

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

www.justice-ni.gov.uk

Minister's Office
Castle Buildings Block C
Stormont Estate
Ballymiscaw
Belfast
BT4 3SG

Kathy O'Hanlon
Clerk to the Committee for Justice
Room 242
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

09 September 2026

Dear Kathy,

SL1 – THE (DRAFT) COUNTY COURTS (FINANCIAL LIMITS) ORDER (NORTHERN IRELAND) 2026

The Department of Justice ("the Department") proposes to make a Statutory Rule under powers conferred by Article 22(1) of the County Courts (Northern Ireland) Order 1980 ("the 1980 Order") to increase the jurisdiction of the county court. The Statutory Rule is subject to the negative resolution procedure before the Assembly.

Purpose of the Statutory Rule

The 1980 Order defines the financial boundaries that determine whether some categories of civil claims, including those relating to personal injury, clinical negligence, breach of contract, or defamation, are heard in the county court or the High Court.

The current general civil jurisdiction of the county court, which is prescribed in Article 10(1) of the 1980 Order, is £30,000, meaning any claim valued above this must normally be progressed in the High Court. The general civil jurisdiction was last increased in 2013.

District judges hear cases valued up to £10,000, as well as small claims cases up to £5,000 as prescribed in Article 30(1) and 30(3) of the 1980 Order. The small claims jurisdiction was last increased in 2022. County court judges exercise the full jurisdiction of the county court, though they generally hear cases valued between £10,000 and £30,000.

Within the general civil jurisdiction, the county court can hear defamation claims, which encompass libel and slander, up to a value of £3,000. Likewise, any claims above this figure must be issued in the High Court.

The attached Statutory Rule amends the 1980 Order to increase the following financial limits:

- (1) the general civil jurisdiction of the county court from £30,000 to £60,000;
- (2) the financial limit for the civil jurisdiction exercisable by district judges from £10,000 to £20,000; and
- (3) the jurisdiction of the county court to hear claims for libel or slander from £3,000 to £10,000.

Previous Engagement with the Committee

The Committee was provided with a detailed written briefing for its 22 January 2026 meeting, advising of the Department's intention to increase the aforementioned financial limits.

Financial Implications

The Department completed a business case appraisal of the financial and operational implications of the proposed increases. This considered the likely redistribution of cases between the High Court and county court following an increase in the general civil jurisdiction to £60,000, and between county court judges and district judges following an increase in the district judge limit to £20,000. The appraisal was informed by engagement with the Principal Civil County Court Judge and the Presiding District Judge on the practical implications of the proposals.

This analysis identified a relatively modest additional cost of approximately £91,000 over four years. This takes account of two main costs. The first is in respect of judicial resources and salaries. In general terms, increasing the general civil jurisdiction and the district judge jurisdiction would result in a decrease in civil workload for High Court judges and county court judges, and an increase in civil workload for district judges. As it costs more for a case to be heard in the High Court than in the county court, and by a county court judge than a district judge, a redistribution of cases was projected to result in a modest saving of around £10,000 per year. In practice, however, this benefit will not be realised in monetary terms, but rather as additional capacity to allow High Court and county court judges to tackle other priorities. For High Court judges, this includes supporting various panels or boards which have a judicial membership, such as the Historical Institutional Abuse Redress Board or the Truth Recovery Independent Panel, and dealing with an increasing volume of complex administrative law applications. For county court judges, additional capacity could be used to tackle the Crown Court backlog and to hear criminal appeals from the magistrates' courts.

The cost of redistributing civil business between judicial tiers does not necessitate the addition of another full-time, salaried district judge. However, some modest additional resourcing may be required to support the use of fee-paid deputy district judges or deputy statutory officers to support an additional caseload within the district judge jurisdiction. This is estimated to result in a recurring cost of £15,000–£16,000 per year.

The second cost relates to an initial reduction in court fee income of around £14,000 per year. This is because cases in the High Court attract higher fees than in the county court, as prescribed in the County Court Fees Order (Northern Ireland) 1996 (as amended in 2026) and the Court of Judicature Fees Order (Northern Ireland) 1996 (as amended in 2026). However, the Northern Ireland Courts and Tribunals Service will review court fees following a bedding-in period to ensure that they continue to be reflective of the administrative and judicial work required to process and dispose of claims.

