



Ministry  
of Justice

# **A Guide to Civil and Administrative Justice Statistics - Glossary**

Ministry of Justice

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## Introduction

This document is a glossary for terms used in the Civil Court and Administrative system, focusing on concepts and definitions published in the following Ministry of Justice statistical publications:

- [Civil Justice Statistics Quarterly](#) (Includes Civil Court Statistics from the now defunct “Court Statistics Quarterly” Publication; a chapter on Judicial Reviews; every six months a chapter on Privacy Injunctions; and annually figures from the Royal Courts of Justice)
- [Mortgage and Landlord Possession statistics](#)
- [Tribunal and Gender Recognition Statistics Quarterly](#) (including Gender Recognition Statistics, tribunal information formerly in the Annual Tribunals Statistics publication and an additional chapter on employment tribunal fees)
- [Coroners Statistics](#)

## Civil Justice Statistics Quarterly and Mortgage & Landlord Possession Statistics

<u>Actual repossessions</u>	Includes repossessions carried out by county court bailiffs, but also includes other repossessions.
<u>Administration order</u>	Combines a debtor's debts under certain conditions, enabling the debtor to make regular payments to the court which is then distributed to the various creditors
<u>Attachment of earnings order</u>	Obliges the debtor's employer to deduct a set sum from the debtor's pay and forward it to the court.
<u>Bankruptcy petitions</u>	Petitions made by a debtor (who owes the debt) or one or more creditors where an individual is unable to pay his or her debt(s).
<u>Charging order</u>	Enables the creditor to obtain security for the payment against an asset(s), typically property, owned by the debtor.
<u>Civil Cases</u>	Cases that do not involve family matters or failure to pay council tax. These cases are mainly dealt with by county courts and typically relate to debt, the repossession of property, personal injury, the return of goods and insolvency. Particularly important, complex or substantial cases are instead dealt with in the high court
<u>Claims for recovery of land</u>	Include claims for the repossession of property by a mortgage lender, social or private landlord for example, where the mortgagee or tenant fails to keep up with mortgage or rental payments.
<u>Company windings up petitions</u>	Petitions made by a creditor, shareholder or director to wind up (or dissolve) a company which cannot pay its creditor(s), to whom debt is owed
<u>Fast Track Cases</u>	If a claim is defended, the "fast track" is for complicated cases with a claim value of over £10,000 (or £1,000 for personal injury and housing disrepair cases) and up to £15,000 for proceedings issued before 6 April 2009, otherwise £25,000.
<u>Judicial Reviews</u>	A process by which individuals, businesses and other affected parties can challenge the lawfulness of decisions or actions of the Executive, including those of Ministers, local authorities, other public bodies and those exercising public functions. It is a largely judge-developed procedure and can be characterised as the rule of law in action, providing a key mechanism for individuals to hold the Executive to account. It is, however, intended to operate quickly and proportionately. Certain protections are in principle provided against spurious claims: only those with sufficient interest are able to bring a case and they must first obtain permission for their case to be heard.

Mortgage Possession Actions

Actions initiated by the lender which could include: claims, orders, warrants of possession, and repossession by county court bailiffs

Mortgage Pre-Action Protocol

A protocol which describes the behaviour a court expects from both parties prior to a mortgage possession action. It ensures that a lender and a borrower act fairly and reasonably with each other in resolving any matter concerning mortgage or home purchase plan arrears. It was introduced to encourage more pre-action contact between the lender and the borrower in an effort to seek agreement between the parties, and where this cannot be reached, to enable efficient use of the court's time and resources.

Mortgage Rescue Scheme

A discontinued government scheme where a lender who was at risk of repossession could either secure an equity loan against the property or allow a housing association to purchase the property and remain as a tenant. The lender must fulfil certain criteria in order to be eligible for this scheme.

Multi-track Cases

If a claim is defended, the "multi track" is for the most complex cases which are not allocated to the small claim or fast track.

Oral Renewal

An oral renewal is a full reconsideration of a judicial review that has been refused permission. All paperwork is considered along with oral submissions. If a claimant is still refused a substantive hearing then they may appeal to the court of appeal.

Order for sale

A court order forcing the debtor to sell an asset(s), typically a property, following a charging order.

Permission Stage

The Court's permission is required for a claim for Judicial Review to proceed. Decisions on permission are normally considered on a review of the papers filed. Permission may be granted in full, or limited to certain grounds set out in the claim. In cases where the Court refuses permission (either in full or in part), it will set out the reasons. The claimant may request that the decision be reconsidered at a hearing (referred as an "oral renewal") A request for an oral renewal must be filed within seven days of service of the reasons for refusing permission.

Possession Order (Accelerated)

The court, following a judicial hearing may grant an order for outright possession of land. This entitles the claimant to apply for a warrant to have the defendant evicted, except in the case of suspended orders. Claims can be in relation to mortgages or landlords. An accelerated possession order is used when the tenant is near the end of their lease. It is not possible to split this into private and social landlords.

Possession Order (Private Landlord)

The court, following a judicial hearing may grant an order for outright possession of land. This entitles the claimant to apply for a warrant to have the defendant evicted, except in the case of suspended orders. Claims can be in relation to mortgages or landlords. A Private Landlord order is used for claims that relate to private landlords (both individuals and private companies).

