Civilinės teisenos srityje nebaigtos procedūros ir procesai, pradėti iki pereinamojo laikotarpio pabaigos, bus tęsiami pagal ES teisę. Remiantis abipusiu susitarimu su Jungtine Karalyste, atitinkama su Jungtine Karalyste susijusi informacija E. teisingumo portale bus saugoma iki 2024 m. pabaigos.

Small claims

Šiaurės Airija

1 Existence of a specific small claims procedure

There is a Small Claims Procedure in Northern Ireland. Small claims courts are designed to allow certain types of small claims to be decided informally in the county court, usually without the need for legal representation.

1.1 Scope of procedure, threshold

In general, the small claims procedure may be used where the amount of money or the value of the goods involved is not more than £3000. However some types of claims are excluded, for example, claims involving personal injuries, libel or slander, a legacy or annuity, ownership of land, property of a marriage and road traffic accidents.

1.2 Application of procedure

The procedure is optional and the judge has the power in certain circumstances to direct that an application be transferred to the county court.

1.3 Forms

The County Court Rules (Northern Ireland) 1981 [S.R.1981 No.225] contains forms which should be used during the small claims procedure. Forms are prescribed for commencing proceedings, disputing the claim and accepting liability. There is also a form to apply for a default judgment as well as a form to have the judgment set aside.

1.4 Assistance

The small claims procedure is designed to be informal. Court staff will be able to assist in completing the necessary forms and in explaining the process. However, they cannot offer legal advice.

A Citizens' Advice Bureau or consumer advice centres may also be able to assist litigants.

If a litigant has a disability which makes going to court or communicating difficult, he or she should contact the Customer Service Officer of the court concerned who may be able to provide further assistance.

1.5 Rules concerning the taking of evidence

The small claims court is informal and the strict rules of evidence do not apply. Accordingly the court may adopt any method of proceeding at a hearing that it considers to be fair. All parties must, subject to any legal objection, agree to be examined by the judge on oath.

1.6 Written procedure

If the case is not disputed and is for a set amount, the claim can be dealt with without a hearing using only written evidence. This is known as a default judgement.

1.7 Content of judgment

The judge will usually give an oral decision outlining his reasons. He may however, choose to give a written judgment.

1.8 Reimbursement of costs

There are restrictions on the reimbursement of costs. Currently, the judge may order that the following costs are paid:

Court fees; and

Expert witness expenses.

If there has been unreasonable conduct by one of the parties the judge may award costs against that party. If the proceedings were properly started in the county court, the judge may award appropriate costs.

1.9 Possibility to appeal

Where the losing party was either present or represented at the hearing an appeal can only be taken by asking the judge to state the reasons for his decision and applying to the High Court for a determination as to whether the judge's decision was correct in law.

Where the losing party was neither present nor represented at the hearing and the losing party contacts the small claims office, after any decree or judgment has issued, stating that he did not receive the application or did not receive it in sufficient time to reply, or for any other reason he did not reply in time then he will be advised to issue an application asking that the decree be set aside. The winning party will be sent a copy of the application and will be invited to reply in writing to it within 14 days. The Judge, having considered the application and any reply may either:

decide that there is a valid reason for the failure to reply and may set the judgment aside without a court hearing and may give a direction on how the case is to proceed. The parties will be notified by the small claims office of any order made by the Judge or

fix a date for hearing the application to set aside the decree. The parties will be notified of this date and invited to attend. The small claims office will also send to the parties a copy of any order the Judge makes after dealing with an application of this type.

Likewise if the losing party's documentation is returned to the small claims office by the post office and it is clear that he was not aware of the claim being made, then the court office will ask the Judge to revoke any decree that has been made and will contact the winning party to supply additional information e. g. a new address for the respondent.

Related links

Further information regarding the procedures can be obtained from the Northern Ireland Courts and Tribunals Service website.

Assistance for Disabled Litigants

Some court offices have designated Customer Service Officers who might be able to assist. If they cannot help, the disabled litigant can contact the Court Service Information Centre on +44 300 200 7812.

Last update: 03/02/2020

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.