



Ministry
of Justice



Mortgage and Landlord Possession Statistics Quarterly, England and Wales

October to December 2014

Ministry of Justice
Statistics bulletin

Published: 12 February 2015

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Introduction

This quarterly bulletin presents statistics on the mortgage and landlord possession actions in the county courts of England and Wales in October to December 2014. The statistics provide summary figures on the volume and progression of cases that follow the court process of possessing a property.

The statistics published here report on court total caseloads that are used to assist the planning of court resources both nationally and locally. They also estimate how many claims will lead to an order, warrant or repossession, which is used to monitor and evaluate policies. For historical publications of Mortgage and Landlords Possession Statistics please see:

www.gov.uk/government/collections/mortgage-and-landlord-possession-statistics

Court Caseload

A mortgage or landlord possession action starts when a mortgage lender or landlord completes and submits a claim to the courts to repossess a property. The most common reason for repossession is arrears of mortgage or rent. The court process of possessing a property broadly follows four stages:

1. A claim for a mortgage or landlord possession being issued by a mortgage lender or a landlord;
2. An order being made by the County Court. This can either be an outright order that the property is to be recovered by a specific date, or a suspended order that is suspended as long as the defendant complies with conditions specified in the order;
3. If the defendant fails to leave the property by the date given in the order or does not meet the terms of a suspended order, the order may be enforced by a warrant of possession. This authorises the county court bailiff to evict the defendant from the property. The bailiff then arranges a date to execute the eviction; and
4. repossession by a County Court bailiff. Repossessions may occur without county court bailiffs, through less formal procedures, so the actual number of repossessions is usually greater than the number carried out by county court bailiffs.

This report also includes UK wide total mortgage repossession figures from the Council of Mortgage Lenders (CML). Therefore, these are not directly comparable to the other figures in this report, which cover England and Wales only.

Figures for each of these four processes are presented in the Excel tables and CSV files that accompany this publication.

The next publication of Mortgage and Landlord Possession Statistics Quarterly, England and Wales is scheduled to be published on 14 May 2015, covering the period January to March 2015.

Case progression

This bulletin includes estimates of the percentage of claims issued in a specific quarter or year that will progress to an order, warrant or repossession when the full amount of time has been allowed to pass for those claims to progress through the County Court system. These figures are different from the court caseload figures described above which shows the total number of orders, warrants or repossession by county court bailiffs in that quarter, irrespective of when the claim was issued.

The estimated percentages include upper and lower estimates around them (a confidence interval) reflecting the uncertainty inherent in any estimation of the future. Claims from more recent periods will inherently have had less time for the case to be processed so there is more uncertainty around the final estimate, resulting in a wider confidence interval (Please see A Guide to Court and Administrative Justice Statistics¹ for more information on how this figure is calculated).

We are continuing to review the case progression estimates that are used in this publication and would welcome any feedback, particularly on what they are used for. Please email statistics.enquiries@justice.gsi.gov.uk by **30 April 2015**.

As supplementary information, we also provide the percentage of claims issued in a quarter or year that have already resulted in an order being made, a warrant being issued, or a repossession being carried out. Caution should be exercised when interpreting these figures for recent years: the information contained in the bulletin is based on the data available at the point when the database was extracted; consequently a proportion of claims made in more recent quarters are still awaiting progression to the next stage of court action. Claims from earlier periods will have had longer for the case to be processed than those from more recent periods so a lower proportion of these earlier claims are likely to be still awaiting an order, warrant or repossession.

¹ www.gov.uk/government/publications/guide-to-court-and-administrative-justice-statistics

Key Findings

This report presents key statistics on mortgage and landlord possession claims in County Courts in England and Wales for the fourth quarter of 2014 (October to December). This includes summary figures of volume and progression of cases that follow the court process of possessing a property. All figures for the current quarter (Q4) and 2014 (annual) are currently provisional.

Mortgage possession

- In October to December 2014, 7,100 mortgage possession claims in county courts were recorded, down 42% on the number of mortgage possession claims issued during October to December 2013.
- Provisional estimates of claims issued in October to December 2014 progressing to an order, warrant or repossession by county bailiffs were around 64%, 40% and 20% respectively.
- There were 5,000 orders for possession, 8,300 warrants of possession and 2,400 repossessions by county court bailiffs in October to December 2014. These figures represent the lowest quarterly number of mortgage possession orders, warrants and repossessions recorded since 2004.
- The annual total of claims issued in 2014 was 40,300, reflecting a 25% decline in number of claims since 2013. This is the lowest annual figure in the series, which covers the period from 1987. The number of orders, warrants and repossessions in 2014 has also declined since 2013.

