



WORKING GROUP
ON A
COURTS COMMISSION

FOURTH REPORT

THE CHIEF EXECUTIVE OF
THE COURTS SERVICE

March, 1997

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The Working Group on a Courts Commission was established by the Minister for Justice, Nora Owen, T.D.

1. To review, (a) the operation of the Courts system, having regard to the level and quality of service provided to the public, staffing, information technology, etc; (b) the financing of the Courts system, including the current relationship between the Courts, the Department of Justice and the Oireachtas in this regard; (c) any other aspect of the operation of the Courts system which the Group considers appropriate.
2. In the light of the foregoing review, to consider the matter of the establishment of a Commission on the Management of the Courts as an independent and permanent body with financial and management autonomy (as envisaged in the December 1994 document entitled "A Government of Renewal").
3. To have investigative, advisory and recommendatory functions and to make a report (and any interim reports and recommendations as they see fit) to the Minister for Justice on the foregoing matters.

The Working Group on a Courts Commission consists of:

Mrs. Justice Susan Denham, Judge of the Supreme Court.
Mr. Justice Robert Barr, Judge of the High Court.
Mrs. Justice Catherine McGuinness, Judge of the High Court.
Judge Kevin O'Higgins, Judge of the Circuit Court.
Judge Peter Smithwick, President of the District Court.
Mr. Justice Anthony J. Hederman, President of The Law Reform Commission.
Mr. Ken Murphy, Director General of The Law Society.
Mr. James Nugent, Senior Counsel, Chairman of The Bar Council.
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CHAPTER 1

1. INTRODUCTION

The Working Group on a Courts Commission set up by the Minister for Justice, Nora Owen, T.D., compiled three reports during 1996:

First Report	Management and Financing of the Courts (April, 1996)
Second Report	Case Management and Court Management (July, 1996)
Third Report	Toward the Courts Service (November, 1996)

2. LEGISLATION

The Government has accepted in principle all three reports and in November 1996 decided that the necessary legislation, establishing the Courts Service as advised by the Working Group, should be drafted as a matter of priority. The Government authorised the Minister for Justice to request the Working Group to prepare immediately a report on the specific subject of the post of Chief Executive of the Courts Service. In order to expedite this Report the Group were enjoined to retain the services of a Management Consultant familiar with the work of the Group. It was envisaged that the Consultant would assist in the preparation of the report particularly with regard to such matters as person specification, job outline, reporting structure within the Courts Service and performance measurement within the role and recruitment scope.

3. GOVERNMENT REQUEST

This Report addresses the request of the Minister for Justice as to the post of Chief Executive of the proposed Courts Service. In addition to

matters specified by the Minister other issues, which have arisen when analysing the post of the Chief Executive of the proposed Courts Service, are included.

4. MANAGEMENT CONSULTANT

In December, 1996 the Group appointed Wright Consultancy Ltd., to be the Management Consultant to the Group on this issue. In addition, a Sub-Committee was established to prepare the initial work for presentation to the Group.

5. CHIEF EXECUTIVE

1. The Chief Executive will be appointed by the Courts Service. Thus the Courts Service must exist before he or she is appointed. The first function of the Board will be to recruit and appoint the Chief Executive.

2. The terms of appointment of the Chief Executive will be fixed by contract. This contract between the Courts Service and the Chief Executive will be subject to consultation with the Minister for Justice and approval of the Minister for Finance. The contract will be renewable. The post of Chief Executive will not be an established Civil Service post. The Chief Executive will be recruited and appointed by the Courts Service.

3. The Chief Executive will have at least the status of a Secretary of a Department. The Chief Executive will be a member of and work to the Board of the Courts Service.

4. The Chief Executive will implement the policy decisions assigned to him or her by the Courts Service. Thus, many policy issues cannot be dealt with until the Courts Service is established. However, this document addresses matters which, it is hoped, will assist the Courts Service.

5. Some of the functions of the Chief Executive will arise from legislation rather than assignment by the Courts Service e.g. the function as Accounting Officer and the obligation to appear before Committees of the Oireachtas.

