

Reform Branch,
Royal Courts of Justice,
Chichester Street,
Belfast,
BT1 3JF

24 February 2025

By email only: LCJOReform@courtsni.gov.uk

Dear Sir/Madam

Protocol for the Participation of Vulnerable Parties and Witnesses in the High Court of Justice in Northern Ireland and the County Court of Northern Ireland.

APIL welcomes the opportunity to comment on the Shadow Civil Justice Council's proposed Protocol for the participation of vulnerable parties and witnesses in the high court and county court.

APIL fully supports the introduction of this protocol. It is a vital step toward encouraging and facilitating the participation of vulnerable parties and witnesses in civil proceedings.

At present, there are no formal provisions in civil proceedings regarding additional steps and measures for vulnerable parties in Northern Ireland. The Northern Ireland Law Commission (NILC) considered this issue¹, and concluded that existing law and practice provide limited protection to witnesses who have difficulties giving evidence in civil proceedings and recommended the establishment of special measures to address this gap. Similarly, the 2017 Review of Civil and Family Justice in Northern Ireland recommended a renewed effort in the pursuit of the obligation in the overriding objective to ensure that vulnerable parties have real and meaningful access to justice.²

The granting of special measures currently relies upon judicial discretion and ad hoc approaches by parties. While this remains the case, those requiring special assistance are likely to slip through the net. We believe the proposed protocol will provide clear guidelines and certainty on the special measures available and enable early identification of the needs of vulnerable individuals. In particular, we welcome the proposed non-exhaustive list of factors that could be classed as vulnerability, as this will help parties to identify vulnerability at an early stage.

We hope our comments prove useful.

Yours sincerely,

¹ The Northern Ireland Law Commission, *Vulnerable Witnesses in Civil Proceedings*, 2011

² *Review of Civil and Family Justice in Northern Ireland*, September 2017



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