutUs/25th+Anniversary+Year/p\\_ay\\_Judicature\\_Act.htm](http://www.courtsni.gov.uk/en-GB/AboutUs/25th+Anniversary+Year/p_ay_Judicature_Act.htm)

<sup>3</sup> Written Submission from Northern Ireland Court Service for Assembly and Executive Review Committee, Pg 1, para 1.

## **1.2 Role of the NI Court Service**

The NI Court Service in carrying out its administrative functions has a number of responsibilities, which are listed as follows:<sup>4</sup>

- To facilitate the work of the courts;
- To give effect to judgments;
- To advise the Lord Chancellor on policy matters and provide legislative support;
- To support the Lord Chancellor in carrying out his responsibilities.

The Court Service also has a number of strategic aims set out in their Corporate Plan 2005-2008,<sup>5</sup> which “include modernising the court service; improving access to justice and promoting confidence in the justice system”.<sup>6</sup>

## **1.3 Accountability of the NI Court Service**

The NI Court Service is funded by the UK Parliament and is accountable to it through the Lord Chancellor.<sup>7</sup>

## **1.4 Interaction of the NI Court Service with the Public**

The NI Court Service has a *Court’s Charter* which provides the public with information about what to expect when they come to court, phone a court office or write to the court.<sup>8</sup> The Court Service also has a complaints procedure, dealing with complaints about services or facilities. The complaints procedure does not deal with complaints about judicial decisions, solicitors or officials from other agencies.<sup>9</sup>

## **1.5 Court Structure within the NI Court Service**

The court structure in NI is a hierarchical structure and consists of the House of Lords, the Court of Appeal, the High Court, County Courts, the Crown Court, Magistrates Courts, Coroners’ Court and the Enforcements of Judgements Office. For further detail on their responsibilities, see Annex 1.

## **1.6 Organisational Structure of the NI Court Service**

The organisational structure of the NI Court Service consists of a Director, management board, finance directorate, policy and legislation, public funded legal services, courts operations and tribunal reform. The composition of the management board includes the head of operations, the head of policy and legislation, the finance director, the head of public funded services, the head of tribunal reform and a non-executive member.<sup>10</sup> For further detail on structure, see Annex 2.

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<sup>4</sup> See Northern Ireland Court Service (2007) “A Guide for users of the Northern Ireland Court Service: About the Court Service”, Pg 2.

<sup>5</sup> [http://www.courtsni.gov.uk/NR/rdonlyres/66AB4F4E-24D2-4512-884A-B8C5F7BDDD06/0/t\\_tp\\_corporateplan20052008.pdf](http://www.courtsni.gov.uk/NR/rdonlyres/66AB4F4E-24D2-4512-884A-B8C5F7BDDD06/0/t_tp_corporateplan20052008.pdf)

<sup>6</sup> Ibid, Pg 14.

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<sup>8</sup> Ibid, Pg 8.

<sup>9</sup> Ibid, Pg 11.

<sup>10</sup> [http://www.courtsni.gov.uk/NR/rdonlyres/6B3484D3-CDA2-41E9-B03F-14C6B0760340/0/p\\_tp\\_Business\\_Plan20072008.pdf](http://www.courtsni.gov.uk/NR/rdonlyres/6B3484D3-CDA2-41E9-B03F-14C6B0760340/0/p_tp_Business_Plan20072008.pdf) , Pg 10

## 1.7 Recent Developments

There has recently been debate on the suggested model for a Department of Ministry for Justice in devolved criminal justice arrangements.<sup>11</sup> However the scope of this paper is to consider possible arrangements regarding the NI Court Service after the devolution of Justice and Policing. The following paragraphs highlight developments to date in this area.

The UK Government supports the view that the future court service could become an executive agency of the Department of Justice, headed by a Chief Executive.<sup>12</sup> The proposed functions of this agency under devolution would include administrative support for NI Courts. However there is some ambiguity as to whether the agency would provide policy and legislative support or if these should transfer to the Department of Justice and the Government notes that this requires further consideration.<sup>13</sup>

The NI Court Service Director suggests in his oral evidence to the Assembly and Executive Review Committee on the 25<sup>th</sup> September 2005<sup>14</sup> that the Legal Aid system would be best placed in the new Justice Department.<sup>15</sup> He further states that responsibilities such as running of courts and tribunals should remain with the court service to become part of a new unified courts and tribunals' service.<sup>16</sup> In his evidence he states that new courts and tribunals service would be linked to or funded by a new justice department.<sup>17</sup>

The NI Court Service director also highlights the relationship between the new court service and justice department could take on a number of forms, and a possible form is that the Court Service could become an agency of the new department of justice.<sup>18</sup>

The Lord Chief Justice of NI has taken somewhat a different view to the proposed agency model. In his written evidence which was submitted on 30 July 2007 to the Assembly and Executive Review Committee, he recommends that the Court Service should be a non-ministerial department model such as the model in place in ROI and the proposed Scottish Court Service model.<sup>19</sup>

In his oral evidence to the Assembly and Executive Review Committee<sup>20</sup>, the Lord Chief Justice suggests that there should be an independent Board which would not

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<sup>11</sup> See NIO (2006) *Devolving Policing and Justice in Northern Ireland: A Discussion Paper* and "Committee on Administration of Justice (2006) *Change and Devolution of Criminal Justice and Policing in Northern Ireland: International Lessons*".

<sup>12</sup> See NIO (2006) *Devolving Policing and Justice in Northern Ireland: A Discussion Paper* Pg 34

<sup>13</sup> *Id*

<sup>14</sup> Hansard Official Report, Assembly Executive Review Committee: Inquiry into the Devolution of Policing and Justice Matters, 25 September 2007,

<sup>15</sup> *Ibid*, Pg 4.