Landlord possession

- The number of landlord possession claims in county court recorded during October to December 2014 was 34,700, down 21% on the number of claims issued during the same quarter in 2013.
- Provisional estimates of claims issued in October to December 2014 progressing to an order, warrant or repossession by county bailiffs were around 69%, 39% and 21% respectively.
- There were 27,400 orders for possession, 18,700 warrants of possession and 10,000 repossessions by county court bailiffs in October to December 2014. Compared to the same period in 2013, the number of orders issued has decreased by 15% and warrants by 1%. Repossessions have increased by 8%.
- The annual total of claims issued in 2014 was 161,300, down 5% on the previous year. However the numbers of orders, warrants and repossessions in 2014 have increased since 2013. For repossessions, there were 42,000 in 2014, the highest annual figure in the series, which covers the period from 2000.

Section 1 - Mortgage possession actions

During the past ten years, the number of mortgage possession actions² in court has increased since 2002, peaked in 2008, and decreased since then (Figure 1 and Table 1). The total number of properties repossessed³ has followed a similar trend.

The fall in the number of mortgage possession actions since 2008 coincides with lower interest rates⁴, a proactive approach from lenders in managing consumers in financial difficulties and other interventions from the government, such as the Mortgage Rescue Scheme. Other factors that may have contributed to the rapid fall in the number of mortgage possession claims and orders since 2008 include the introduction of the Mortgage Pre-Action Protocol (see the Annex on policy changes for more information). Additionally, the downward trend in recent years coincides with a decrease in the number of owner-occupiers⁵.

The estimated proportion of claims progressing to an order, warrant or repossession by county court bailiffs also increased between 2002 and 2010.

Over the last year, whilst the estimated proportions of claims progressing to an order or repossession have decreased, the estimated proportion of claims progressing to warrants has slightly increased.

Looking at the longer term trend, while the estimated percentage of claims progressing to an order, warrant or repossession in 2008 was around 73%, 46% and 28% respectively, provisional estimates for 2014 show marked decreases to around 61%, 37% and 20% (Table 2).

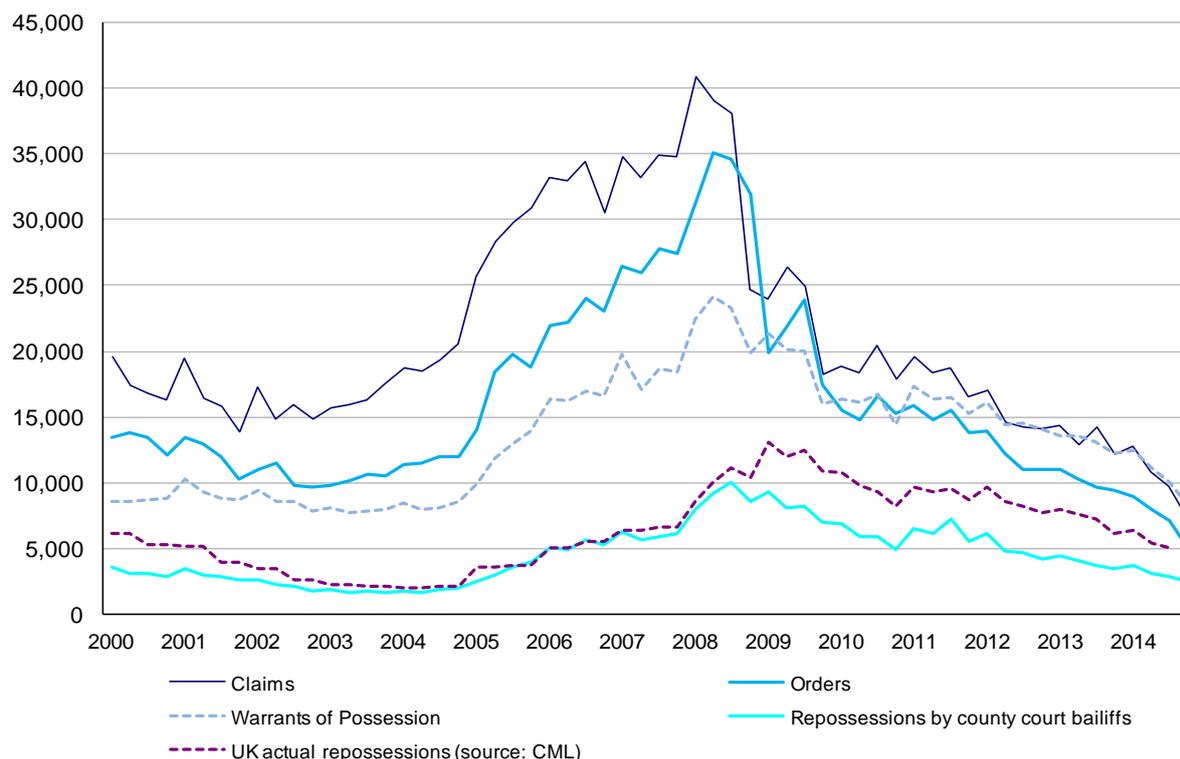
² Actions includes claims, orders, warrants of possession, and repossession by county court bailiffs