<u>Possession Order (Social Landlord)</u>	The court, following a judicial hearing may grant an order for outright possession of land. This entitles the claimant to apply for a warrant to have the defendant evicted, except in the case of suspended orders. Claims can be in relation to mortgages or landlords. A Social Landlord order is used for standard claims that relate to social landlords, this includes local authorities and housing associations.
<u>Repossessions by county court bailiffs:</u>	Once a warrant has been issued county court bailiffs can repossess the property on behalf of the claimant
<u>Small claim Cases:</u>	If a claim is defended, the “small claims track” is for less complex cases, which have claim values of up to £10,000 (or £1,000 for personal injury and housing disrepair cases).
<u>Specified money claims</u>	Claims made by an individual, company or organisation for a specified amount of money, for example, £15,000.
<u>Substantive/Final Hearing</u>	If permission to proceed is granted at either the permission or oral renewal stage, then both parties will attend a full substantive hearing where a decision is made by a judge as to whether the defendant acted has acted unlawfully.
<u>Suspended Orders</u>	A mortgage possession action which has been suspended as a result of an agreed payment plan between the borrower and lender.
<u>Third-party debt order</u>	Enables the creditor to secure payment by freezing and then seizing money owed or payable by a third party to the debtor.
<u>Totally Without Merit</u>	At any stage when considering a judicial review, a judge may deem the case “totally without merit” and dismiss the case. Cases which have been deemed as “Totally without merit” lose their ability to appeal at an oral renewal.
<u>Unspecified “money” claims</u>	Claims made by an individual, company or organisation for an unspecified amount of money. For example, when claiming for damages/compensation for loss or injury, the amount claimed is limited to £10,000.
<u>UTIAC</u>	An acronym for “Upper Tribunal - Immigration and Asylum Chamber” which deals with cases progressed from the First Tier Immigration and Asylum cases and also specific categories of Judicial Reviews
<u>Warrant of committal</u>	Enforces a judgment for which the penalty for failure to comply is imprisonment. It authorises the bailiff to arrest the person and deliver them to prison or court.
<u>Warrant of delivery</u>	Enforces a judgment for the return of particular goods or items.
<u>Warrant of execution</u>	To enforce a judgment made where unless the amount due under the warrant is paid, saleable items owned by the debtor can be recovered by the court and sold.

Warrant of  
possession

To enforce a court order for the possession of property or land.

## Tribunals

There are three main types of Tribunal, covering over 90% of all Tribunal work. There are also smaller 'special' Tribunals covering other more detailed activities. The main types of Tribunal are listed below.

- Immigration and Asylum (IA)
- Employment Tribunals (ET)
- Social Security and Child Support (SSCS)
- Specials – other smaller Tribunals, including Mental Health

<u>Academic year</u>	Reporting year beginning and ending in September
<u>Adjournment</u>	Where, on the day of the hearing, the Panel decides that, for whatever reason, the appeal/case cannot be finalised and has to put off making a final decision to another date, for example because further evidence is required.
<u>Appellant</u>	A person who applies to a higher court for a reversal of the decision of a lower court.
<u>Caseload outstanding</u>	The number of cases outstanding at the end of the period and still waiting to be dealt with to completion.
<u>Decision in favour (SSCS)</u>	Decision in favour of the appellant.
<u>Decision upheld (SSCS)</u>	Decision made by the First Tier Agency and withheld by the Tribunal.
<u>Disposal</u>	A disposal is the closure of a case when work has ceased to be done. This can be through a claim being withdrawn, settled, dismissed or being decided at a hearing.
<u>DWP</u>	Acronym for the Department of Work and Pensions
<u>Employment Tribunal Claim</u>	A claim may be brought under more than one jurisdiction or subsequently amended or clarified in the course of proceedings, but will be counted only once.
<u>Employment Tribunal Jurisdiction</u>	The Employment Tribunal powers to hear a claim are determined by legislation, with statutory provisions defining the ambit of the jurisdiction that can be covered by a claim to an Employment Tribunal.
<u>Employment Tribunal Jurisdictional mix</u>	A claim may contain a number of grounds, known as jurisdictional cases. In any hearing, the tribunal has to decide upon the merits of the claim made under each jurisdiction; for example, unfair dismissal and sex discrimination. The total number of jurisdictions covered by each case gives a truer measure of caseload than the number of claims. The jurisdictions covered by ET are wide ranging, from

	discrimination and unfair dismissals to issues around salary and working conditions.
<u>Employment Tribunal single and multiple claims</u>	Claims to the Employment Tribunal may be classified into two broad categories – singles and multiples. Multiple cases are where two or more people bring cases, involving one or more jurisdiction(s) usually against a single employer but not necessarily so, for instance in TUPE cases, and always arising out of the same or very similar circumstances. As a multiple, the cases are processed together.
<u>Hearing</u>	The hearing is a meeting at which the tribunal panel considers evidence (either orally or paper based) and reaches a decision (where the decision may be to adjourn or to agree a final outcome). If the hearing is adjourned and restarted, it counts as one hearing.
<u>HMCTS</u>	Acronym for Her Majesty's Courts and Tribunals Service
<u>Hearing clearance (SSCS)</u>	These are cleared via a Tribunal (could be a panel or member of the Judiciary sitting alone) with a decision/outcome.
<u>Non-hearing clearance (SSCS)</u>	These are cases withdrawn prior to a hearing, struck out or superseded. There is no Tribunal judgement.
<u>Oral Hearing</u>	A hearing where the party(ies) and/or their representative(s) attend (this can be by telephone or by video conference).
<u>Outcome of hearing</u>	The outcome of the hearing is the final determination of the proceedings or of a particular issue in those proceedings; it may include an award of compensation, a declaration or recommendation and it may also include orders for costs, preparation time or wasted costs either in favour or against an appellant. Note: ET records outcomes for each act (or jurisdiction), not for the hearing.
<u>Paper Hearing</u>	Consideration of the case using documents, and not requiring any physical appearance by the parties.
<u>Postponement</u>	Where a case is taken out of the list, prior to the commencement of the hearing – can be done by the applicant, or any other party.
<u>Receipt</u>	Volumetric term covering the acceptance of a case by a HMCTS Tribunal. Also known as a 'case' for Employment Tribunals.
<u>Settlement:</u>	Cases settled without the need for a hearing. A third party may have been involved in the process.
<u>Withdrawal</u>	The applicant/claimant/appellant ceases action either before or at the hearing.

## Immigration and Asylum Cases

### Asylum

Appeals against a refusal to grant asylum, including asylum claims which raise Human Rights grounds.

### Deportation

Appeals against deportation orders made against people by the Home Secretary.

### Entry Clearance Officer (ECO)

Appeals generated by people who are not already in the UK, but have been refused permission to enter or stay in the UK for a fixed period of time, or live here permanently.

### Family Visit Visa (FVV)

Appeals against decisions not to allow temporary visits to see family in the UK.