<sup>16</sup> *Ibid*, Pg 5

<sup>17</sup> *Id*

<sup>18</sup> *Id*

<sup>19</sup> Written submission to Assembly and Executive Review Committee on behalf of Lord Chief Justice Kerr, 30 July 2007, Pg 6.

<sup>20</sup> Opening Statement to the Assembly and Executive Review Committee: Inquiry into Devolution of Policing and Justice Matters, 2 October 2007

deal with policy matters.<sup>21</sup> The Lord Chief Justice sets out that there should be accountability measures in place such as accountability to the Executive for funding, a strategic plan produced by the Board which would be submitted to the minister for approval, a requirement that the Board would report annually to the Minister, the Board would agree with the Minister the staff numbers, grades and budget.<sup>22</sup> Finally, the Ministry of Justice would be represented on the Board.<sup>23</sup>

### **1.8 Comments**

Having outlined some of the suggested models, there are some key points that emerge. First, it could be argued that an agency model could provide for greater efficiency and accountability as it would be more clearly and directly responsible to a Minister in the Assembly. Conversely, the non-ministerial department model preferred by the Lord Chief Justice could ensure greater independence than an agency model. However, this model would require legislation to reposition the Court Service as a non-ministerial department, which may not be practical before devolution of justice matters in NI.<sup>24</sup>

## **SECTION 2.0 - THE SCOTTISH COURT SERVICE (SCS)**

This section outlines the following:

- 2.1 Legislative basis of the SCS;
- 2.2 Role of the SCS;
- 2.3 Accountability of the SCS;
- 2.4 Interaction of the SCS with the Public;
- 2.5 Court Structure within the SCS;
- 2.6 Organisational Structure of the SCS
- 2.7 Recommendations from the Agency Review (2005) of the Scottish Court Service;
- 2.8 Recent Developments.

### **2.1 Legislative basis of the Scottish Court Service**

Ministers are responsible for the justice system in Scotland under the provisions in the *Scotland Act 1998*. They are answerable to the Scottish Parliament for devolved functions, including the provision of an effective court structure.

### **2.2 Role of the Scottish Court Service**

The SCS became an Executive Agency<sup>25</sup> in 1995. It has achieved recognition as the body which delivers services to Scotland's courts. It is held accountable for its effectiveness and it is the responsibility of the Ministers.

Its aim as set out in the initial Agency Framework Document, is to:<sup>26</sup>

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<sup>21</sup> Ibid , Pg 4

<sup>22</sup> Id

<sup>23</sup> Id

<sup>24</sup> Id.

<sup>25</sup> *Executive Agencies are established by Ministers as part of Scottish Government departments (now called directorates), or as departments in their own right, to carry out a discrete area of work. Agencies are staffed by civil servants.*

<http://www.scotland.gov.uk/About/Agencies>

*Help secure ready access to Justice for the people of Scotland.*

The SCS provides services to users of the Supreme and Sheriff Courts by clerking courts; supporting the judiciary; creating, storing and processing case records; fielding from public and professional user; providing technical and procedural advice; accepting payments of fines and court fees; etc. The SCS also manages and develops the court estate and maintains the court buildings and, through contractual arrangements, provides security, cleaning and catering facilities. Headquarters in Edinburgh provides a number of corporate functions including the Chief Executive's Office; IT; finance; purchasing; planning; human resources; estates; and operational policy. The Office of the Public Guardian and Accountant of Court are included within the SCS.<sup>27</sup>

As was mentioned, the aim of the SCS is to help secure ready access to Justice for the people of Scotland. To achieve this aim, the SCS has the following objectives:<sup>28</sup>

- To provide the staff and services required to meet the needs of the Judiciary and court users.
- To provide courthouses of appropriate size and quality.
- To implement and develop the Justice Charter for Scotland and the Scottish Court Service Statement of Charter Standards.
- To secure value for money and to manage the Agency's resources efficiently, effectively and with due regard to value for money.

### **2.3 Accountability of SCS**

The Chief Executive is the administrative head of the SCS and is accountable to the Minister for Justice. The Agency is part of the Scottish Executive Justice Department, the government department responsible for reporting to the First Minister on the performance of the SCS.

### **2.4 Interaction of SCS with Public**

The SCS has published a leaflet entitled *Court User's Charter* which is intended for all members of the public using the court service. Amongst other information, this Charter provides guidance on what user's can expect when they come to court, when phoning a court or when writing to a court.<sup>29</sup> The SCS also has a complaints procedure dealing with complaints regarding a member of the SCS staff.<sup>30</sup>

### **2.5 Court Structure within the Scottish Court Service**

The SCS consists of the, Supreme Courts which are the Court of Session, the High Court of Justiciary, the Accountant of Court's Office and the Office of the Public

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<sup>26</sup> <http://www.scotcourts.gov.uk/>

<sup>27</sup> Agency Review of the Scottish Court Service, Scottish Executive Justice Department (January 2006) Pg. 5.

[http://www.scotcourts.gov.uk/library/Agency\\_Review.pdf](http://www.scotcourts.gov.uk/library/Agency_Review.pdf)

<sup>28</sup> <http://www.scotcourts.gov.uk/courtsadmin/scs.asp>

<sup>29</sup> The Scottish Court Service "User's Charter",  
<http://www.scotcourts.gov.uk/courtusers/charter/charter.pdf>

<sup>30</sup> [http://www.scotcourts.gov.uk/you\\_and\\_us/feedback.asp](http://www.scotcourts.gov.uk/you_and_us/feedback.asp)

Guardian. There are also Sheriff Courts which are divided into 6 regional Sheriffdoms.<sup>31</sup>

District Courts also make up another tier of the courts within the SCS. The administration of the District Courts is currently a local authority responsibility, however the *Criminal Proceedings etc (Reform) (Scotland) Act 2007* provides for the establishment of justice of the peace courts in place of the current district courts. The SCS as an Agency is currently preparing to become responsible for the District Courts.<sup>32</sup>

## **2.6 Organisational Structure of Scottish Court Service.**

The SCS's Headquarters consists of the Chief Executive and its secretariat plus 4 discrete Units that provide support to the Supreme and Sheriff Courts and the Accountant of Court and Public Guardian. The 4 Units are outlined below.

