



# Civil Justice Statistics Quarterly, England and Wales, October to December 2017 (provisional)

## Main points

In October to December 2017, the number of County Court claims and judgments made decreased, following an increasing trend seen since April to June 2015. However, other stages of county court activity (defences, allocations and trials) have continued to increase, albeit at a slower rate.

<b>Decrease in County court claims driven by specified money claims</b>		In October to December 2017, County Court claims decreased by 12% to 414,000, reversing the increasing trend seen previously. Of these, 307,000 were specified money claims (down 17% on the same period in 2016).
<b>Unspecified money claims were up 9% to 37,000</b>		Unspecified money claims have increased for both Personal Injury (up 9% to 35,000) and other unspecified money claims (up 11% to 2,000)
<b>Claims defended and claims to trial continue to increase</b>		There were 73,000 claims defended and 14,000 claims that had gone to trial in October to December 2017, up 3% and 1% respectively.
<b>Average time taken from claim to hearing has increased</b>		Average time taken for small claims to trial took 32.2 weeks and for multi/fast track claims 58.3 weeks, up 1.8 and 5.4 weeks on the same period in 2016 respectively. However, average time taken continues to be in line with range seen since 2011.
<b>Judgments made down 8%, compared to same quarter in 2016</b>		Despite the fall in judgments to 265,000 in October to December 2017, the proportion that were default judgments increased by 1 percentage point to 87%.
<b>22,200 enforcement orders and 80,000 warrants were issued</b>		Enforcement orders and warrants issued increased 4% and 8% respectively on October to December 2016, with increases seen driven by enforcement charging orders and warrants of control (both up 9%).
<b>In 2017 there were 2% fewer Judicial Review applications than in 2016</b>		4,200 Judicial Review applications were received in 2017 and 2,800 of these cases reached the permission stage (of which 513 (18%) were found to be 'Totally Without Merit').

This publication gives civil county court statistics for the latest quarter (October to December 2017), compared to the same quarter the previous year. The judicial review figures cover the period January to December 2017 and Privacy Injunctions the period July to December 2017. For more details, please see the supporting document.

# 1. Claims summary

## County court claims are down 12% on the same quarter of 2016, with the decrease driven by specified money claims



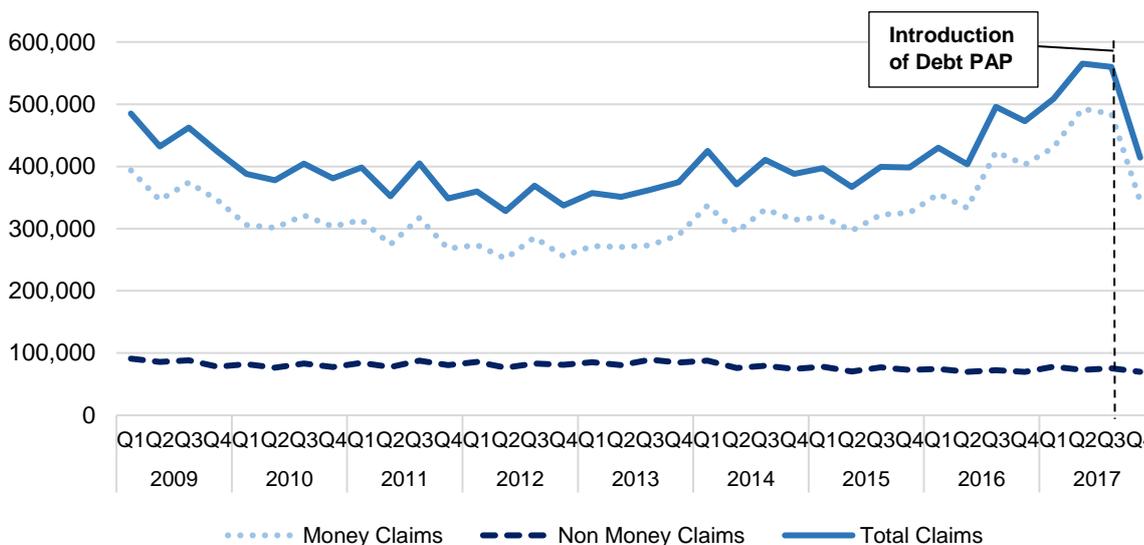
There were 414,000 County Court claims lodged in October to December 2017. Of these, 344,000 were money claims (down 15% from October to December 2016).

## Non-money claims at 70,000, no change on the same quarter last year



Return of goods increased by 8% to 2,200 when compared to October to December 2016, whereas 'Other non-money' and Mortgage and Landlord Possession claims have remained level over this period (at 32,000 and 36,000 claims respectively).

**Figure 1: County Court Claims by type, Q2 (April to June) 2009 to Q4 (October to December) 2017 (source: table 1.2)**



County Court claims had been generally increasing since a low of 328,000 in April to June 2012, reaching a peak of 565,000 claims in April to June 2017. This increase was driven by a rise in money claims, which make up the majority of claims received. However, in this most recent quarter, claims have decreased by 12% to 414,000, compared to the same period in 2016. Of these, 344,000 were money claims (down 15% from October to December 2016).

Non-money claims had been generally decreasing since the peak of 89,000 claims in July to September 2013, to a low of 70,000 in October to December 2016. In October to December 2017, non-money claims have remained level with the same period in 2016.

Within non-money claims, return of goods have been generally increasing quarter on quarter since July to September 2015. In October to December 2017, these types of claim increased by 8% to 2,200, when compared to the same period in 2016. Other non-money had also generally been increasing since a low of 26,000 in April to June 2014, to a high of 35,000 in January to March 2017. However in the most recent quarter, they have remained at similar levels seen in the same period of 2016, at 32,000 claims.