6. The Chief Executive will assume a critical role in the establishment of the Courts Service and the management of some 900 Civil Servants who will become part of the Courts Service but who are now answerable to the Minister for Justice. In this Report the matter of the relationship of the Chief Executive to the Board of the Courts Service and to the staff of the Courts Service is considered.

CHAPTER 2

Person Specification of Chief Executive

A person specification of the Chief Executive was requested by the Minister. It is hoped that this information will be of assistance to the Courts Service. The following specification is aimed at attracting senior personnel from the private sector as well as the public sector. The emphasis of the role will be two fold, both to be a leader of, and to enable change in, the new organisation as it grows.

The specification is set out below:

PERSON SPECIFICATION: CHIEF EXECUTIVE OF THE COURTS SERVICE

EDUCATION: A degree Qualification in Management, and/or Qualification in law, would be an advantage. Must have excellent communication, written and oral, skills.

EXPERIENCE: Is likely to have worked at a similar capacity, as part of a formal reporting structure. Professional management qualification and 10 years work experience of staff management, team leadership, financial procedures, accountability and experience of implementing a full Information Technology Programme would be an advantage.

Working experience and familiarity with public administration would be an advantage. He/she

must have a proven record in achieving results through people. Experience of management change and working in a staff/union environment would be beneficial.

PERSONALITY: Open, friendly, good listener, while working for high performance goals. A natural ability to meet and work with people.

CIRCUMSTANCES: Prepared to accept a fixed term contract, initially for a period of 7 years.

CHAPTER 3

Job Outline for Chief Executive

POSITION: CHIEF EXECUTIVE, COURTS SERVICE

Overall Objective of the Courts Service. To provide an efficient and effective courts system with a high level and quality of service.

Reports: To the Board.

Staff Responsibility: Staff line management responsibility will include: Financial; Human Resources; Building Services; Litigation Support and Administration.

Main Purpose of Position: To develop the Courts Service by endeavouring to ensure that the organisation has sufficient resources to meet its objectives as set out in its policies and plans. To keep the Board of the Courts Service and the Minister for Justice informed of relevant matters.

Criteria of Success: That key responsibilities, tasks, targets are clearly and formally set, accepted and resourced. Costs must be equal to or less than budgeted. Service and quality of delivery levels must meet or exceed organisational requirements.

This outline addresses the key areas of accountability and responsibility. Each key task has three separate headings:

- (i) The area of **responsibility**.
- (ii) The **performance criteria** by which success and performance in the job may be judged.
- (iii) The method and frequency of reporting required to ensure **accountability**.

We set out the job outline under nine broad headings below:

Key Tasks:

1. BUSINESS PLAN

Responsibility

To identify and develop longer term strategic directions for the successful development of the Courts Service, within a 3 year framework for the approval of the Board.

Criteria of Success

Future trends and developments in organisation requirements are anticipated and solutions put in place to meet work demands.

Accountability

Production of a 3 year plan with annual updates in place.

2. RESOURCE MANAGEMENT

(a) Internal staff resources

To identify, allocate and develop the staff necessary to meet the Courts Service current plans and budgets.

Criteria of Success

That staff are in place with the requisite skills, whilst operating within budgets in a unified service. Staff demonstrate a high degree of flexibility to meet work demands.

Accountability

That there is a staff plan in place for a unified Courts Service.

(b) Budgets

To draw up for submission to the Board an annual budget (within a 3 year time frame) that meets the Courts Service plans including a three year budget projection for the approval of the Board, the Minister and the Government.

Criteria of Success

That costs are within the budget and objectives achieved.

Accountability

That there are monthly and quarterly planning and budget reports which reflect the provision of resources to meet organisational needs.

3. MANAGEMENT SYSTEMS AND COMPUTERISATION:

To set in place the necessary operational systems and computerisation to ensure that the Courts Service meets modern requirements through the effective use of technology. To set up a network of information and communication technology.

Criteria of Success

Service and delivery and quality levels are met to an agreed standard, within a progressive implementation plan in the first 3 years of the Courts Service and appropriate plans thereafter.

Accountability

There is an operating system supported by modern computerisation in place, with key personnel trained to operate the system effectively.

Annual report to the Board on progress in light of the implementation plan.