- Operations and Policy Unit

This Unit drives the business planning processes of the Agency. It also promotes service quality throughout the court system and liaises with the Justice Department on the operational implications of developments in criminal and civil justice policy.

- Finance and Information Technology Unit

This Unit provides advice to the courts on budget management and is responsible for financial reporting and audit issues. It is also responsible for developing and supporting new information technology initiatives in the courts and offices. FITU incorporates the Electronic Service Delivery Unit which tasked with looking at how the Agency can improve its services to customers through e-enabled processes.

- Personnel and Development Unit

This Unit provides a comprehensive personnel and development service to SCS staff including personnel management, developing training strategies and payroll processing. It develops employment policy and procedure and supports operational managers in the areas training delivery.

- Property and Services Unit

This Unit manages the estate and is engaged in a programme of rebuilding or refurbishing those courthouses in Scotland under direct SCS control. In addition, the Unit is responsible for developing Health and Safety and security.

The Management Board of the SCS currently comprises the 4 Directors of Units based in HQ and 4 operational Directors, chaired by the Chief Executive. It is responsible both for setting the strategic direction of the Agency and for managing performance towards those aims.<sup>33</sup> (Refer to Annex 3 for a diagram of the structure of the SCS).

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<sup>31</sup> Scottish Court Service Corporate Plan 2005-2008, Pg 5

[http://www.scotcourts.gov.uk/library/corporate/corporateplan2005\\_2008.pdf](http://www.scotcourts.gov.uk/library/corporate/corporateplan2005_2008.pdf)

<sup>32</sup> Agency Review of the Scottish Court Service, Scottish Executive Justice Department (January 2006) Pg, 51.

[http://www.scotcourts.gov.uk/library/Agency\\_Review.pdf](http://www.scotcourts.gov.uk/library/Agency_Review.pdf)

<sup>33</sup> Ibid, Pg 52

## **2.7 Recommendations from the Agency Review (2005) of the Scottish Court Service**

A review of the structure and governance of the SCS was established with Ministerial approval in June 2005. An important part of the Review's work was to consider whether the SCS should retain its status as an Executive Agency.<sup>34</sup>

The Review considered a spectrum of possible roles for the SCS namely: abolition; privatisation; contracting out; status as a Non-Departmental Public Body; merger with another public service and reversion to a Government Department. The arguments against these options are detailed in the Review document published by the Scottish Government. (These have not been included in this paper as they are beyond its scope).

With regard to the consideration of whether the SCS should retain its status as an Executive Agency, the Review recommended that the SCS remain an Executive Agency.<sup>35</sup> However, it is worthy to note the Review does state:

*This does not mean that there is no scope for change.*<sup>36</sup>

The Review makes several recommendations for change regarding for example, the SCS and the Scottish Executive Justice Department, the governance arrangements for the SCS and the relationship between the SCS and the Judiciary. With regard to the relationship between the Judiciary and the SCS, the Scottish Executive published in February 2007, proposals for a *Judiciary (Scotland) Bill*.<sup>37</sup> This was in response to a consultation paper published in February 2006, inviting views on proposals to improve the justice system by modernising arrangements made for the Judiciary.<sup>38</sup>

## **2.8 Recent Developments**

As was previously mentioned, the Scottish Executive has published proposals for a Judiciary Bill, which marks an important development in the Executive's ongoing programme to reform and improve Scotland's justice system.

In February 2006 the Executive published a consultation paper inviting views on the proposals to improve Scotland's justice system by modernising the arrangements made for the judiciary, and strengthening their role in the system.<sup>39</sup> It is worthy of note that the governance of the Court Service was not discussed in the consultation paper.<sup>40</sup>

In the proposals for a Judiciary Bill published in 2007, the Scottish Executive acknowledges there were some strong views in the consultation on the link between

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<sup>34</sup> Ibid, Pg, 1.

<sup>35</sup> Ibid, Pg 25

<sup>36</sup> Ibid, Pg 25

<sup>37</sup> Proposals for a Judiciary (Scotland) Bill  
<http://www.scotland.gov.uk/Resource/Doc/165568/0045075.pdf>

<sup>38</sup> Ibid, Pg 3

<sup>39</sup> Ibid, Pg 2

<sup>40</sup> Some commentators did however mention it in their responses.

the unification of the Judiciary and the governance of the Court Service. The Scottish Executive states in the 2007 document:<sup>41</sup>

*The view was that the Lord President should not take an overall responsibility for the efficient disposal of business in all courts without having authority over the administrative support for those courts.*

In response to these views the Executive has stated they have entered into more detailed discussion about how more judicial authority over the Court Service would work in practice. It is further stated that the Executive is aware proposals to change the way the Court Service is governed were not specifically consulted on and therefore would not wish to make changes without consulting on this issue properly.<sup>42</sup>

When the proposals for a Judiciary Bill were published in February 2007, discussions on the details on the governance of the Court Service were continuing. However the Scottish Executive stated that a number of features have emerged as likely to have a place in a revised governance model. They go further by welcoming thoughts on these features.<sup>43</sup> (For a more detailed outline of the possible features of a revised governance model see Appendix 4).