### FTTIAC

Acronym for the First Tier Immigration and Asylum Chamber

### Human Rights Appeals

A separate Human Rights Appeal category was introduced in the Tribunal in 2001, following the implementation of the Human Rights Act 1998 to allow the consideration of Human Rights arguments for cases where those grounds were not considered at the original human rights appeal. Since then, a range of in-country case types raising Human Rights grounds have been recorded under this category when they would have been more appropriately recorded against another case type. The Tribunal has made a recent change to its administrative processes to record such cases more suitably, which will explain any drop in numbers in the Human Rights (Other) appeal category.

### Immigration Appeals (Family Visitor Regulations 2012)

Legislation which stated that foreign nationals who had been refused clearance to visit family on a short stay would also lose their right to appeal.

### Managed Migration

Appeals generated by people already in the UK who have been refused permission to extend their stay here (either permanently or temporarily). This appeal type will also cover occasions where an individual has their permission to be in the UK revoked.

### UTIAC

Acronym for Upper Tribunal Immigration and Asylum Chamber. Handles appeals for decisions made by the FTTIAC and also specific categories of Judicial Reviews.

## Employment and Employment Appeal Cases

<u>ACAS</u>	Acas provides free and impartial information and advice to employers and employees on all aspects of workplace relations and employment law. They also provide conciliation and mediation services to help resolve workplace problems and avoid having to go to a tribunal
<u>Age Discrimination</u>	Discrimination or victimisation on grounds of age
<u>Case Discontinued</u>	This records complaints dismissed under rule 40(1) where a party has not satisfied requirements in respect of paying a tribunal fee or demonstrating a case for remission
<u>Disability discrimination</u>	Suffered a detriment, discrimination and/or dismissal on grounds of disability or failure of employer to make reasonable adjustments
<u>Discrimination on grounds of Religion or Belief</u>	Discrimination or victimisation on grounds of religion or belief
<u>Discrimination on grounds of Sexual Orientation</u>	Discrimination or victimisation on grounds of sexual orientation
<u>Dismissed Rule 27</u>	Complaints dismissed by an Employment judge and initial consideration of claim and response
<u>Dismissal upon withdrawal (Rule 52)</u>	An employment tribunal shall issue a judgement dismissing a claim where the claimant withdraws it unless certain criteria are satisfied.
<u>Equal pay</u>	Failure to provide equal pay for equal value work
<u>National minimum wage</u>	Suffer a detriment and/or dismissal related to failure to pay the minimum wage or allow access to records
<u>Part Time Workers Regulations</u>	Suffer less favourable treatment and/or dismissal as a result of being a part time employee by comparison to a full time employee
<u>Race discrimination</u>	Discrimination or victimisation on grounds of race or ethnic origin
<u>Redundancy – failure to inform and consult</u>	Application by an employee, their representative or trade union for a protective award as a result of an employer's failure to consult over a redundancy situation

<u>Redundancy pay</u>	Failure of the Secretary of State to pay a redundancy payment following an application to the National Insurance fund
<u>Sex discrimination</u>	Discrimination or victimisation on grounds of sex, marriage or transgender
<u>Suffer a detriment / unfair dismissal – pregnancy</u>	Suffer a detriment and/or dismissal on grounds of pregnancy, child birth or maternity
<u>Transfer of an undertaking - failure to inform and consult</u>	Failure of the employer to consult with an employee rep. or trade union about a proposed transfer
<u>Unauthorised deductions (formerly Wages Act)</u>	<p>One of three conditions has to be met for you to lawfully make deductions from wages or take payments from a worker. If this is not the case then the deduction is unauthorised. For the deduction or payment to be authorised it must be</p> <ul style="list-style-type: none"><li>• required or authorised by legislation (for example, income tax or national insurance deductions;</li><li>• authorised by the worker's contract - provided the worker has been given a written copy of the relevant terms or a written explanation of them before it is made; or</li><li>• consented to by the worker in writing before it is made</li></ul>
<u>Underhill Review</u>	A consultation led by Mr Justice Underhill which aimed to address the complex nature of employment tribunals
<u>Unfair dismissal</u>	Appeals on the grounds that an employer does not have a good reason for dismissing a person, or follow the company's formal disciplinary or dismissal process.
<u>Working Time Directive</u>	Appeal by a person who has been served with an improvement or prohibition notice under the Working Time Regulations 1998. Can include complaints by a worker that employer has failed to allow them to take or to pay them for statutory annual leave entitlement and failure to limit weekly or night working time, or to ensure rest breaks.
<u>Written pay statement</u>	Failure to provide a written pay statement or an adequate pay statement
<u>Written statement of reasons for dismissal</u>	Failure to provide a written statement of reasons for dismissal or the contents of the statement are disputed

Written statement of terms and conditions

Failure to provide a written statement of terms and conditions and any subsequent changes to those terms

## **Social Security and Child Support**

Attendance Allowance

Social Security benefit for people aged 65 or over who need help with personal care because of a mental or physical disability. There are two rates, a lower rate for attendance during day or night, and a higher rate for day and night.

Bereavement Benefit

Any or all of the range of Bereavement Benefits that were introduced on 9 April 2001. These replaced the old system of Widows' Pension and can be claimed by men and women whose spouse died on or after 9 April 2001. Widows whose husband died before this date receive transitional protection and would continue to receive Widows' Pension.

Bereavement Payment

Widows/widowers are eligible to receive Widow's/Bereavement Payments if their late spouse satisfied certain National Insurance contribution conditions. Widows are also eligible if their late husband died as the result of an industrial injury or disease and she was aged under 60 when her late husband died; or if she was aged over 60 and he was not entitled to a Category A Retirement Pension when he died. The payment is a tax free lump sum of £2,000. For the purposes of the Sources of Income tables in this publication, this is treated as covering a period of one year

Bereavement Allowance

A Social Security benefit paid for up to 52 weeks to widows and widowers who were aged 45 or over, but less than pension age, when their spouse died. Bereavement Allowance cannot be received at the same time as Widowed Parent's Allowance. The amount paid is on a sliding scale depending on the widow or widower's age.