Consultation

The proposals in the attached draft Statutory Rule broadly reflect the recommendations published in 2017 in the Review Group's Report on Civil Justice, which formed part of the wider Review of Civil and Family Justice in Northern Ireland, chaired by the then Lord Justice of Appeal Sir John Gillen. The Review was informed by extensive consultation with key stakeholders, and considered the practical and procedural implications of any change.

The Department completed a public consultation in 2021 on its own proposals to improve efficiency in the disposal of civil claims, which included increasing the general civil jurisdiction. A summary of consultation responses can be viewed at: [A consultation on increasing the general civil jurisdiction of the county courts in Northern Ireland Summary of consultation responses and next steps \(November 2021\)](#)

Of the fifteen responses received on increasing the general civil jurisdiction of the county court and the district judge jurisdiction, nine supported increases to £60,000 and £20,000 respectively. Four responses favoured increases to £100,000 and £35,000, while two preferred to maintain the current position.

Fewer responses were received in respect of the jurisdiction of the county court to hear defamation claims. Of the seven responses received, five agreed while two disagreed.

In response, the Department initially increased the jurisdiction of the small claims court prior to the end of the previous mandate and agreed to progress the other issues in this mandate.

The case to increase jurisdiction has become more compelling since the consultation was carried out owing to the impact of inflation. The real value of the current £30,000 jurisdictional limit has diminished since it was introduced in 2013. In inflation-adjusted terms, £30,000 today is equivalent to approximately £20,700 in 2013 prices. The erosion in the real value of the limit increases the likelihood that claims which do not require the more formal procedures of the High Court will exceed the county court's financial

jurisdiction. In the Department's view, this is not in the interests of litigants, nor is it an effective use of judicial and administrative resources in the High Court.

As the Justice Committee was previously advised in the written briefing considered during its 22 January 2026 meeting, there are two further issues, but these require amendment to primary legislation and will, therefore, be considered for inclusion in the legislative programme for the next mandate.

The first is to provide a statutory power for county court and district judges to remove cases from the county court to the High Court where it is believed that a claim has been commenced in the wrong venue. Currently, only the High Court has the power to deal with remittal and removal applications.

The second relates to clinical negligence claims. Consideration was given to either carving out a separate financial limit for clinical negligence claims in the county court, or restricting such claims to be High Court only actions. However, either approach would require amendment to primary legislation. As a result, the increase in the general jurisdiction of the county court to £60,000 will also apply to these cases.

The Department will monitor the wider operation of the increased limits, including their impact on clinical negligence claims, and will gather quantitative and qualitative evidence after the first and second years of operation to inform consideration of whether any further procedural, operational or legislative measures are required.

Compliance with Section 24 of the Northern Ireland Act 1998

It is considered that the proposed Statutory Rule is compliant with section 24 of the Northern Ireland Act 1998. It is not incompatible with Convention Rights, nor is it incompatible with Article 2(1) of the Protocol on Ireland/Northern Ireland in the EU Withdrawal Agreement (rights of individuals). The proposed Statutory Rule does not discriminate against a person or class of person on the grounds of religious belief or

political opinion; and does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

Consideration by the Executive

The proposed Statutory Rule has not been considered by the Executive.

Equality Impact

The Department of Justice has carried out equality screening and concluded that the proposals do not have significant implications for equality of opportunity and that an equality impact assessment is not necessary. The equality screening exercise found proposals are likely to have a positive impact, particularly on those with mobility or dependency issues, as changes will improve access to justice by ensuring a greater number of cases be heard in convenient local courts.

Regulatory Impact

An increase in the general civil jurisdiction should have a positive impact for businesses, owing to the potential reduction in the amount of money paid through the award of legal costs in civil cases.

In the county court, legal costs for solicitors and/or barristers are set in the County Court Rules (Northern Ireland) 1981 (“the 1981 Rules”) in a fixed scale, depending on the value of the claim. In the High Court legal costs are not fixed and depend on the volume of work undertaken by legal representatives rather than the value of the final award. Costs may, therefore, be uncertain and unpredictable for some litigants.