## **2.9 Comments**

Having outlined the current roles and responsibilities of the SCS, some key points emerge. First, the SCS as an Executive Agency of the Justice Department has arguably allowed for greater accountability in that it is a separate entity from the Ministerial Department. The senior management can focus exclusively on setting targets for service delivery, with the flexibility which Agency status brings. For example, the Chief Executive may have greater freedom in determining the means by which those targets are achieved.

Lessons also could be learnt from the way the Scottish Executive prepared for SCS becoming an Executive Agency. Before the decision was made to make the SCS an Executive Agency, a feasibility study reviewed other possibilities. Many lessons may be learnt, for example what methodology did the Executive employ to undertake this study; and who were the consultees.

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<sup>41</sup> Proposals for a Judiciary (Scotland) Bill, Pg 23  
<http://www.scotland.gov.uk/Resource/Doc/165568/0045075.pdf>

<sup>42</sup> Ibid, Pg 23

<sup>43</sup> Id.



## **SECTION 3.0 - THE COURT SERVICE IN THE REPUBLIC OF IRELAND (ROI)**

This section outlines the following:

- 3.1 Legislative basis of the Court Service in ROI;
- 3.2 Role of the Court Service in ROI;
- 3.3 Accountability of the Court Service in ROI;
- 3.4 Interaction of ROI Court Service with the Public;
- 3.5 Court Structure within Court Service in ROI;
- 3.6 Organisational Structure of the Court Service;
- 3.7 Comments

### **3.1 Legislative basis of the Court Service in ROI**

The legislation underpinning the Court Service in ROI is the *Courts Service Act 1998*.<sup>44</sup> This legislation established the Court Service in 1999, as a result of a recommendation made in reports by the Working Group on Courts Commission that “there should be established by statute as a matter of urgency an independent and permanent body to manage a unified court system”.<sup>45</sup>

### **3.2 Role of the Court service in ROI**

The role of the Court Service in ROI includes the following:<sup>46</sup>

- Management of courts;
- Provision of support services to judiciary;
- Provision of information to public;
- Provision and maintenance of court buildings;
- Provision of facilities for court users; and
- Making proposals to Minister for Justice, Equality and Law Reform on matters of jurisdiction, business of courts and procedural matters.

### **3.3 Accountability of the Court Service in ROI**

The Court Service in ROI is funded by the State and is accountable to the Oireachtas through the Minister for Justice, Equality and Law Reform.<sup>47</sup> It is also accountable to the Dáil Public Accounts Committee for its financial spending.<sup>48</sup> The Minister is responsible for legislation relating to the courts and is accountable to the Oireachtas for the performance of the Court Service.<sup>49</sup> The Court Service reports to the Minister on an annual basis.<sup>50</sup>

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<sup>44</sup> Courts Service (2006) “Sustaining the Momentum: Strategic Plan 2005-2008” , Pg 10

<http://www.courts.ie/Courts.ie/library3.nsf/>

<sup>45</sup> <http://www.courts.ie/courts.ie/library3.nsf/WebPageCurrentWeb/38EBFD1D6667200980256D9F0048E59E?OpenDocument&l=en>

<sup>46</sup> Courts Service (2006) “Sustaining the Momentum: Strategic Plan 2005-2008” Ibid, Pg 10.

<http://www.courts.ie/Courts.ie/library3.nsf/>

<sup>47</sup> Ibid, Pg 1.

<sup>48</sup> <http://www.courts.ie/Courts.ie/library3.nsf/pagecurrent/39EE41AE3259894B80256DA90036F8BD?opendocument&l=en>

<sup>49</sup> Id.

<sup>50</sup> Id.

### **3.4 Interaction of the Court Service with the Public in ROI**

The Court Service in ROI has a Customer Services Charter.<sup>51</sup> The Charter is a statement relating to how the Court Services will provide their services. The Charter is underpinned by principles such as ethics, professionalism, courtesy and equality and diversity. The Charter includes information on correspondence with Court Service by telephone or writing, physical access to the courts and a complaints procedure. The Charter outlines that they will make provisions for people who wish to conduct their business in Irish.<sup>52</sup>

### **3.5 Court Structure within the Court Service in ROI**

The court structure within the Court Service in ROI is a hierarchical structure and includes the Supreme Court, High Court, Central Criminal Court, Court of Criminal Appeal, Circuit Court, Special Criminal Court and District Court. See Annex 6 for further details.

### **3.6 Organisational Structure of the Court Service in ROI**

The organisational structure of the Court Service in ROI includes;

- The Board (See Annex 7 for Board Composition);<sup>53</sup>
- Committees of the Board;
- Audit Committee;
- Head of Internal Audit;
- Chief Executive Office;
- Director of Operations, Supreme and High Courts;
- Director of Human Resources;
- Director of Finance;
- Director of Reform and Development;
- Director of Information Technology;
- Director of Corporate Services;
- Director of Operations; Circuit and District Court.

For further details on organisational structure of the Court Service in ROI, see Annex 6.

### **3.7 Comments**

The ROI Court Service model is an independent body, with accountability mechanisms as outlined in section 2.3. As an independent body, it secures greater judicial independence which can be reflected in its Board composition, See Annex 6. However, an observation on this Board model is that it is 'lawyer heavy' and it can be questioned as to how it can ensure greater lay and ministerial involvement.

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<sup>51</sup> Court Service (2004) "The Customer Charter".