Carer's Allowance

A Social Security benefit for people who are aged 16 or over; not in full-time education with 21 hours or more a week of supervised study; not earning more than the lower earnings limit for National Insurance after certain deductions have been made (such as Income Tax); and spending at least 35 hours a week caring for someone who is ill or disabled. The ill or disabled person must be getting either higher or middle rate Disability Living Allowance Care component or Attendance Allowance or a Constant Attendance Allowance at the maximum rate under the War Pensions or Industrial Injuries Scheme.

Child Benefit

Social Security benefit paid for each child under 16 year or aged under 19 and still in full time non advanced education.

Council Tax Benefit

Social Security benefit administered by the local authority designed to help people on low incomes pay their Council Tax. There are two types of Council Tax Benefit, maximum Council Tax Benefit (Main Benefit) and Second Adult Rebate. Council Tax Benefit may be received for a further four weeks by people aged under 60 when they

start working full time following a period of at least six months being unemployed, by people on a Government Training Scheme or on Income Support as a lone parent or carer (Extended Payment).

Disability Living Allowance (DLA)

Social Security benefit for people who become disabled before the age of 65 and need help with personal care, getting around, or both. Consists of two components

1. Care component covers personal care (for example, washing, dressing, using the toilet, cooking a main meal). This is paid at three rates.

2. Mobility component for those who cannot walk or have difficulty in walking. This is paid at two rates.

Employment support allowance (ESA)

Someone who is ill or disabled may be eligible for Employment and Support Allowance (ESA) which offers financial support if the person is unable to work and/or personalized help in becoming employed if the recipient is able to. ESA is supported and administered by DWP.

Housing Benefit

Social Security benefit administered by local authorities which is designed to help people who rent their homes and have difficulty meeting their housing costs. Council tenants on Housing Benefit get a rent rebate which means that their rent due is reduced by the amount of that rebate. Private and housing association tenants usually receive Housing Benefit (or rent allowance) personally, although sometimes it is paid direct to the landlord. Housing Benefit may be received for a further four weeks by people aged under 60 when they start working full time following a period of at least six months being unemployed, by people on a Government Training Scheme or on Income Support as a lone parent or carer (Extended Payment).

Incapacity Benefit

Replaced Sickness Benefit and Invalidity Benefit from 13 April 1995. It is paid to people who are assessed as being incapable of work and who meet the contribution conditions.

Income Support

Social Security benefit for adults aged 18 or over who are working less than 16 hours a week, or have a partner working less than 24 hours a week and who have less money coming in than the law says they need to live on. In general, Income Support is now only available to people who are not required to be available for work such as pensioners, lone parents and sick and disabled people. It is made up of personal allowances for each member of the benefit unit, premiums for any special needs and housing costs, principally for mortgage interest payments. It is often paid to top up other benefits or earnings from part time work.

Industrial Injuries Disablement Benefit

Social Security benefit provided for employees who are disabled because of an industrial accident or prescribed industrial disease. To get the basic benefit the person needs a medical assessment of the degree of their disability.

Jobseeker's Allowance

Replaced Unemployment Benefit and Income Support for unemployed people on 7 October 1996. It is payable to people under state pension age who are available for, and actively seeking, work of at least 40 hours per week. Certain groups of people, including carers and those with a physical or mental condition, are able to restrict their availability to less than 40 hours depending upon their personal circumstances. There are contribution based and income based routes of entry to Jobseeker's Allowance. The different elements are separated in the 'any income related benefit' and 'any non-income related benefit' categories.

Severe Disablement Allowance

Social Security benefit provided for people who are incapable of work and do not satisfy the contributions conditions for Incapacity Benefit. Severe Disablement Allowance was abolished for new claimants on 6th April 2001. However, certain people entitled to SDA before that date can continue to receive it. Claimants needed to be aged between 16 and 65 when they made their claim and must have been incapable of work for at least 28 weeks.

Social Fund

Made up of regulated and discretionary payments. Maternity Funeral and Cold Weather Payments are governed by regulations. They are available to people who are on certain Social Security benefits and who meet various other conditions. The discretionary part of the Social Fund provides help in the form of non-repayable grants and interest-free loans. The discretionary payments are Community Care Grants, budgeting Loans and Crisis Loans.

Widowed Parent's Allowance

A widow or widower is eligible if his or her late husband or wife met certain National Insurance contribution conditions. Widowed Mother's Allowance or Widowed Parent's Allowance can be paid to a widow or widower as long as he or she is entitled to Child Benefit for at least one qualifying child, or she is pregnant by her late husband, or in certain cases of artificial insemination. Child dependency increases are paid for each child.

## Other special tribunals

<u>Agricultural Land</u>	Settles disputes and other issues between agricultural tenants and landlords arising from tenancy agreements held under the Agricultural Holdings Act and certain drainage disputes between neighbours.
<u>Asylum Support</u>	The Home Office consider whether an applicant and their dependants meet the test of destitution and to what extent support should be provided (for example, accommodation and cash for essential needs). If the Home Office refuse to provide support or, after they have been providing support, decide to stop or withdraw it, an asylum seeker can appeal to us against their decision.
<u>Care Standards</u>	Considers appeals against a decision made by the Secretary of State to restrict or bar an individual from working with children or vulnerable adults and decisions to cancel, vary or refuse registration of certain health, childcare and social care provision.
<u>Charity</u>	Hears appeals and reviews against the decision of the Charity Commissioner.
<u>Claims Management Services</u>	Hear appeals from businesses and individuals who provide claims management services in areas including: Personal injury, Criminal injuries compensation, Employment matters, Housing disrepair, Financial products and services and Industrial injury disablement.
<u>Community Right to Bid</u>	This jurisdiction was established by the Department for Communities and Local Government's Localism Act. Its intention is to allow local communities the opportunity to make a bid for property/land that they feel adds specific value to the community.
<u>Consumer Credit</u>	Hears and decides appeals from licensing decisions made by the Office of Fair Trading. It also hears appeals against penalties issued under money laundering regulations.
<u>Criminal Injuries Compensation</u>	Considers appeals against decisions made by the Criminal Injuries Compensation Authority (CICA). They only deal with appeals on claims for compensation for criminal injuries made on or after 1 April 1996 under the Criminal Injuries Compensation Scheme.
<u>Examination Boards</u>	Regulated awarding organisations can appeal to the examination board tribunal if they disagree with a decision by Ofqual or the Welsh Government to impose a fine, the amount of the fine or recover the costs of taking enforcement action.
<u>Environment</u>	Hears appeals against notices and penalties issued by the regulators under the Regulatory Enforcement and Sanctions Act 2008. Any appeal will be against one of the following items: Stop Notice - issued by the regulator ordering the appellant to stop performing an action immediately; Fixed / Variable Monetary Penalty; Compliance Notice -instructing the appellant to do some action specified in the notice; Restoration Notice -ordering the appellant to restore the situation to what it was before he committed the offence; Non-

Compliance Penalty; Non- Issue of Completion Certificate to show that the appellant has completed some agreed action; The non-granting of compensation by the regulator or appealing against the amount of compensation offered; Regulatory Cost Recovery Notice - ordering the appellant to pay the regulator's costs.