Amendments to County Court Scale Costs are the responsibility of the County Court Rules Committee subject to being allowed by the Department. A separate SL1 and Statutory Rule, outlining amendments to the 1981 Rules, has also been provided for the Committee’s consideration.

Rural Needs Impact

A Rural Needs Impact Assessment has been carried out by the Department, and it did not identify any potential differential impact on the social or economic needs of people in rural areas. Hearing more cases in local county courts would be beneficial for litigants outside Belfast given the travel distances and time, personal expenses, and other practical considerations.

Data Protection Impact

Not applicable.

Child Rights Impact

The changes relate to the financial jurisdiction of the county court and apply generally according to the value and nature of proceedings. The Department has not identified any material differential impact on children and young people or any adverse effect on the enjoyment of their rights. A full Child Rights Impact Assessment is, therefore, not considered necessary.

Position in Great Britain

In England and Wales, a claim may generally only be commenced in the High Court where its value exceeds £100,000, while a claim including damages for personal injury may generally be commenced there where its value is £50,000 or more. Defended civil claims subject to the Civil Procedure Rules are generally allocated to one of four procedural tracks: the small claims, fast, intermediate or multi-track, according principally to their value, complexity and case-management requirements. Track allocation determines the procedure by which a defended claim is managed. It is distinct from the statutory and procedural rules governing whether proceedings should be commenced in the county court or High Court.

Scotland's civil justice system is materially different and does not permit a direct comparison. For most money claims valued at £100,000 or less, proceedings must generally be raised in the Sheriff Court. For many straightforward claims seeking payment of £5,000 or less, simple procedure applies. It is designed to provide a speedy,

inexpensive and informal means of resolving disputes and does not require a party to instruct a solicitor, although they may do so. Claims above £5,000 will commonly proceed under ordinary cause procedure, although particular categories of proceeding may be governed by specialist procedures. Ordinary cause procedure is more formal and complex, and parties are advised to obtain legal advice. Claims above £100,000 may, subject to the applicable rules on jurisdiction and subject matter, be raised in either the Sheriff Court or the Court of Session.

Any Other Information

Consequential changes are needed to support the increase in general civil jurisdiction, namely to the scale costs in the 1981 Rules (see above), and the civil bill scales in the Civil Legal Services (Remuneration) Order (Northern Ireland) 2025 (“the 2025 Order”).

As noted, changes to the 1981 Rules are the responsibility of the County Court Rules Committee subject to being allowed by the Department. A separate SL1 and Statutory Rule has been provided for the Committee’s consideration.

In respect of the required changes to the 2025 Order, subject to the outcome of the Rules Committee’s consultation, the Department recently consulted on proposals to align legal aid fees and scales with those set by the Rules Committee and consultation responses were positive. It is proposed that these changes be made together with the fee changes resulting from the Accelerated Review of Criminal Legal Aid. However, owing to the time it took for the dispute with the Criminal Bar Association to be resolved, the timescale for implementing the legislative changes to support the increase in the financial jurisdiction of the county court is anticipated to be early 2027.

Until such time as the legal aid fees are amended, the current maximum band in the 2025 Order is for a claim exceeding £25,000. This means that a solicitor or counsel could be paid the same for a claim valued at £60,000 as for a claim falling within the current highest band. However, to mitigate against potential adverse impacts, the amended legal aid fees and scales will be backdated to apply to certificates issued from the date the amendments to the scale costs in the County Court Rules take effect.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

www.justice-ni.gov.uk

Proposed Timing of Consideration of the SL1

The SL1 has been submitted to the Committee in accordance with the minimum four-week timeframe. In order to meet the proposed operational date, it is proposed that the Committee considers the SL1 on 15 October 2026.

Proposed Operational Date

It is proposed that the Statutory Rule will come into operation on 30 November 2026.

A draft of the proposed Statutory Rule and Explanatory Memorandum are attached, and you will wish to bring this matter to the attention of the Committee for Justice.

Yours sincerely,

**FIONA SCULLION
DALÓ**