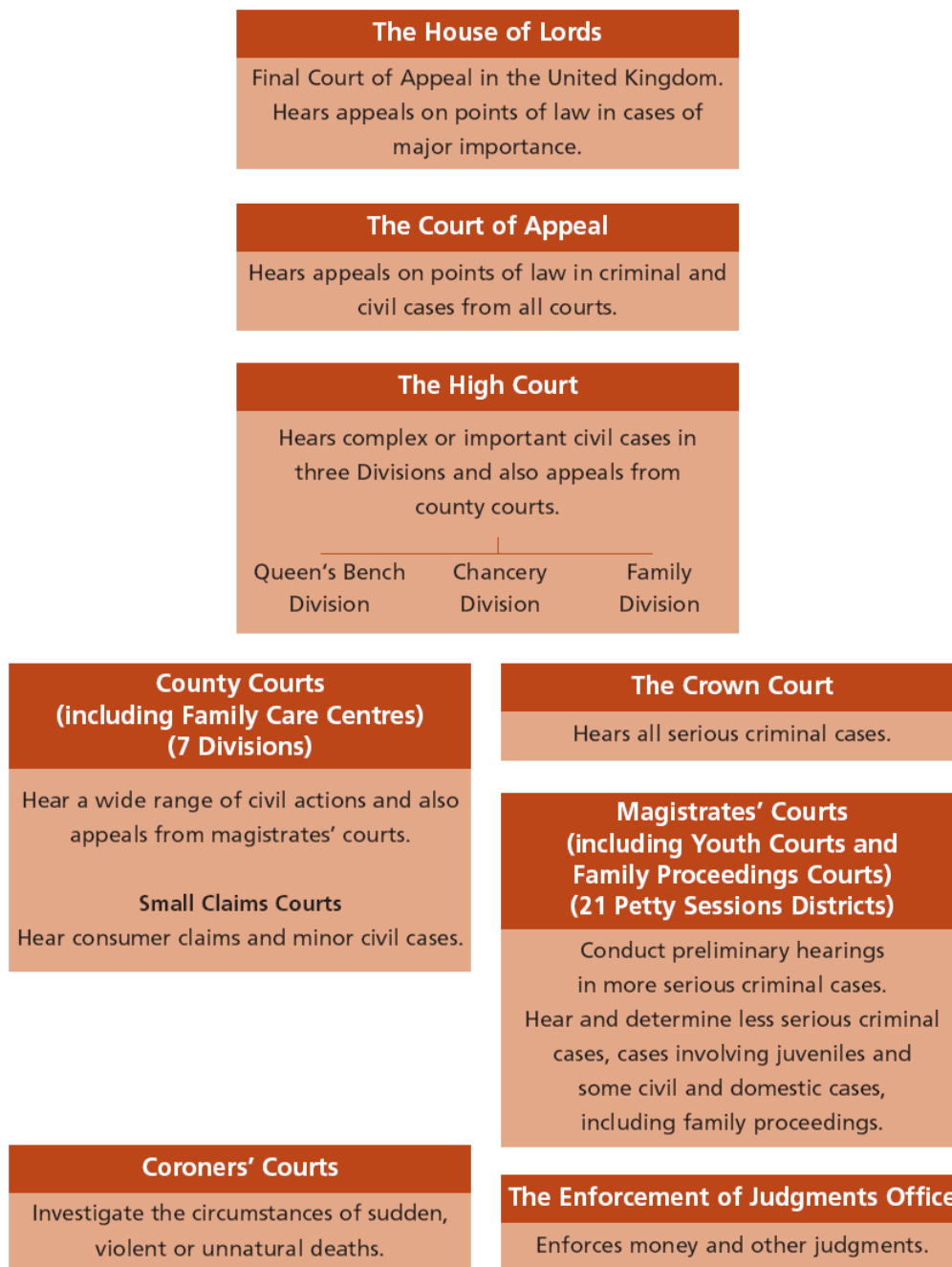
<sup>52</sup> Ibid, Pg 4.

<sup>53</sup> The Functions of the Board are to determine policy relating to service and oversee implementation of policy by Chief Executive, see Courts Service (2006) "Sustaining the Momentum: Strategic Plan 2005-2008" Pg 31.