Estate Agents

The Tribunal hears appeals against decisions made by the Office of Fair Trading relating to an order prohibiting a person from acting as an estate agent where for example a person has been convicted of an offence involving fraud or other dishonesty; an order warning a person where for example that person has not met their duties under the 1979 Act; a decision refusing to revoke or vary a prohibition order or warning order made under the 1979 Act.

Financial Services & Pensions Regulator

This is not separate Tribunal but part of the Upper Tribunal (Tax & Chancery) Chamber. The former resolves referrals on matters relating to certain decisions of the Financial Services Authority).

Food

Hears appeals against some of the decisions taken by these regulators: Food Standards Agency; Department for Environment, Food and Rural Affairs; Local Authority Trading Standards Departments

Does not deal with complaints about the regulators or appeals

Gambling Appeals

Hears appeals against decisions by the Gambling Commission. Appeals come from license holders or applicants for licenses. Appeals follow the Commission's own review process.

Gangmasters Licensing Appeals

Hears cases against the GLA in the event of a decision to revoke a license; refuse a license application; modify a license or; refuse consent to the transfer of a license.

Gender Recognition Panel

See [Gender Recognition Certificates](#) below.

Immigration Services

Hears appeals against decisions by the Office of the Immigration Services Commissioner, which regulates immigration advisers. Also considers disciplinary charges brought by the Office of the Immigration Services Commissioner against immigration advisers.

Information Rights

Hears appeals from notices issued by the Information Commissioner under the Freedom of Information Act. Relates to mainstream citizen needs about making a freedom of information request.

Lands

Resolves disputes concerning land, such as compulsory purchase of land or property, claims for compensation for loss of value to land or property because of 'public works'.

<u>Local Government Standards in England</u>	Makes first decisions on local councillors referred for breaches of the Code of Conduct and hears appeals against decisions by local authorities' standards committees. Was abolished under the Localism Act 2011.
<u>Mental Health</u>	Hears applications and references for people detained under the Mental Health Act 1983 (as amended by the Mental Health Act 2007) or living in the community following the making of a conditional discharge, or a community treatment or guardianship order.
<u>Primary Health Lists</u>	General Practitioners (GPs), Dentists, Optometrists and some Pharmacists need to be on a locally managed performers list before being able to provide NHS services within the area of a Primary Care Trust. The Primary Health Lists jurisdiction hears appeals / applications resulting from decisions made by Primary Care Trusts as part of the local management of such performers' lists.
<u>Professional Regulation (formerly Alternative Business Structures)</u>	The Legal Services Act 2007 allows for lawyers and non-lawyers to work together to offer legal services-these are known as Alternative Business Structures. (ABS). The ABS will have to apply to an approved regulator for a license. The tribunal hears appeals against decisions of the regulator.
<u>Residential Property</u>	Provides an independent service in England for settling disputes involving private rented and leasehold property, including Rent Cases, Leasehold Enfranchisement Cases, Leasehold Disputes, Housing Act 2004 Cases, Park Homes Cases.
<u>Reserve Forces Appeal</u>	Hears appeals against decisions of Ministry of Defence with regard to call up for military service and exemptions.
<u>Special Educational Needs and Disability</u>	Parents whose children have special educational needs can appeal to the First-tier Tribunal (Special Educational Needs and Disability - SEND) against decisions made by Local Education Authorities in England about their children's education.
<u>First Tier Tax Chamber</u>	Hears appeals against decisions relating to tax made by Her Majesty's Revenue and Customs (HMRC). Appeals can be made by individuals or organisations, single tax payers or large multi-national companies. Appeals range from the relatively simple to the complex across both direct and indirect tax
<u>Transport</u>	The first-tier hears and decides appeals against decisions of the Registrar of Approved Driving Instructors concern[ing] approved driving instructors, trainee driving instructors, and training provider appeals as well as other matters - for example, bus service permits. The upper-tier hears appeals against decisions of Traffic Commissioners in connection with the Heavy Goods Vehicles & Public Services Vehicles Operators Licensing Systems.

Upper Tribunal  
(Administrative  
Appeals)

Hears appeals against decisions of the General Regulatory Chamber, the Health, Education and Social Care Chamber, Social Entitlement Chamber, and the War Pensions and Armed Forces Compensation Chamber.

Upper Tribunal  
(Lands)

The Lands Chamber has jurisdiction to hear appeals against all decisions made by the Property Chamber, and the Leasehold Valuation and Residential Property Tribunals in Wales, except for those relating to land registration cases which must be made to the Tax and Chancery Chamber of the Upper Tribunal.

Upper Tribunal  
(Tax &  
Chancery)

The Upper Tribunal (Tax and Chancery Chamber) aims to assist those wishing to appeal against, or involved in decisions of the First-tier Tribunal in Tax or Charity cases and people wishing to refer matters relating to certain decisions of the Financial Services Authority and the Pensions Regulator. It also handles appeals against the decision of the Independent Valuer in the case of the Northern Rock shares valuation. It also has jurisdiction over Charity and Land Registration cases. The Tax and Chancery Chamber also has the power to judicially review decisions in certain circumstances. See also Financial Services and Pensions Regulator above.

War Disablement  
Pension

Social Security Benefit provided for people who were disabled in the Armed Forces between 1914 and 1921 or any time after 2 September 1939. Paid at a rate which varies according to the degree of disablement.