4. STAFF PERFORMANCE, TRAINING AND DEVELOPMENT

To appraise actual performance of staff, ensuring deficiencies are resolved through establishment of a 3 year staff training and development programme, in line with the modernisation of the public service.

Criteria of Success

Performance measures are met or exceeded, deficiencies are resolved.

Accountability

That annual appraisals are undertaken with all staff, plus the implementation of a 3 year staff training and development programme with annual updates.

5. ADDITIONAL FUNDING OF COURTS SERVICE

To identify opportunities for raising additional revenue insofar as consistent with the special role of the Courts.

Criteria of Success

The generation of additional revenue, over and above fixed budgets.

Accountability

Quarterly reports to the Board on progress are presented and timely.

6. INFORMATION SYSTEM AND COMMUNICATION

To see that the full information system is realised through the provision of timely and accurate information.

- Operation/Business Plan
- Newsletter
- Annual Statistical Reports

- Budgets and Estimates
- Information Service
- Education Programmes
- Preparation of Users' Charter

Criteria of Success

To see that information and communication to Court users is accurate and up to date, using key report structures, Business Plan, Users' Charter and Annual Accounts

Accountability

To see that information and communication are reviewed quarterly. In addition, to oversee the publication of:—

- Annual Report
- Three year operation/Business Plan
- Update of Users' Charter
- Report of Information Services and public education programmes
- Annual Accounts
- Publish Statistical Reports

7. COURT ACCOMMODATION

To draw up a seven year refurbishment programme for Courts' accommodation throughout the State for approval by the Courts Service so that the standard of accommodation meets with a minimum requirement for users and the public. Endeavour to ensure that the capital programme is approved, operates on time and is based on efficient use of funds available.

Criteria of Success

That there is a seven year Courts' accommodation plan that addresses the Courts' needs, which is implemented on time and within budget.

Accountability

There is a six monthly report to the Board on the seven year plan and appropriate up-dates and action.

8. ORGANISATION STRUCTURES

To ensure that appropriate management and organisational structures, as approved by the Board, are in place to support all Court work throughout the State. That staff support is integrated, staffing reflects work load and not strictly organised by jurisdiction or departmentalisation.

Criteria of Success

That there is a clear and easily understood structure to support the Judiciary in its independent role in the administration of justice.

Accountability

Quarterly reports and reviews to the Board.

9. SUPPORT TO THE RULES COMMITTEES

To ensure that there is appropriate support to the Rules Committees to enable them to function in an efficient and proactive manner and to review rules as required as speedily as possible.

Criterion of Success

That the Committees are supported in every way by the Courts staff and available resources.

Accountability

Progress and work requirements are reported on quarterly to the Board.

SUMMARY OF OVERALL JOB RESPONSIBILITY

The Chief Executive will assume responsibility with his/her full-time Executive Team for day to day management of the Court systems, staff and related matters including communication with users. The Board will direct this by developing clear policies for the Chief Executive and his/her team. Every opportunity will be provided to the office holder to allow him/her full and direct management control while following policy and reporting to the Board on a monthly or quarterly basis.

The Role of the Chief Executive shall not encroach on Judicial Functions. The Judiciary will continue to be responsible for case management.

The Chief Executive will provide administrative support, resources and assistance to the Rules Committees to ensure that the Rules are continuously reviewed and updated to reflect the modern requirements of the Courts.

CHAPTER 4

Advertisement for Chief Executive

The approach suggested is to give the advertisement an attractive feel for those outside the Public Service, as well as to those within. The emphasis is on leading and managing change.

The suggested advertisement should read:

CHIEF EXECUTIVE

The Courts Service will be an independent state service with its own Board of Management. The Courts Service will assume responsibility for approximately nine hundred Civil Servants and an annual budget of approximately £24m, current expenditure. The Chief Executive will be responsible for leading, directing and implementing new initiatives required to establish efficient and effective Courts Management in Ireland. Reporting to the Board he/she will be responsible for all administrative and financial affairs of the Courts Service, implementing future policy, including information technology and a courts building programme.

The candidate is likely to have a proven track record at a Senior Executive level of leading major organisational reforms. The ability to lead a large organisation of people, empowering individual and organisational change and supporting effective team work are essential qualities. A third level degree in management and/or a legal qualification would be desirable.