## **SECTION 4.0 - POTENTIAL ISSUES FOR CONSIDERATION**

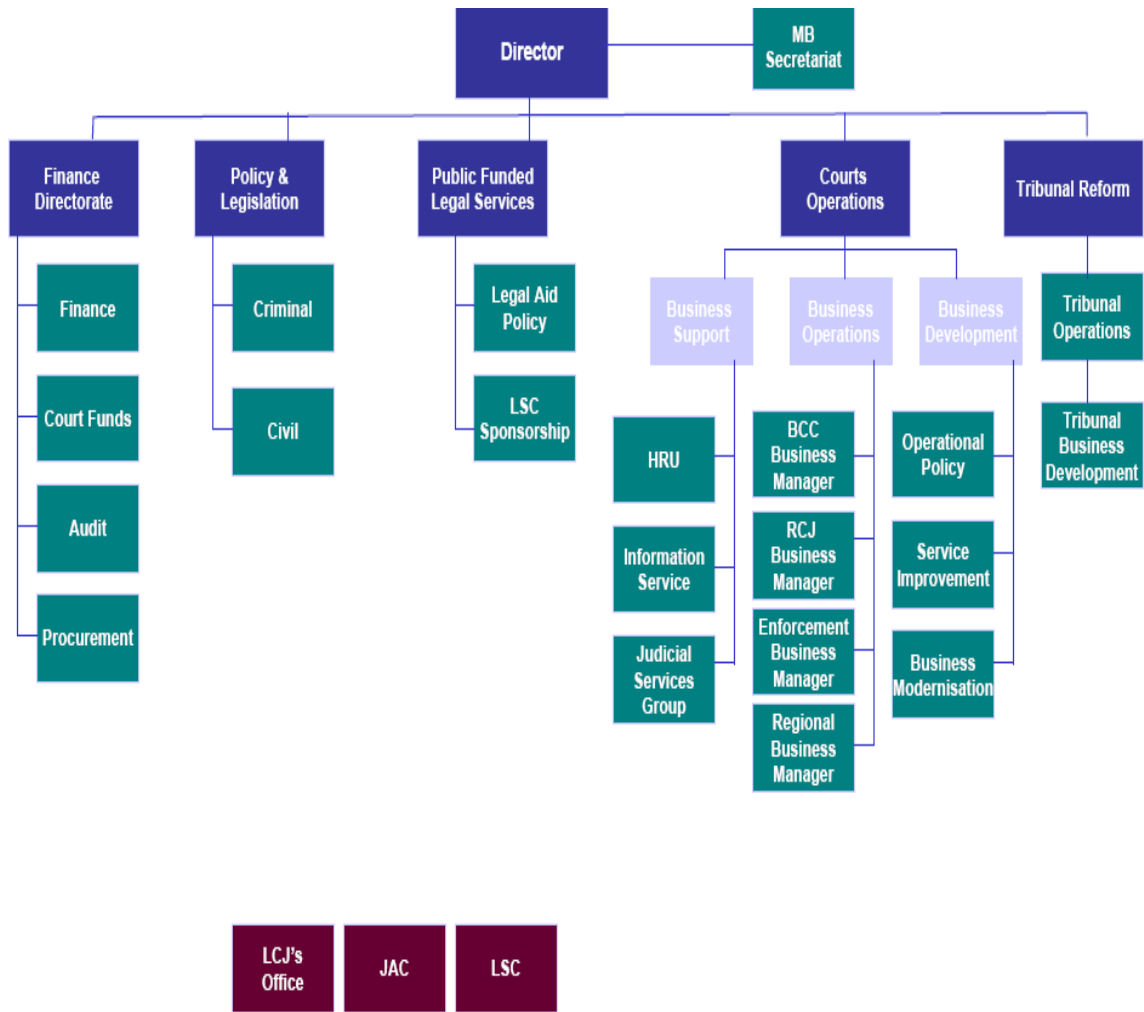
1. How could the composition of a Management Board for a future NI Court Service allow for lay involvement, ministerial involvement and judicial involvement?
2. What functions would this Management Board have?
3. How would accountability be ensured in a future NI Court Service model?
4. How would judicial independence be secured in a future NI Court Service?
5. What would be the division of responsibilities between the future NI Court Service agency/ independent body and a new Ministry of Justice for NI?
6. What can be learnt from Scotland and ROI in this area and can be reflected in any future consultation on a future NI Court Service, for example economic implications?

## Annex 1 - Outline of Current Court Structure within NI Court Service<sup>54</sup>



<sup>54</sup> Diagram taken from Northern Ireland Court Service (2003), "A Guide for Users of the Northern Ireland Court Service: About the Court Service", p15

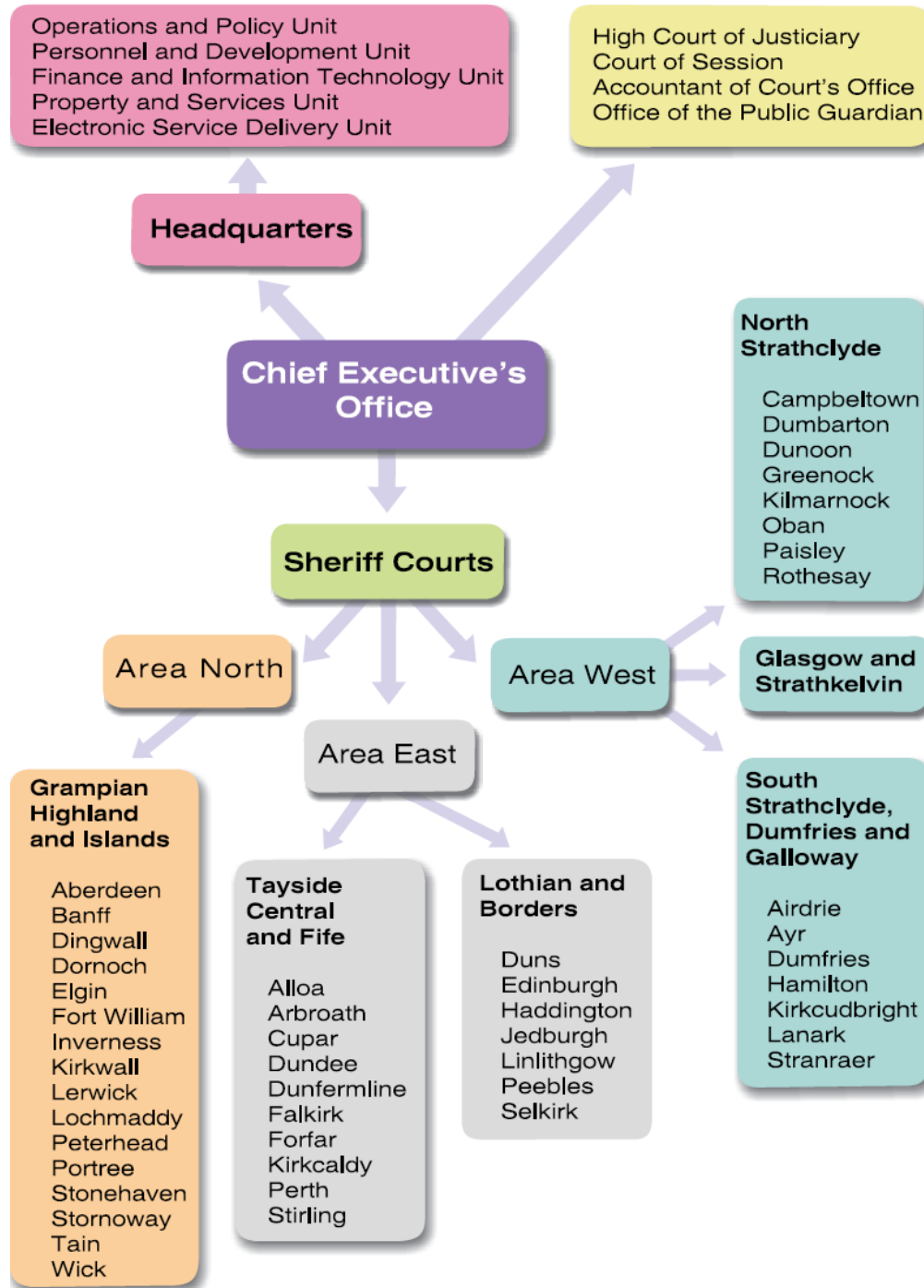
**Annex 2 - Current Organisational Structure of NI Court Service<sup>55</sup>**