War Widow's  
Pension

Social Security Benefit provided for widows of servicemen who died as a result of service in HM Forces. The standard rate of pension may be paid if the widow has a dependant child or is over 40 or is incapable of self support. The lower rate is paid to childless widows under the age of 40.

## Gender Recognition Certificates

### Alternative Track

An applicant using the alternative application form must show that they meet the following four conditions:

- were a party to a protected marriage or a protected civil partnership or a Scottish protected marriage or a Scottish protected civil partnership on or before the date of the application;
- have lived full time in the acquired gender for at least 6 years before the 10 December 2014 and have continued to live in the acquired gender until the date the application was made, (for Scottish protected marriages and civil partnerships this date is the 16 December 2014);
- either have or have had gender dysphoria or else have undergone surgical treatment to modify sexual characteristics;
- And are ordinarily resident in England, Wales or Scotland.

### Gender Dysphoria

The condition of feeling one's emotional and psychological identity as male or female to be opposite to one's biological sex.

### Gender Recognition Act 2004 (GRA)

Enables transsexual people to change their gender legally and gain the rights and responsibilities of their acquired gender. All applications are determined by the Gender Recognition Panel (GRP) and applicants who meet the GRA's requirements are granted a Gender Recognition Certificate.

### Gender Recognition Certificate (GRC)

Issued by the Gender Recognition Panel (GRP), shows that a person has satisfied the criteria for legal recognition in the acquired gender.

### Gender Recognition Panel (GRP)

The GRP was established under the Gender Recognition Act 2004. Its function is to assess applications from transsexual people seeking to obtain a Gender Recognition Certificate.

### Interim GRC

Issued to a successful applicant if he or she is married or in a civil partnership at the time of the application

### Tracks

There are three application processes for obtaining a GRC: Standard track, Overseas track and Alternative track.

### Standard track

Applications are those submitted under the standard application process, on the basis of living permanently in the acquired gender for two years or more.

### Overseas track

Applications are those submitted under the overseas application process, on the basis of having changed gender under the law of an approved country or territory outside the United Kingdom.

## High Court, Court of Appeal and Specialised Courts

<u>Admiralty Court</u>	Deals with shipping and maritime disputes, such as ship collisions and damage to cargo.
<u>Allowed</u>	Appeals given a final result of 'Allowed' or 'Allowed with consent'.
<u>Appeal</u>	A formal request to a higher court that the verdict or ruling of a court be overturned.
<u>Bankruptcy</u>	Insolvency (inability to pay debts) of individuals
<u>Bankruptcy and Companies Court</u>	Deals with cases involving companies and company or individual insolvency / bankruptcy. It primarily deals with cases under the Insolvency Act 1986, the Company Directors Disqualification Act 1986, the Companies Act 1985 and the Financial Services and Markets Act 2000.
<u>Chancery Division</u>	One of the three divisions of the High Court (along with the Queen's Bench Division and Family Division), and considers cases in relation to trust law, the administration of estates, guardianship and charities.
<u>Commercial Court</u>	Deals with complex cases arising out of business disputes, both national and international, including in relation to international trade and banking.
<u>Comptroller General of Patents</u>	The head of the UK Patent Office.
<u>Deputyships</u>	The level of support and supervision the OPG allocates to a Deputy is decided after carrying out an assessment of the individual circumstances of the case.
<u>Dismissed</u>	Appeals given a final result of 'Refused'.
<u>Dismissed by Consent</u>	Appeals given a final result of 'Dismissed with consent'.
<u>Family Division</u>	One of the three divisions of the High Court (along with the Chancery Division and Queen's Bench Division), and is concerned with matrimonial cases and proceedings relating to children or adults who cannot make decisions for themselves.
<u>Filed</u>	Cases filed/set down within period.
<u>Judicial sitting days</u>	Sittings by deputy High Court judges include retired Lords Justices, retired High Court judges and Circuit Judges sitting as High Court judges under section 9(1) of the Supreme Court Act 1981 and practitioners sitting as deputy High Court judges under section 9(4) of the Act. Deputy Circuit Judge sittings refer only to sittings by retired Circuit Judges.

<u>Habeas corpus</u>	An order requiring a prisoner to be brought to court, to allow the court to determine if their detention is lawful.
<u>Interlocutory proceedings</u>	Court hearings that take place before the full trial.
<u>Lasting Power of Attorney</u>	The Property and Affairs LPA allows the Donor to appoint an Attorney to manage their finances and property whilst they still have capacity to make decisions for themselves. The Personal Welfare LPA allows the Donor to appoint an Attorney to make decisions on their behalf about their personal welfare. A Personal Welfare LPA can only be used when the Donor lacks the capacity to make these decisions for themselves.
<u>Master</u>	Judicial officer of the High Court who primarily deals with procedural matters.
<u>Otherwise Disposed</u>	Appeals given a final result of 'Not our Jurisdiction', 'Totally Without Merit', 'Varied with Consent', 'Other Result', and 'Remitted'.
<u>Patents Court</u>	Specialist court which deals with cases concerning intellectual property such as patents and registered designs.
<u>Queen's Bench Division</u>	One of the three divisions of the High Court (along with the Chancery Division and Family Division), and deals with civil disputes including those relating to breach of contract, personal injuries, commercial cases, libel and slander.
<u>Royal Courts of Justice</u>	Administratively part of Her Majesty's Courts and Tribunals Service, and is the building in London which houses the Court of Appeal, the High Court and the Probate Service.
<u>Struck out for failure to provide documents</u>	Appeals given a final result of 'Dismissal List' or 'Struck out'.
<u>Technology and Construction Court</u>	Deals with building and engineering disputes and computer litigation.
<u>Tort</u>	Any private or civil wrong for which private damages may be claimed, not including a breach of contract.
<u>Writs of fieri facias (fi-fa)</u>	Orders an officer to take or sell property belonging to a debtor until the value of the property taken equals the amount of the debt. This is also called a writ of control.