The position offers a real challenge with a seven year contract and a salary which will reflect the importance, seniority and responsibility of the position.

All applications should be addressed in strictest confidence to.....

Closing date _____ 1997.

CHAPTER 5

Aims and Functions

1. The Aims and Functions of Chief Executive

The Chief Executive will work to the Board of the Courts Service whose aims and functions will include those set out in the First Report of the Working Group on a Courts Commission. The Chief Executive will be working to those same aims and functions, as directed by the policy of the Courts Service.

2. The Aims of the Courts Service will include:

- Delivery of an efficient and effective system for management of the Courts.

3. The functions of the Courts Service will include:

- (i) the management of the Courts system;
- (ii) the preparation of its own budget;
- (iii) the management of its budget with regard to economy, efficiency and effectiveness;
- (iv) the provision of the necessary support services to the judiciary, including secretarial and research services;
- (v) the provision of administrative back-up necessary for an efficient Courts Service;
- (vi) the provision of an effective communications system between staff and judges;
- (vii) the provision of information on the Court system to the public;
- (viii) the provision, management and maintenance of suitable Court buildings, including a discretion to determine Court venues in accordance with specific criteria.

The functions of the Courts Service do not include the administration of justice which is the sole responsibility of the Judiciary.

4. Accountability

Accountability to the Board for the provision of these Aims and Functions would be maintained through the publication of the following Reports and Information;

- The preparation of a **Three Year Plan** for the Courts Service based on agreed budget criteria.
- The publication of an **Annual Report** on the performance of the Courts Service, with statistical information on the effectiveness of the Courts Service.
- The preparation and presentation of information to the public and Court users on an ongoing basis including the provision of **Educational Material** to schools, jurors and Court users.
- The publication of a **Charter** for Court users.
- The presentation and implementation of a **7 year building programme** and refurbishment plan for Court buildings.

CHAPTER 6

Legislation and the Chief Executive

1. The Chief Executive, subject to the control and direction of the Courts Service, will be responsible for the management of the Courts Service.

2. The Courts Service will direct the policy of the organisation. It will be for the Chief Executive to implement that policy. The Chief Executive will report to the Courts Service at regular meetings. However, in addition, the Courts Service will establish a working system including easy and frequent contact between the Chairman and the Chief Executive and the use of Sub Committees as the Courts Service develops. It will be for the Courts Service to establish the mode of conducting these relationships.

3. The framework for the relationship will be in the legislation. It is expected that the legislation should provide a skeleton framework. The effective operational systems of the new organisation will have to grow with the Courts Service.

4. Other jurisdictions which the Group studied have not legislated to any great extent in this area.¹ The Court Service in England and Wales was established pursuant to S.27 Courts Act, 1971; that section is set out in Appendix No.1. The Northern Ireland Court Service was established through S.69 Judicature (Northern Ireland) Act, 1978: see Appendix No. 2.

¹See Courts Administration Act, 1993 of South Australia, appended to the Third Report of the Working Group on a Courts Commission.

The Chief Executive and Core Management

1. New Structure

Under the proposed new structure staff would report to a Head of Division under the Chief Executive. This would replace the current reporting structure with the Department of Justice. The current grading structure of the Courts and the grade of the Chief Executive and the Head of each Division should not be a basis for defining reporting structure. Managers of the various divisions would report directly to their Head of Division on all administrative and personnel matters.

2. Five Divisions

It is necessary that there be five new positions, Heads of Division. The Third Report envisaged these five, namely, Heads of Division of:

- Litigation
- Administration
- Finance
- Human Resources
- Building Services

The heads of the Litigation, Administration and Finance Divisions are **key line managers** and should have appropriate status. This status is necessary having regard to the level of responsibility of the posts and to the reporting structure.

Human Resources and Building Services will act as key support roles, rather than in a key line management function.

3. Values

There are several ways of organising the line management structures. In considering which way is the most appropriate, a number of **key values**, expressed and implied by the Working Group Reports, should apply to overcome some of the faults of the existing structure. These are:

- Clear access to the Chief Executive for all Court management staff.
- Reflection of a unified Courts Service in all structures.
- Clear management, communications and workable structures.
- Career structure particularly for Circuit and District Courts staff, including opportunities in the High and Supreme Courts.
- Central administration should be sited within the Four Courts complex.