<sup>55</sup> Diagram taken from [http://www.courtsni.gov.uk/NR/ronlyres/8E2F9559-D96D-4D2F-B64E-7AE639EE4550/0/organisational\\_chart.pdf](http://www.courtsni.gov.uk/NR/ronlyres/8E2F9559-D96D-4D2F-B64E-7AE639EE4550/0/organisational_chart.pdf)

**Annex 3 - Outline of current SCS structure<sup>56</sup>**

**Structure of the Scottish Court Service**



<sup>56</sup> Please note this is a diagram of current arrangements and not the proposed arrangements. Diagram Taken from Scottish Court Service: Annual Report and Accounts 2004-2005.

## Annex 4

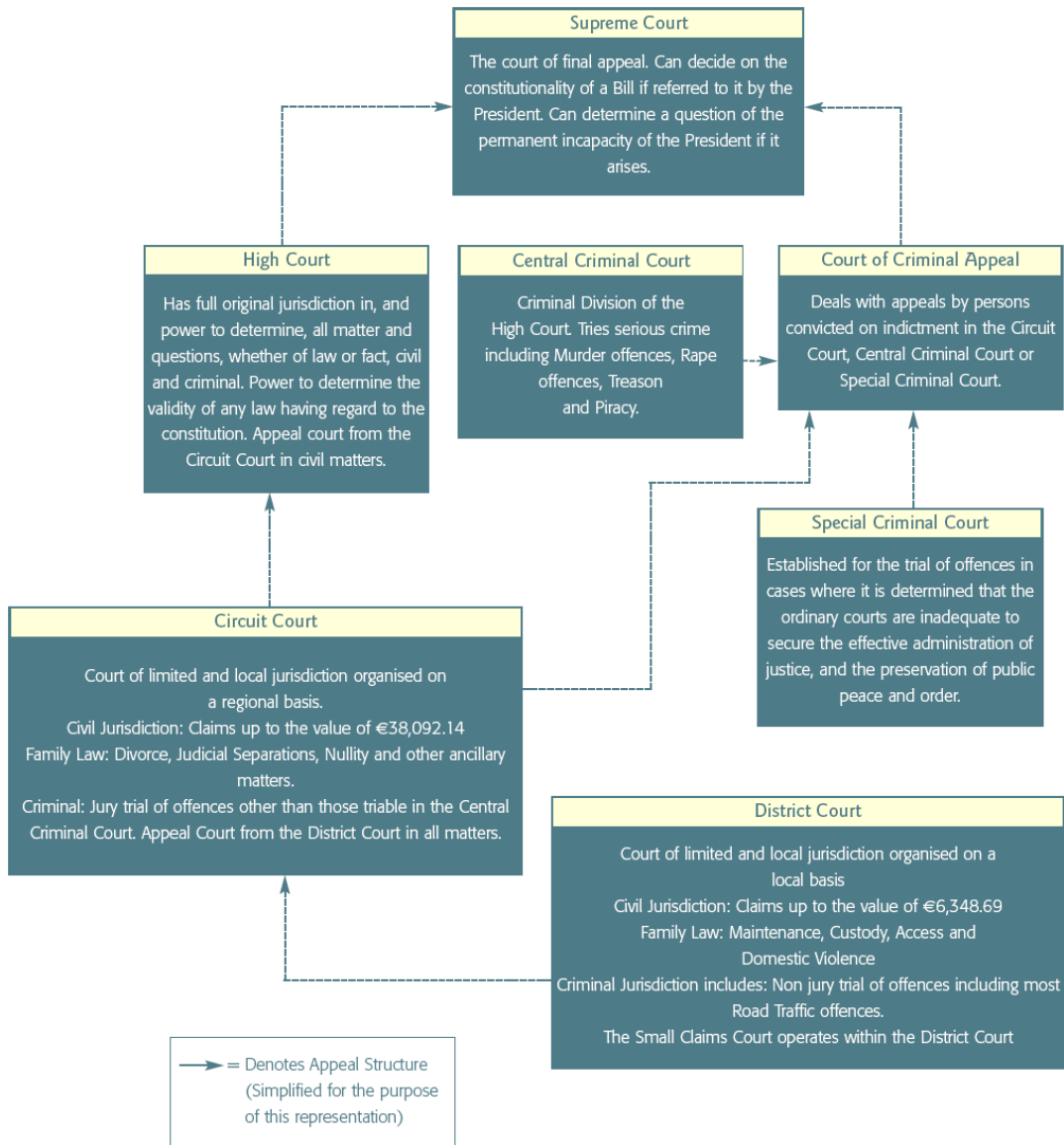
### Revised Governance Model

- The Scottish Court Service should be overseen by a non-executive board, chaired by the Lord President.
- Other directors on the board should have a range of different backgrounds and interests, including representatives of the different levels of the Judiciary and a nominee from the Scottish Executive Justice Department.
- The Chief Executive would report to the Court Service Board, which would set overall policy for, and monitor the performance of, the Court Service, taking account of strategic priorities agreed between the board and Ministers. Within the framework set by the board, the Chief Executive would have delegated authority to take operational decisions.
- Resources would be allocated to the Court Service by Ministers in line with agreed strategic priorities, and subject to approval by Parliament.
- The Chief Executive would be the accountability officer, in line with sections 14 and 15 of the Public Finance and Accountability (Scotland) Act 2000, and would be required to report as appropriate to the Parliament and to Ministers on the performance of the Court Service and its use of public funds.
- From time to time, the Lord President, as Chair of the Court Service Board, might also provide an account of policy set by the Board to Parliament.<sup>57</sup>