³ Including those not repossessed by county court bailiffs

⁴ At the end of September 2008, the base rate set by the Bank of England was 5%. By the end of March 2009 it was 0.5%, where it stayed for the rest of the period covered in this bulletin (see www.bankofengland.co.uk/statistics/Pages/default.aspx)

⁵ As stated in the English Housing Survey:
www.gov.uk/government/organisations/department-for-communities-and-local-government/series/english-housing-survey

Figure 1: Mortgage possession actions in England & Wales, 2000 to 2014 Q4



Claims issued: A possession claim is created when a claimant begins a legal action for an order for possession of property by making a claim that is then issued in a county court. There were 7,093 mortgage possession claims issued in October to December 2014, down 42% on the same quarter in 2013. The total number of claims issued in 2014 was 40,303, and although the annual figures for 2014 are provisional at the time of publishing, this reflects a 25% decrease on the total of claims issued in 2013.

Orders⁶: The court may grant an order following a judicial hearing which can be either for immediate possession (outright order) or suspended. There were a total of 5,044 orders in October to December 2014, down 46% on the number of orders in the same period in 2013.

Of mortgage possession orders made, 44% were suspended in October to December 2014, which is the lowest quarterly proportion of suspended orders since records began, in January to March 1999. In 2014, 46% of mortgage possession orders were suspended – this proportion has remained generally stable between 45% and 50% since 2006.

⁶ Between 2007 and 2009 changes to the method of data collection led to an over-estimate of the total number of orders and warrants. Please see [A Guide to Court and Administrative Justice Statistics](#) for details.

It is estimated that 64% of claims issued in October to December 2014 will lead to an order being made in time although this figure could range between 57% and 70%⁷.

Warrants of possession⁶: Having received an order, or if the terms of a suspended order are broken, the claimant can apply for a warrant of possession. There were 8,312 warrants of possession in October to December 2014, down by almost a third on the same period in 2013. The total number of warrants issued in 2014 was 41,891, down 20% from the previous year.

It is estimated that 40% of claims issued in October to December 2014 will progress to a warrant being issued, however this figure may range between 35% and 45%.

Repossessions in England and Wales by county court bailiffs: Once a warrant has been issued, county court bailiffs can repossess the property on behalf of the claimant. There were 2,434 repossessions by county court bailiffs in October to December 2014, down 28% on the same quarter in 2013. The total number of repossessions in 2014 was 11,976, which is a 24% decrease on the number of repossessions in 2013.

It is estimated that 20% of the claims issued in October to December 2014 will lead to repossessions; however this figure may range between 15% and 25%.

All repossessions in the UK⁸: UK-wide there were 5,000 repossessions in total in July to September 2014. This figure includes repossessions carried out by county court bailiffs and also other types of repossessions.

⁷ A general description of how these estimates were calculated is contained in the Introduction. Please see [A Guide to Court and Administrative Justice Statistics](#) on this website for a detailed methodological description.

