På privaträttens område kommer pågående ärenden och förfaranden som inleddes innan övergångsperioden löpte ut att fortsätta i enlighet med EU-rätten. Relevant information om Storbritannien kommer att finnas kvar på e-juridikportalen till slutet av 2022 enligt en ömsesidig överenskommelse med Storbritannien.

Which country's court is responsible?

Nordirland

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

Most types of civil or commercial matters are dealt with in the High Court of Northern Ireland or in the County Court. The magistrates' courts have jurisdiction in some civil matters, such as minor debt recovery and family and domestic cases.

There are a number of statutory tribunals which deal with varied subjects such as immigration, tax, mental health, welfare benefits and transport. Some tribunals exercise a UK-wide jurisdiction and information relating to these can be found on the website of the Northern Ireland Courts and Tribunals Service. Others, such as the Fair Employment and Industrial Tribunals, which deal with some employment matters, exercise a Northern Ireland-wide jurisdiction only.

Often the question of jurisdiction is not straightforward. Therefore, it is always advisable to consult a lawyer before initiating legal proceedings.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

You should always take legal advice on which court is the correct one in which to initiate proceedings.

If your claim is for a sum of less than £30.000 and is for damages as a result of negligence or is for breach of contract, proceedings should be issued in the County Court unless you are advised otherwise. Any such claim for over £30.000 should be issued in the High Court.

Certain claims for not more than £3000 can be considered in the County Court using the small claims procedure which provides a simple and informal way of resolving disputes, often without the need for a lawyer. An information leaflet on the small claims procedure is available on the website of Northern Ireland Courts and Tribunals Service.

Family and domestic matters may be dealt with in either the magistrates' court, the County Court or the High Court, depending on the nature of the case.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

Magistrates' courts and the County Court exercise jurisdiction throughout Northern Ireland. The area in which business for these courts is usually heard is determined by reference to three Administrative Court Divisions. The Administrative Court Guide can be downloaded from the NICTS's website at http://www.courtsni.gov.uk/en-GB/Documents/Single%20Jurisdiction%20Internet%20Info%20Agreed.pdf

The High Court exercises a Northern Ireland-wide jurisdiction.

2.2.2 Exceptions to the basic rule

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

Generally, proceedings should be started in a court which covers the area in which the defendant resides or carries on business or in a court which covers the area in which the action giving rise to the proceedings occurred (although technically, they can be commenced in any Division).

Contractual matters - the court venue will depend on the nature of the contract. For example, a dispute relating to an employment contract may be a matter for the County Court or it may be a matter for the Industrial Tribunal.

Family and domestic matters, such as those relating to parental responsibility, will be heard in the magistrates' court, the county court or the High Court depending on the nature of the case.

Tort claims are dealt with under the general jurisdiction rule, as are civil claims arising out of criminal proceedings. However, there is also a scheme for compensating the victims of crime and more information can be found on the website of the Compensation Services (see link below).

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

There is no such requirement. Proceedings can be commenced in any Administrative Court Division irrespective of subject matter (although generally, they are commenced in the Division which covers the area in which the defendant resides or carries on business or which covers the area in which the action giving rise to the proceedings arise).

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

The parties cannot confer jurisdiction on a court.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

Information on tribunals which have a UK-wide jurisdiction can be found on the websites of the Court Service for England and Wales and the Ministry of Justice.

Information leaflets relating to the courts and most tribunals in Northern Ireland can be found on the website of the Northern Ireland Courts and Tribunals Service.

Information relating to the jurisdiction of the Industrial and Fair Employment Tribunals can be found on the website of the Industrial Tribunals and Fair Employment Tribunal.

Related links

Northern Ireland Courts and Tribunals Service

The Tribunals (Her Majesty's Court Service - England and Wales)

Tribunals (Ministry of Justice)

Industrial Tribunals and Fair Employment Tribunal

Compensation Services

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.