## Privacy Injunctions

<u>Claimant</u>	The person or organisation applying for a privacy injunction.
<u>Defendant</u>	The person or organisation against whom a privacy injunction is directed.
<u>Derogations from open justice</u>	UK courts have long operated under a fundamental principle of “open justice”. This means, in general terms, that all aspects of court proceedings should be open to the press and public. In proceedings where an injunction is sought to protect or enforce privacy, the judge may decide that some deviation (or “derogation”) from the principle of open justice may be necessary for the proper administration of justice. Possible derogations can include, for example, a hearing taking place in private, granting anonymity to one or more of the parties involved, or restricting access to court documents.
<u>European Convention on Human Rights (ECHR)</u>	A treaty, signed in November 1950, which protects human rights and fundamental freedoms in Europe. All member states of the Council of Europe are signatories to the ECHR. Article 8 of the ECHR provides for the right to respect for private and family life. Article 10 provides for the right to freedom of expression.
<u>Human Rights Act 1998</u>	Gives further legal effect in the UK to the fundamental rights and freedoms contained in the European Convention on Human Rights.
<u>Interim privacy injunctions and final privacy injunctions</u>	In all privacy injunction cases, the person or organisation applying for a privacy injunction – called the claimant – may initially seek an interim injunction. The court may issue an interim injunction at the outset of a case if, without this, any subsequent injunction it may grant to prohibit publication would have already been thwarted. If an interim injunction is granted, it will normally only last for a few days initially. The court will usually set a ‘return date’ by which a second hearing will take place, giving the defendant – the person or organisation against whom the privacy injunction is directed – time to consider their position. At that second hearing the court will decide whether or not to continue the interim injunction (perhaps with some variation in its terms). The defendant may oppose the continuation of the injunction, or agree to be bound by it. If the court continues the injunction after this second hearing it will normally last until a full trial can take place. Interim injunctions are granted only on the basis of witness statements, without oral evidence or disclosure of documents. After then hearing all the evidence and arguments at the full trial, the court can decide to continue (or vary) the interim injunction as a final injunction, which makes the injunction permanent, or cancel it (also termed “discharge”), which means the injunction no longer exists so there is no restriction on the publication or dissemination of the information in question.
<u>Master of the Rolls</u>	The leading judge dealing with the civil work of the Court of Appeal in England and Wales, and presides over the most difficult and sensitive cases.

On-notice application

The party an injunction is aimed at – for example a newspaper intending to publish a story – is told that the injunction is being sought. They can therefore choose to challenge it if they wish.

Privacy injunction / anonymised injunction

An injunction which restrains a person from publishing information which concerns the applicant (the person seeking to obtain the injunction) and is said to be confidential or private, and where the names of either or both of the parties to the proceedings are not stated. These are termed “privacy injunctions” throughout this report.

Super-injunction

A particular type of privacy injunction which restrains a person from publishing information which concerns the applicant (the person seeking to obtain the injunction) and is said to be confidential or private, and publicising or informing others of the existence of the injunction and the court proceedings.

Without-notice application

The party an injunction is aimed at is not notified that an injunction is being sought.

## Coroners

The following definitions are intended as a guide to the meaning of terms in the Coroners Statistics bulletin concerning coroners and their work; more detailed definitions will be found in the Coroners and Justice Act 2009 (the 2009 Act) and the Treasure Act 1996 (see links below).

- [www.legislation.gov.uk/ukpga/2009/25/contents](http://www.legislation.gov.uk/ukpga/2009/25/contents)
- [www.legislation.gov.uk/2013?title=coroners](http://www.legislation.gov.uk/2013?title=coroners)
- [www.legislation.gov.uk/ukpga/1996/24/contents](http://www.legislation.gov.uk/ukpga/1996/24/contents)

Chief Coroner The judicial head of coroner services in England and Wales, responsible for setting national standards of service, training coroners and their officers and other staff and issuing guidance to them. The Chief Coroner has a number of roles but his main responsibilities are to:

- provide support, leadership and guidance for coroners in England and Wales;
- set national standards for all coroners;
- develop training for coroners and their staff;
- approve coroner appointments;
- keep a register of coroner investigations lasting more than 12 months and take steps to reduce unnecessary delays;
- monitor investigations into deaths of service personnel;
- oversee transfers of cases between coroners;
- direct coroners to conduct investigations;
- provide an annual report on the coroner system to the Lord Chancellor, to be laid before Parliament; and
- collate and monitor coroners' reports to authorities to prevent future deaths.

Coroner A coroner is an independent judicial office holder, appointed by a local authority (council) within the coroner area. Some coroners cover more than one local authority. Coroners are usually lawyers but sometimes doctors and they are responsible for the investigation of violent or unnatural deaths (see 'Deaths reported to coroners' section below) and inquiries into treasure finds.

Conclusion This is the decision the coroner (or jury) reaches at the end of an inquest about how someone died. The conclusion is recorded on a 'record of an

inquest' form which includes the legal 'determination' and 'findings'. It may comprise one of the following 'short form' conclusions: accident or misadventure; alcohol/drug related; industrial disease; lawful/unlawful killing; natural causes; open; road traffic collision; stillbirth; or suicide. Conclusions are recorded in nearly all coroners' inquests. The exceptions are those inquests adjourned (and not resumed) by the coroner under Schedule 1 of the 2009 Act because criminal proceedings have taken place.

Deaths reported to coroners

In England and Wales, all violent, unnatural or accidental deaths, deaths of unknown cause, deaths that might have been due to an industrial disease or related to the deceased's employment, and all deaths in state custody, are reported to coroners.

Deprivation of Liberty Safeguard

The Mental Capacity Act Deprivation of Liberty Safeguards (MCA DoLS) were introduced, as part of the Mental Health Act 2007, by the Department of Health in April 2009. The MCA DoLS are new statutory safeguards. It is the procedure prescribed in law when it is necessary to deprive of their liberty a resident or patient who lacks capacity to consent to their care and treatment in order to keep them safe from harm. Such arrangements constitute a form of state detention. The coroner data return for 2015 was modified to collect data on the number of deaths that occurred while the deceased was subject to a DoLS, as a category within the state detention section of the data return.

Determination

This is the decision (reached by coroner or jury as appropriate) about the identity of the deceased and how, when and where he or she came by his or her death.