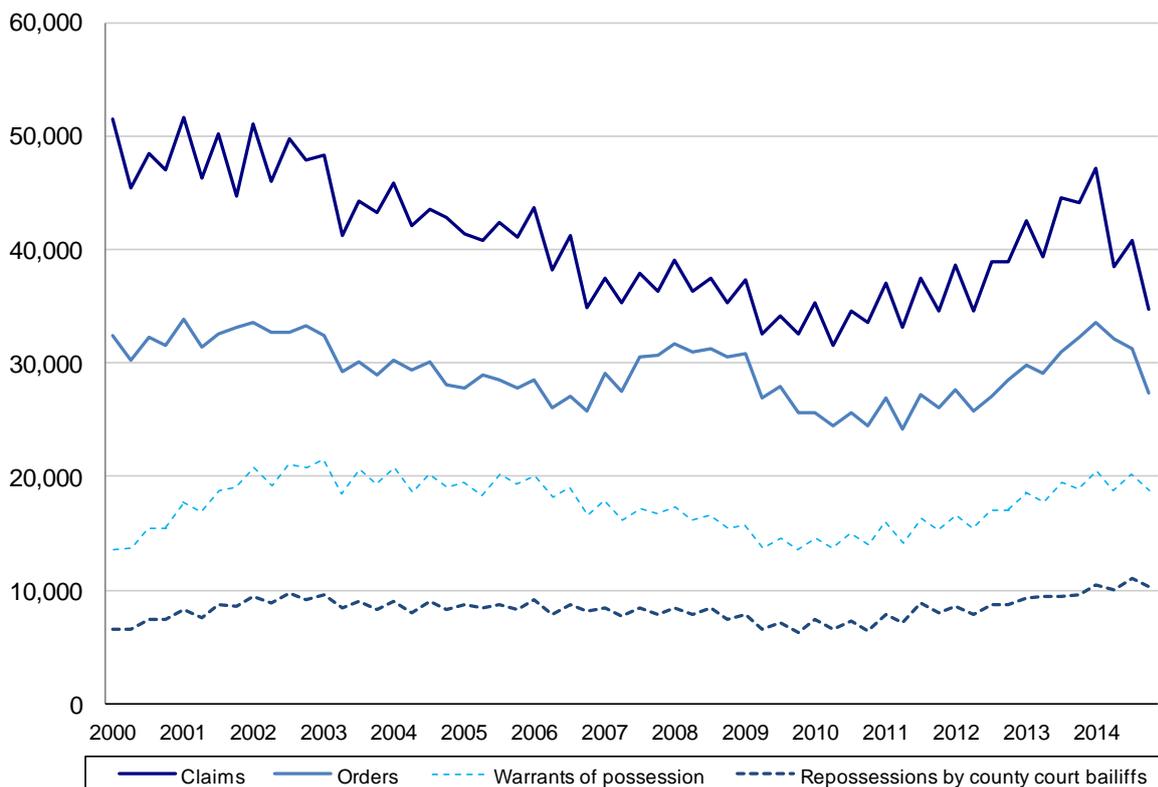
⁸ Information on actual mortgage repossessions is provided by the Council of Mortgage Lenders (CML) and is presented in this bulletin with a delay of three months. Please also note this figure relates to repossessions made in the United Kingdom whereas all other statistics in this bulletin relate to England and Wales. It should also be noted that these figures are rounded by the CML to the nearest hundred. For the most recent quarterly update on actual mortgage repossessions, please see the CML website: www.cml.org.uk/cml/statistics.

Section 2 - Landlord possession actions

Annually, landlord possession claims decreased between 2002 and 2010 and subsequently increased up to 2013. However in 2014 this figure fell (Figure 2 and Table 3). The trend in recent years coincides with the number of renters⁹.

The estimated proportions of claims which have progressed to an order or warrant have also been increasing since 2009 and 2008 respectively. The estimated proportion of claims which have progressed to repossession by county court bailiffs increased slightly from 2009 to 2012, and has remained stable since then. The estimated proportions of claims leading to an order, warrant or repossession in 2010 stood at around 68%, 36% and 22% respectively. The estimated proportion of claims progressing to each stage in 2014 was 72%, 40% and 24% respectively.

Figure 2: Number of landlord possession actions in England & Wales, 2000 to 2014 Q4



Claims issued: A possession claim is created when a claimant begins a legal action for an order for possession of property by making a claim that is then issued in a county court. There were 34,695 landlord possession claims issued in October to December 2014, which is a decrease of 9,410 (21%) on the same quarter in 2013. The total number of possession claims issued in 2014 was 161,257, and although the annual figures for 2014 are

⁹ Please see English Housing Survey (footnote five)

provisional at the time of publishing, this reflects a 5% decrease on the total number of claims issued in 2013.