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<sup>57</sup>Proposals for a Judiciary (Scotland) Bill  
<http://www.scotland.gov.uk/Resource/Doc/165568/0045075.pdf>

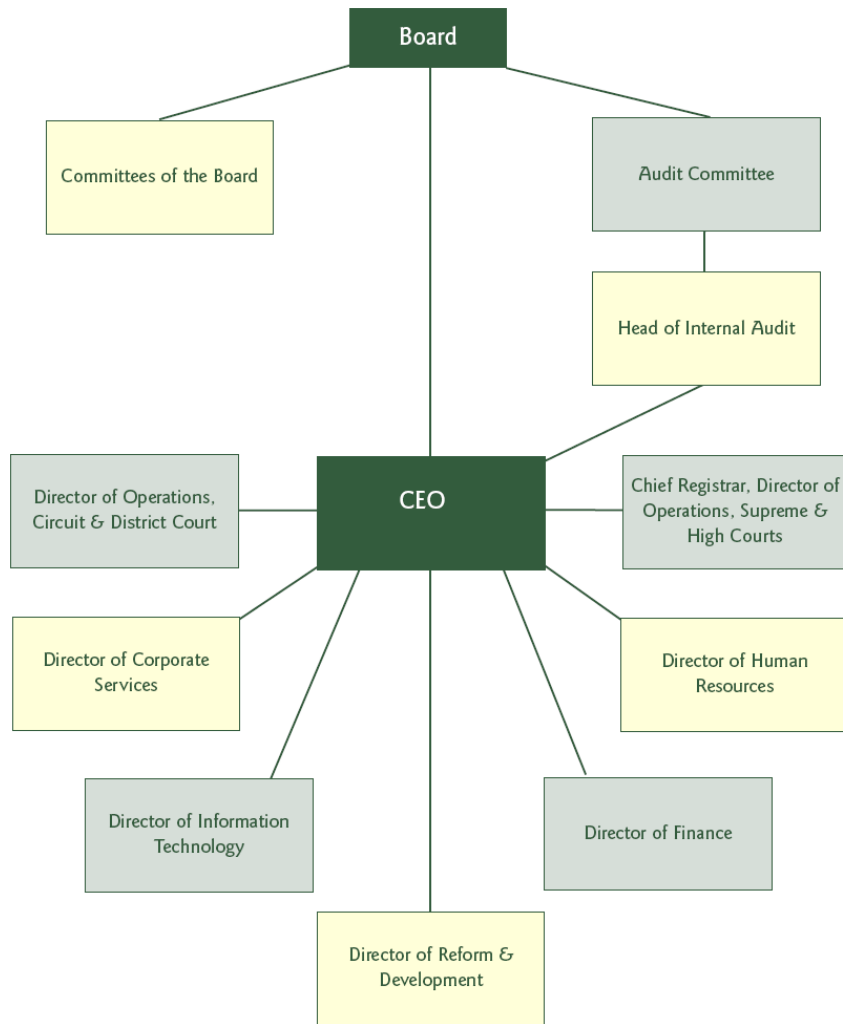
**Annex 5 - Outline of Court Structure in ROI<sup>58</sup>**



<sup>58</sup> Diagram taken from "Sustaining the Momentum: Strategic Plan 2005-2008", Pg 30.  
 Providing research and information to the Northern Ireland Assembly



## Annex 7 - Organisational Structure of Court Service in ROI<sup>59</sup>



<sup>59</sup> Ibid, p32

## Annex 8 - The Court Service Board Composition in ROI<sup>60</sup>

### The Board

The Board of the Service consists of 17 people and is chaired by the Chief Justice or another judge of the Supreme Court nominated by him/her. Section 11 of the 1998 Act specifies the composition of the Board to be:

- ▶ the Chief Justice or a Supreme Court judge nominated by him/her
- ▶ the President of the High Court or a judge of that court nominated by him/her
- ▶ a judge of the Supreme Court elected by the ordinary Judiciary of that court
- ▶ a judge of the High Court elected by the ordinary Judiciary of that court
- ▶ the President of the Circuit Court or a judge of that court nominated by him/her
- ▶ a judge of the Circuit Court elected by the ordinary Judiciary of that court
- ▶ the President of the District Court or a judge of that court nominated by him/her
- ▶ a judge of the District Court elected by the ordinary Judiciary of that court
- ▶ a judge nominated by the Chief Justice in respect of expertise in a specific area of court business
- ▶ the Chief Executive
- ▶ a practising barrister nominated by the Chairman of the Council of the Bar of Ireland,
- ▶ a practising solicitor nominated by the President of the Law Society of Ireland,
- ▶ an elected staff member,
- ▶ an officer of the Minister for Justice, Equality and Law Reform,
- ▶ a nominee of the Minister representing consumers of the services provided by the courts,
- ▶ a nominee of the Irish Congress of Trade Unions and
- ▶ A nominee of the Minister, following consultation, of a person with knowledge and experience in commerce, finance or administration.

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<sup>60</sup> Ibid, Pg 31.