Findings

These are the details about a death that the coroner establishes to enable the death to be registered (under the Births and Deaths Registration Act 1953).

Inquest

This is a public court hearing held by a coroner in order to establish who has died, and how, when and where the death occurred. It forms part of the coroner's investigation. An inquest does not establish any matter of criminal or civil liability. It does not seek to blame anyone or apportion blame between people or organisations. If it was not possible to find out the cause of death from the post-mortem examination, or the death is found to be unnatural (or occurred in state detention) or the coroner thinks there is a good reason to continue the investigation, a coroner must hold an inquest to be able to finish his or her investigation. The inquest may be held with or without a jury, depending on the circumstances of the death.

Investigation

The coroner's investigation is the process by which the coroner establishes who has died, and how, when, and where they died. The coroner may decide, as part of the investigation, to hold an inquest. In England and Wales, a coroner has a duty under the 2009 Act to investigate a death if:

- 1) the coroner is made aware that the body is within that coroner's area, and
- 2) the coroner has reason to suspect that:
  - a) the deceased died a violent or unnatural death;

- b) the cause of the death is unknown; or
- c) the deceased died while in custody or state detention.

### Juries

Nearly all inquests are held by a coroner sitting alone, without a jury. A jury must be summoned if the senior coroner has reason to suspect:

(a) that the deceased died while in custody or otherwise in state detention, and that either the death was violent or unnatural, or the cause of death is unknown;

(b) that the death resulted from an act or omission of a police officer, or a member of a service police force in the purported execution of his or her duty;

(c) that the death was caused by a notifiable accident, poisoning or disease (i.e. under certain statutory reporting obligations under the Health and Safety Act 1974 or any other Act, and in certain other circumstances, especially where there may be a continuing or recurring danger to the public).

Juries assembled for coroner inquests comprise of between seven and eleven members.

### Killed lawfully

This conclusion could be recorded, for example, due to termination of a pregnancy, lawful shooting by a police officer, or a death resulting from self-defence.

### Narrative conclusion

This is where the coroner makes a brief and factual statement at the conclusion of the inquest but does not return one of the suggested short-form conclusions.

### Non-inquest cases

Cases where the coroner's investigation is concluded without an inquest being held.

### Open conclusion

This may be recorded by the coroner if there is insufficient evidence to enable the coroner or the jury to reach one of the other conclusions

### Out of England Order

To remove a body of a deceased person out of England and Wales, notice must be given to the coroner within whose area the body is lying. This notice allows the coroner to consider whether an inquest or post-mortem is necessary. When the coroner gives permission for the removal of the body an Out of England order is issued.

### Post-mortem examination

This is a detailed medical examination of a body after death to establish the medical cause of death. A coroner's post-mortem examination is independent and is carried out by a suitable medical practitioner such as a pathologist (a doctor who specialises in medical diagnosis by examining body organs, tissues and fluids) of the coroner's choice. A coroner may request that a post-mortem examination be conducted, whether or not an inquest is held, particularly if the cause of death is not clear. In many cases a post-mortem examination is conducted in order to determine whether or not an inquest is necessary.

Registered deaths

All deaths in England and Wales must be registered with the Registrar of Births and Deaths. The term 'registered deaths' in the Coroners Statistics bulletin refers to deaths registered within a specific time period (in this case, calendar years).

Statistics on registered deaths in England and Wales are published by the ONS in their series on mortality statistics. At the time of the Coroners Statistics 2013 publication, final figures had not been published for the number of registered deaths in 2013, but a provisional figure has been derived from the monthly registration figures which are published by ONS at regular intervals.

Schedule 1

Under Schedule 1 to the 2009 Act a coroner must suspend an investigation (and if an inquest has been opened, adjourn that inquest) in the following circumstances:

- If asked to do so by a prosecuting authority because someone may be charged with a homicide or related offence involving the death of the deceased (paragraph 1 of Schedule 1);
- When criminal proceedings have been brought in connection with the death (paragraph 2, based on Section 16 of the 1988 Act);
- Where there is an inquiry under the Inquiries Act 2005 (paragraph 3, based on Section 17A of the 1988 Act);
- If it appears to the coroner that it would be appropriate to do so (paragraph 5).

Timeliness of inquests

For the purpose of determining the timeliness of inquests, the time taken to conduct an inquest is deemed to be from the day the death was reported to the coroner until either (a) the day the inquest is concluded by recording a conclusion or (b) the day the coroner certifies that an adjourned inquest will not be resumed.

The average time for an inquest to be conducted is estimated in the following way: Coroners are asked in their annual return to state how many inquests were concluded within certain time periods. There are five time bands, which are: within one month; 1-3 months; 3-6 months; 6-12 months; and over 12 months. All the inquests falling within a time-band are then assumed to have been completed at or near the mid-point of the various time-bands for the purposes of calculating the average, although inquests within the "under one month" band are assumed to have taken 3 weeks for this purpose of this estimation, and those inquests taking over a year to conclude were deemed to have taken 18 months, although the time-band itself is open-ended.

Note: only deaths occurring within England and Wales are included in the calculation. Statistics are not collected on the time taken for inquests where the death occurred outside England and Wales. Deaths occurring abroad are often significantly delayed because of the difficulty, for example, of obtaining reports from other countries.

Treasure and  
treasure trove

Treasure is defined as:

1. Any object at least 300 years old which:
  - a) Is not a coin but has metallic content of which at least 10% by weight is precious metal (i.e. gold or silver)
  - b) Is one of at least 2 coins in the same find which are at least 300 years old and have that percentage of precious metal
  - c) Is one of at least 10 coins in the same find which are at least 300 years old
2. Any object at least 200 years old which the Secretary of State considers to be of outstanding historical, archaeological or cultural importance.

Treasure Trove relates to treasure finds made before commencement of the Treasure Act 1996 on 24 September 1997.

Coroners have jurisdiction to inquire into any treasure which is found in their area and to establish who the finders were.

## Contacts

Other enquiries about this guide should be directed to the Justice Statistics Analytical Services division of the MoJ:

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General information about the official statistics system of the UK is available from [www.statistics.gov.uk](http://www.statistics.gov.uk)

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