4.i Litigation Division

This division was added since the First Report of the Working Group because of a review of management requirements, particularly within the High Court and related staff offices of the Four Courts.

4.ii Administration Division

The Administration Division would be very demanding if all senior Management reported to a Head of Administration Division. This would be quite unmanageable within the existing Courts structure. The addition of the Litigation Divisions will provide greater scope and attention to other vital management roles within the Courts Service.

4.iii Financial Division

The proposal to have a Financial Controller accountable to a Chief Executive will bring together a number of accounting functions within the different jurisdictions of the Courts.

There would be management of all monies, with the reconciling of all income and expenditure. In addition to this role the office would assume responsibility for a number of accounting functions within each of the jurisdictions, including Wards of Court, Accounts Office, Maintenance Payments and Minors, etc. In the Third Report of the Working Group it was recommended that an Investment/Treasury Manager be appointed to negotiate on monies to be invested on behalf of the Courts.

The overall responsibility for Information Technology would be incorporated into the Financial Controller's Office.

4.iv Human Resources and Training Division

This is a service function to all line management within the Courts Service. It would be a small division with a specialist staff providing a full range of human resource services including training for Court staff and management.

4.v Building Services Division

Due to the considerable number of Court buildings and the poor condition of many, without modern services, it was recommended that this division be established. It would consist of a small staff of specialist personnel.

5. Summary

The aim of the structure will be to provide a number of features previously lacking within the existing system.

There is plenty of scope and opportunity for development in the basic structure to provide an effective service to Court users and add value to each and every activity. The aim is to provide a comparable world class organisation.

The head of each Division and the Chief Executive would be a core formal management structure within the unified Courts Service which would enable the whole to coalesce.

CHAPTER 8

The Presidents of each Bench

1. Judicial business of the Court

There will be no alteration in the position of the Presidents of each Bench. Thus, for example, the President of the High Court will continue to arrange the distribution and allocation of the business of the High Court, see s. 10(3) Courts (Supplemental Provisions) Act, 1961.

2. Staff subject to directions of judiciary

Throughout the current system there are references to duties staff owe to members of the judiciary. For example, the Chief Registrar of the High Court has the management of the Central Office and the superintendence and control of the other offices attached to the High Court. In the exercise of the latter function he/she is subject to the directions of the President of the High Court in regard to the conduct of the *judicial* business in the Courts: see 8th Schedule, Courts (Supplemental Provisions) Act, 1961. The proposed system will not interfere with staff duties to the judiciary.

CHAPTER 9

The Chief Justice and the Chief Executive

1. Chairman of the Courts Service and the Chief Executive

Under the proposed legislation the Chief Justice will be Chairman of the Courts Service. Or, if he chooses, he may nominate a member of the Supreme Court to the Courts Service who would then be the Chairman. The Chairman of the Courts Service would have a working relationship with the Chief Executive and such Sub Committees as the Service establish.

2. Chief Justice and the Chief Executive

In addition to his relationship to the Chief Executive as Chairman of the Courts Service the Chief Justice as leader of the judiciary and President of the Supreme Court would have a special relationship with the Chief Executive. He would have access to the Chief Executive at all times and would be entitled to be informed of all matters.

3. Nothing in the proposed new system impinges on the judicial duties and responsibilities of the Chief Justice or on his management of the Supreme Court.

CHAPTER 10

The Minister for Justice and the Chief Executive

1. Under the proposed legislation the Department of Justice will cease to be responsible for the day-to-day management of the Courts system.
2. However, because of the Minister for Justice's continuing accountability to the Oireachtas, it will be necessary to put in place, in consultation between the Courts Service and the Department of Justice, a reporting relationship which will satisfy all relevant information requirements of the Minister without, at the same time, diluting the responsibility for the management of the administration of the Courts which will be transferred to the Courts Service. The transfer of such information will be by the Chief Executive under the general authority of the Courts Service.
3. The Chief Executive shall at the request of an Oireachtas Committee attend before it to answer questions about the administration of the Courts. The Chief Executive shall be precluded from commenting on the exercise by the judiciary of their judicial functions.
5. The Chief Executive will submit the financial plans of the Courts Service on behalf of the Courts Service to the Minister.
6. The Chief Executive will be the Accounting Officer for the Courts Service. This will give rise to certain responsibilities for the Chief Executive under the Exchequer and Audit Departments Acts and will require him or her to appear annually before the Public Accounts Committee.

