På det civilretlige område vil verserende sager og sager, der er indledt inden overgangsperiodens udløb, fortsætte i henhold til EU-retten. E-Justice-portalen vil – i overensstemmelse med en aftale med Det Forenede Kongerige – fortsat indeholde relevante informationer vedrørende Det Forenede Kongerige indtil udgangen af 2024.

Online processing of cases and e-communication with courts

Nordirland

1 Is it possible to initiate court proceedings via the internet?

Yes it is possible to initiate civil court proceedings via the internet through Small Claims Online (SCOL) which can be found at https://www.justice-ni.gov.uk/articles/online-services

2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

Small Claims On Line (SCOL) is available for money claims which are less than £3,000 excluding court fees and which does not relate to personal injuries, road traffic accidents, libel or slander, title to land, legacy or annuity or any property of a marriage.

The person or persons (respondent(s)) being sued can reside within the UK as long as a recognised postcode is provided to enable the identification of the proper address for service. If the respondent has an address in England, Scotland or Wales, the applicant must confirm that the cause of action for which they are claiming is not a matter which has been lodged in any other court. However if the respondent has an address outside the UK then SCOL cannot be used.

In respect of SCOL, applicants must be at least 18 years of age, must not lack mental capacity, must not be legally assisted within the meaning of the Legal Aid Act 1988 and must not be a vexatious litigant (that is a person who has been forbidden by a High Court Judge to issue proceedings in any county court in Northern Ireland without permission). Claims cannot be made against the Government or Monarchy.

Small Claims can be initiated at a court office or online using the SCOL process.

3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

SCOL is currently available 24 hours a day and 7 days a week.

4 Should the details of the claim be provided in any particular format?

For SCOL the applicant will be asked to complete a series of screens. Each screen deals with a specific piece of information that is required - for example the applicant's full name and address, the name and address of the respondent or respondents and the amount of money being claimed and details of the claim.

5 How is transmission and storage of data secured?

Security is of paramount importance. Because some of the information an applicant provides can be of a sensitive nature security is provided through unique user ID and passwords. The website also has security protection and encrypts the data that passes over the Internet.

Applicants need to register with the website before they can issue a small claim online. During registration they are asked to choose a user ID and password. The password must be no less than 7 characters long and be a combination of upper and lower-case letters and numbers.

6 Is it necessary to use any kind of electronic signature and/or time record?

Electronic signatures are not required. A Statement of Truth is required to be completed by the Applicant.

7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?

No distinction is made between the court fees payable for claims initiated via the Internet and those for non-electronic procedures. The court fees can be paid by credit or debit card or pre-paid account. Those entitled to claim fee exemptions or remissions cannot use SCOL.

8 Is it possible to withdraw a claim that has been initiated via the internet?

A notice to withdraw a claim can be made by the Applicant; this notice can be lodged online or via the office and will set the case status to “dealt with”.

9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?

If a claim has been issued through SCOL a respondent may respond electronically using the claim details provided on the front of the claim form or alternatively they can respond to the relevant court office. It is not compulsory to respond via the internet.

10 In terms of the electronic procedure what happens if the defendant responds to the claim?

The respondent can respond online to a claim made using SCOL in 3 ways. He/she can complete an:

Acceptance of Liability - if he/she admits the claim and wishes to settle it.

A respondent should complete and lodge this document if they accept that they owe this money and are going to pay the amount outstanding. They should specify if they need extra time to pay by either stating they can pay an amount per week/month or that they can pay the full amount by a certain date.

Notice of Dispute - if the respondent wishes to dispute the claim made against him/her.

If they do not agree with the claim they should complete and submit a Notice of Dispute, giving the reason why they feel this case should be disputed. Once the document is verified, the case is then transferred to the court office entered on the original application (usually a local court office) for listing (that is scheduling) and hearing. They must lodge copies of any documents that will support their case with the relevant Court Office at least 10 days before the court hearing date.

Notice of Dispute and Counterclaim - if the respondent wishes to dispute the claim made against him/her and wishes to make a counterclaim against the applicant. There will be a fee charged for this document and it is calculated depending on the amount the respondent wishes to claim. He/she will need to pay for this application by credit or debit card online. If he/she does not have a credit or debit card then they will have to submit this document to the Civil Processing Centre and make their payment by cash, postal order or cheque. Cheques should be made payable to Northern Ireland Courts and Tribunals Service.

Once the document is verified in the Civil Processing Centre it is then transferred to the court office entered on the original application (usually a local court office) for listing and hearing. The respondent must lodge copies of any documents that will support their case with the relevant Court Office at least 10 days before the court hearing date.

Where the respondent submits a defence the case is transferred to the respondent's local court. Where a counterclaim is made the case is transferred to an appropriate court. In both circumstances the case will proceed as if it was issued in a non-electronic format.

11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?

Once the return date has expired and there is no response from the respondent the applicant can apply for a Liquidated or Unliquidated Default Decree. This Application for a Default Decree can be completed and submitted online.

12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?

There is no general online facility to submit documents to a court electronically however in certain circumstances at the discretion of the court, the court may indicate it will accept certain documentation electronically. Documents are accepted if transmitted between the Criminal Justice Secure eMail (CJSM) accounts i.e. from one CJSM email address to another. A Protocol for the electronic exchange of information between the Northern Ireland Courts & Tribunals Service and other organisations, in proceedings under the Children (Northern Ireland) Order 1995 details the parameters for the exchange of agreed documentation.

13 Can judicial documents, and particularly judgments, be served via the internet?

No.

14 Can judicial decisions be given electronically?

No.

15 Can an appeal be made and its decision served via the internet?

No.

16 Is it possible to initiate enforcement proceedings via the internet?

No.

17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?

No.

Related links

Northern Ireland Courts and Tribunals Service https://www.justice-ni.gov.uk/topics/courts-and-tribunals

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