Within landlord possession claims, there are three types of claims; social landlord, private landlord and accelerated claims. Accelerated claims can be used by both private and social landlords under certain circumstances and are usually quicker than normal evictions. The majority of landlord possession claims (21,576 or 62%) were social landlord claims, whilst 4,564 (13%) were private landlord claims and 8,555 (25%) were accelerated claims.

Orders: The court may grant an order following a judicial hearing which can be either for immediate possession (outright order) or suspended. There were a total of 27,425 landlord possession orders made in October to December 2014, down 15% on the number of orders in the same period in 2013.

In October to December 2014, 40% of landlord possession orders being made were suspended. Annually, the proportion of suspended orders in 2014 was 42% which is the lowest proportion since 2010.

It is estimated that 69% of claims issued in October to December 2014 will lead to an order being made in time, although this figure could range between 66% and 72%.

Warrants of possession: Having received an order, or if the terms of a suspended order are broken, the claimant can apply for a warrant of possession. There were 18,719 warrants of possession in October to December 2014, a slight decrease (down 1%) on the same period in 2013. The total number of warrants issued in 2014 was 78,260, up 5% on 2013.

In the last decade, the estimated proportion of claims that will lead to warrants annually has been between 33% and 40%, with figures generally trending upwards since 2008 – it is estimated that 39% of claims made in October to December 2014 will lead to a warrant, however this figure could range between 35% and 42%.

Repossessions by county court bailiffs: Once a warrant has been issued county court bailiffs can repossess the property on behalf of the claimant. There were 10,380 landlord repossessions by county court bailiffs in October to December 2014, up 8% on the same period in 2013. The total number of repossessions in 2014 was 41,965, up 11% on 2013.

The estimated proportion of claims leading to repossessions has followed an upward trend between 2009 and 2012, remaining at a stable level since then. It is estimated that 21% of claims made in October to December 2014 will lead to repossessions by county court bailiffs, although this figure could range between 17% and 24%.

Annex A - Further information

Supplementary tables and CSV datasets are available alongside this bulletin, allowing users to analyse the data themselves.

The following tables are available, showing data for county courts in England and Wales:

- Table 1: Mortgage possession workload in the county courts of England and Wales, 1987 - 2014 Q4
- Table 2: Mortgage possession claims that lead to orders, warrants, and repossessions in the county courts of England and Wales, 1999 - 2014 Q4
- Table 3: Landlord possession workload in the county courts of England and Wales, 1990 - 2014 Q4
- Table 4: Landlord possession claims that lead to orders, warrants, and repossessions in the county courts of England and Wales, 1999 - 2014 Q4
- Table 5: Landlord possession claims in the county courts of England and Wales by type of procedure and landlord, 1999 - 2014 Q4
- Table 6: Mortgage and Landlord possession claims in the county courts of England by types of procedure and landlord, 1999 – 2014 Q4
- Table 7: Mortgage and Landlord possession claims in the county courts of Wales by types of procedure and landlord, 1999 – 2014 Q4

The CSV datasets contain local authority and court-level breakdowns of claims, orders, warrants and county court bailiff repossessions for England and Wales, for the full amount of time that data are available. Where the value is between 1 and 5, the value is suppressed and shown as “-” to protect the confidentiality of those involved in the claim, order, warrant or repossession. For this reason, the national total number of claims, orders etc. from this data-set will not match the actual total, although the differences are generally small.

For more information, please refer to the separately downloadable **Guide to local authority and court-level information**:

www.gov.uk/government/publications/guide-to-court-and-administrative-justice-statistics

Annex B: Policy changes

New Bailiff Laws

New laws came into effect on 6 April 2014 to bring an end to bad and aggressive bailiff behaviour, while making sure businesses, local authorities and others can still fairly enforce debts owed to them. These reforms are part of a wider package under changes to the Tribunals, Courts & Enforcement Act 2007.

With roughly 4 million debts collected each year, in future only bailiffs who have been trained and received certification will be allowed to practise.

Bailiffs will be banned from entering homes at night and from using physical force against debtors. The changes will also prevent bailiffs from entering properties where only children are at home and includes further measures to protect vulnerable people. Bailiffs will be prevented from taking vital household essentials from debtor's property, such as a cooker, microwave, refrigerator or washing machines.