Senior Statutory Positions

1. The Third Report noted the unique position of certain senior statutory positions within the Court system. They include the Master of the High Court, the Taxing Masters and the County Registrars. The method of their appointment was referred to as being anomalous within a modern professional Court Management System.

2. County Registrars have been appointed for every county. S.35 of the Court Officers Act, 1926 refers to the appointment of “so many” as the Minister with the sanction of the Minister for Finance shall from time to time direct. County Registrars currently have administrative duties relating to the administration of the Circuit Courts. They also have quasi-judicial duties e.g. given under s.34 of the Courts and Court Officers Act, 1995. In addition, they hold duties extraneous to the Courts Service e.g. under the Electoral Acts.

3. It is obvious from the foregoing that the future role of the County Registrar will need careful consideration, particularly in respect of their role in the administration of the Courts, the relationship between the quasi-judicial role and the administrative role they now have and perhaps most importantly the fact that at present they hold duties which extend beyond the area of the administration of justice. The Working Group already has had preliminary discussions with the County Registrars on these matters.

4. There is already a Senior Clerk within the District Court performing many functions similar to the functions of the County Registrars. The proposed unified Courts Service would call for an amalgamation of District and Circuit Court staff, with promotional opportunities into High and Supreme Courts. The County Registrar adds another layer to these

reporting structures. Therefore, an alternative role for County Registrars may be developed.

5. A number of options, all of which would provide a level of service matching the County Registrar's qualifications and experience, might present themselves. It is a matter to which the Working Group will return in a further Report.

TAXING MASTERS AND THE MASTER OF THE HIGH COURT

Taxing Masters and the Master of the High Court are within the Courts system. For them to obtain the benefit of the new Courts Service a management structure should be created so that their administrative work can be supported and developed.

CHAPTER 12

Conclusion

1. A Person Specification of the Chief Executive of the Courts Service is set out in Chapter 2.
2. A Job Outline for the Chief Executive is contained in Chapter 3.
3. A draft advertisement for the Chief Executive is displayed in Chapter 4.
4. The proposed core management structure of the Courts Service is set out in Chapter 7.
5. Legislation for the Courts Service should be skeletal.
6. The basic management format of the Courts Service should be the subject of on-going consultations with the staff and negotiations with the trade unions.
7. The first function of the Board will be to recruit and appoint the Chief Executive.

Appendices

APPENDIX 1

Courts Act, 1971

(1971 c.23)

Part IV

Officers and Accommodation

27. Administrative and other court staff.

The Lord Chancellor may, with the concurrence of the Minister for the Civil Service as to numbers and salaries, appoint such officers and other staff for the Supreme Court (including the district probate registries) and county courts as appear to him necessary—

- (a) for setting up a unified administrative court service, and
- (b) for discharging any functions in those courts conferred by or under this or any other Act on officers so appointed, and
- (c) generally for carrying out the administrative work of those courts.

APPENDIX 2

Judicature (Northern Ireland) Act 1978

(1978 c.23)

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69. Northern Ireland Court Service

An Act to make provision with respect to the constitution, jurisdiction and proceedings of the Supreme Court of Judicature of Northern Ireland; to establish as part of that Court a Crown Court to try indictments and exercise other jurisdiction in Northern Ireland in relation to criminal cases and to abolish courts of assize there and deal with their jurisdiction; to make, as respects Northern Ireland, *provision for the administration of Courts*; to provide for certain rules of law in judicial matters in Northern Ireland and to amend the law regarding county courts, magistrates' courts and justices of the peace in Northern Ireland and otherwise with respect to the administration of justice there.