A new set of fixed fees for debtors has also been introduced, to end the previous situation where bailiffs were setting their own fees – sometimes at very high levels – and adding these to the amount people in debt had to pay.

Introduction of Mortgage Pre-Action Protocol

A Mortgage Pre-Action Protocol (MPAP), approved by the Master of the Rolls, for possession claims relating to mortgage or home purchase plan arrears came into effect on 19 November 2008. The protocol applies to mortgage arrears on:

- First charge residential mortgages and home purchase plans regulated by the Financial Service Authority under the Financial Services and Market Act 2000;
- Third charge mortgages for residential property and other secured loans regulated under the Consumer Credit Act 1974 on residential property; and,
- Unregulated residential mortgages.

The Protocol gives clear guidance on what the courts expect lenders and borrowers to have done prior to a claim being issued. The main aims of it were to ensure that the parties act fairly and reasonably with each other in any matters concerning the mortgage arrears, to encourage more pre action contact between lender and borrower and to enable efficient use of the court's time and resources.

The introduction of the MPAP coincided with a fall of around 50% in the daily and weekly numbers of new mortgage repossession claims being

issued in the courts as evidenced from administrative records. As orders are typically made (when deemed necessary by a judge) around 7 weeks (using 2011 data) after claims are issued, the downward impact on the number of mortgage possession orders being made was seen in the first quarter of 2009.

It has not been possible to adequately quantify the long term impact of the MPAP. This reflects the lack of a good comparator (although the MPAP was not introduced in Scotland, the big lenders in Scotland also operate south of the border and so lender behaviour is likely to be the same as in England and Wales), and the existence of other factors such as changing economic conditions, other measures introduced shortly after the MPAP, and lenders desire to minimise their losses.

More details about the protocol can be viewed using the link:

www.justice.gov.uk/guidance/courts-and-tribunals/courts/procedure-rules/civil/contents/protocols/prot_mha.htm

Annex C: Explanatory notes

The United Kingdom Statistics Authority has designated these statistics as National Statistics, in accordance with the Statistics and Registration Service Act 2007 and signifying compliance with the Code of Practice for Official Statistics. Designation can be broadly interpreted to mean that the statistics:

- meet identified user needs;
- are well explained and readily accessible;
- are produced according to sound methods, and
- are managed impartially and objectively in the public interest.

Once statistics have been designated as National Statistics, it is a statutory requirement that the Code of Practice shall continue to be observed.

The statistics in this bulletin relate to cases in the county courts in England and Wales. Calendar year statistics are also provided.

Revisions

The statistics in the latest quarter are provisional, and are therefore liable to revision to take account of any late amendments to the administrative databases from which these statistics are sourced. The standard process for revising the published statistics to account for these late amendments is as follows:

An initial revision to the statistics for the latest quarter may be made when the next edition of this bulletin is published. Further revisions may be made when the figures are reconciled at the end of the year. If revisions are needed in the subsequent year, these will be clearly annotated in the tables.

For more information please see the **Guide to Court and Administrative Justice Statistics**.

Annual figures for calendar years 2010 to 2013 in Table 5 have been revised - this is to correct a processing error identified during routine quality assurance checks

Symbols and conventions

The following symbols have been used throughout the tables in this bulletin:

- .. = Not applicable
- = Between one and five. Low numbers are suppressed to stop individuals being identified
- (r) = Revised data
- (p) = Provisional data

Contact points for further information

Current and previous editions of this publication are available for download at:

www.gov.uk/government/collections/mortgage-and-landlord-possession-statistics

Press enquiries should be directed to the Ministry of Justice press office:

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Email: hugo.biggs@justice.gsi.gov.uk

Queries on the wider policy implications of these statistics should be directed to the Department for Communities and Local Government's press office:

Simon Edwards

Email: simon.edwards@communities.gsi.gov.uk

Queries on statistics shown for 'Properties taken into possession' and other related statistics should be directed to the Council of Mortgage Lenders' press office on 020 7438 8922.

Other enquiries about these statistics should be directed to:

Justice Statistics Analytical Services

Tara Rose

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7th Floor

102 Petty France

London SW1H 9AJ

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Other National Statistics publications, and general information about the official statistics system of the UK, are available from www.statistics.gov.uk

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statistics.enquiries@justice.gsi.gov.uk