General Note

This Act gives effect to the proposals contained in the White Paper "Courts in Northern Ireland: The Future Pattern" (Cmnd. 6892) and thereby implements various recommendations made in three reports namely (i) Report of the Committee on the Supreme Court of Judicature of Northern Ireland (Cmnd. 4292); (ii) the Interim Report of the Joint Committee on Civil and Criminal Jurisdiction in Northern Ireland (Cmnd.

5431); and (iii) the Report of the Committee on County Courts and Magistrates' Courts in Northern Ireland (Cmnd. 5824).

The Act effects a major modernisation of the legislation governing the superior courts in Northern Ireland. The main changes are the abolition of the Court of Criminal Appeal and the transfer of its jurisdiction to the Court of Appeal and the establishment of a Crown Court for the trial of all criminal cases on indictment. A single unified courts administration service is to replace the separate courts services which at present exist for the Supreme Court and the inferior courts and the Lord Chancellor is to assume ministerial responsibility for the administration of all courts in Northern Ireland. In relation to inferior courts there is a territorial redistribution of courts and offices to take account of recent changes in local government.

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Northern Ireland

The Act extends to Northern Ireland only.

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Northern Ireland Court Service

69.—(1) There shall be a unified and distinct civil service of the Crown, to be called the Northern Ireland Court Service and hereafter referred to as “the Court Service”, the functions of which shall be—

- (a) to facilitate the conduct of the business of the following courts, namely—
 - (i) the Supreme Court;
 - (ii) county courts;

(iii) magistrates' courts; and

(iv) coroner's courts;

(b) to give effect to judgments to which the Judgments (Enforcement) Act (Northern Ireland) 1969 applies; and

(c) to discharge such other functions in relation to the courts mentioned in paragraph (a) or the enforcement of the judgments mentioned in paragraph (b) as are conferred on, or transferred to, it or any of its officers by or under this Act or any other statutory provision

(2) The Officers and other staff of the Court Service shall be appointed by the Lord Chancellor, with the concurrence of the Minister for the Civil Service as to numbers and terms and conditions of service, and shall discharge their functions in accordance with directions given by the Lord Chancellor.

(3) The principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 shall, with the necessary adaptations, apply to such officers and staff.

(4) The functions exercisable by the Court Service under subsection (1) shall include the function heretofore exercisable by—

(a) the officers and other persons employed in the Supreme Court;

(b) the persons employed in the county court service by virtue of section 108 of the County Courts Act (Northern Ireland) 1959 or by any other officer of a county court;

(c) clerks of petty sessions and persons employed in the offices of clerks of petty sessions;

(d) the Enforcement of Judgments Office: and

(e) the officers of coroners' courts,

other than those functions which by or under this Act become the functions of statutory officers.

(5) The offices of clerk of the Crown and peace and county court registrar are hereby abolished.

- (6) The Lord Chancellor may by order make provision—
- (a) for the payment by him of compensation to or in respect of persons who suffer loss of employment or loss or diminution of emoluments (including superannuation rights) which is attributable to the provisions of this section;
 - (b) for the transfer to a statutory officer of all or any of the functions of an office abolished by subsection (5);
 - (c) for such other incidental, consequential, transitional or supplementary matters (including the amendment or repeal of any provision of this Act or of any other statutory provision) as appear to the Lord Chancellor to be necessary or proper in connection with the establishment of the Court Service.

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General Note

This section gives effect to the Government's commitment to create a unified courts administration which was originally expressed in the White Paper "Northern Ireland Constitutional Proposals" (Cmnd. 5259) Previously there had been separate courts service for the Supreme Court, county courts, magistrates' courts, coroners' courts and the Enforcement of Judgments Office. The new Court Service will now take over the functions of these separate services other than the functions which under s. 70 below become exercisable by statutory officers.

Subs. (5)

The office of clerk of the Crown and peace was introduced by the County Officers and Courts (Ireland) Act 1877 which provided for the uniting of the offices of clerk of the Crown, who was concerned with the county assizes, and clerk of the peace who was clerk of the civil bill court. Under the County Officers and Courts Act (Northern Ireland) 1925 the clerk of the Crown and peace were largely administrative but be could, under county court rules, exercise certain minor judicial functions.

The office of registrar of the county court had fallen into disuse shortly before the commencement of this Act.