The overall trend in Mortgage and Landlord Possession claims has been decreasing since a peak of 60,000 in January to March 2014. This claim type saw no significant change in October to December 2017, when compared to the same quarter last year, remaining at 36,000 claims.

## 2. Money Claims

**Specified money claims fell by 17% to 307,000 claims in October to December 2017, driving the decrease seen in money claims.**

Specified money claims up to (and including) £15,000 decreased over this period – these account for almost all (98%) specified money claims.



**Unspecified claims have increased by 9% to 37,000 when compared to the same quarter in 2016**

Unspecified money claims have increased for both Personal Injury (up 9% to 35,000) and other unspecified money claims (up 11% to 2,000)



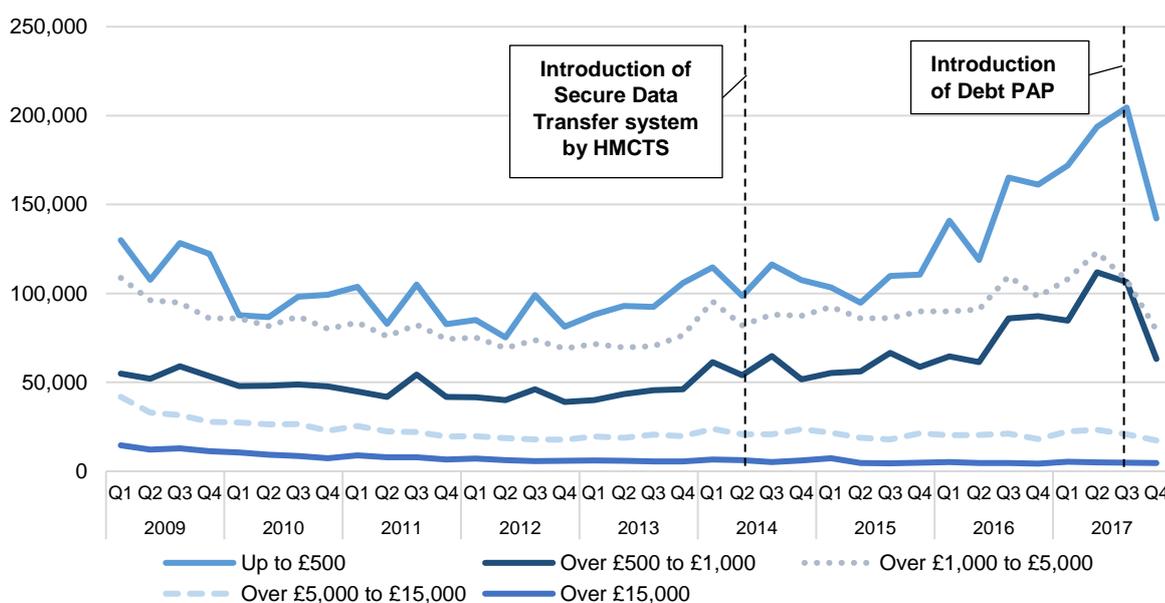
The majority (84%) of specified money claims are processed and issued at the County Court Business Centre (CCBC). There were 259,000 such claims at the CCBC in October to December 2017 (down 21% on the same quarter in the previous year).

Although specified money claims had been on an increasing trend from a low in April to June 2012 (210,000 claims), to 445,000 in July to September 2017 (445,000), the most recent quarter has seen a fall, to 307,000 claims in October to December 2017.

The decrease in specified money claims has been driven by the implementation of the Pre-Action Protocol for Debt Claims<sup>1</sup>, which was introduced in October 2017. The main aim of the protocol is to encourage early engagement between parties to resolve disputes without needing to start court proceedings.

The decrease can be seen across monetary claims of the value up to and including £15,000, with the greatest decreases in the less than £1,000 claims (down by 17%) – these make up two thirds (67%) of the total specified money claims in the most recent quarter. Higher value claims (>£15,000) increased over this period by 8% to 4,600 claims as shown in Figure 2.

**Figure 2: Specified money claims by monetary value, Q1 (Jan-Mar) 2009 to Q4 (Oct-Dec) 2017 (source: civil workload CSV)**



<sup>1</sup> <http://www.justice.gov.uk/courts/procedure-rules/civil/pdf/protocols/pre-action-protocol-for-debt-claims.pdf>

Unspecified money claims have fluctuated between 33,000 and 40,000 claims each quarter over the last four years (since October to December 2013). In the most recent quarter, they increased by 9% when compared to October to December 2016, to 37,000. Within this claim group, personal injury increased 9% to 35,000 and other unspecified money claims up 11% to 2,000.

### **Allocations**

In October to December 2017, 41,000 money claims were allocated to track, 5% more than the same period in 2016. Of these allocations;

- 22,000 were allocated to small claims, an increase of 10% on the same quarter in 2016, accounting for 53% of all allocations;
- 16,000 were allocated to fast track, an increase of 3% on the same quarter in 2016, accounting for 40% of all allocations;
- 3,000 were allocated to multi-track, a decrease of 11% on the same quarter of 2016, accounting for 7% of all allocations.

### 3. Defences (including legal representation) and Trials

#### The number of claims defended increased by 3% to 73,000

Due to a data quality issue, Q4 2017 representation figures are not reported for case type breakdowns of claims defended.

#### The number of trials and average time taken from claim to trial have increased

Average time taken for small claims has increased to 32.2 weeks and for multi and fast track claims to 58.3 weeks.



#### Claims defended

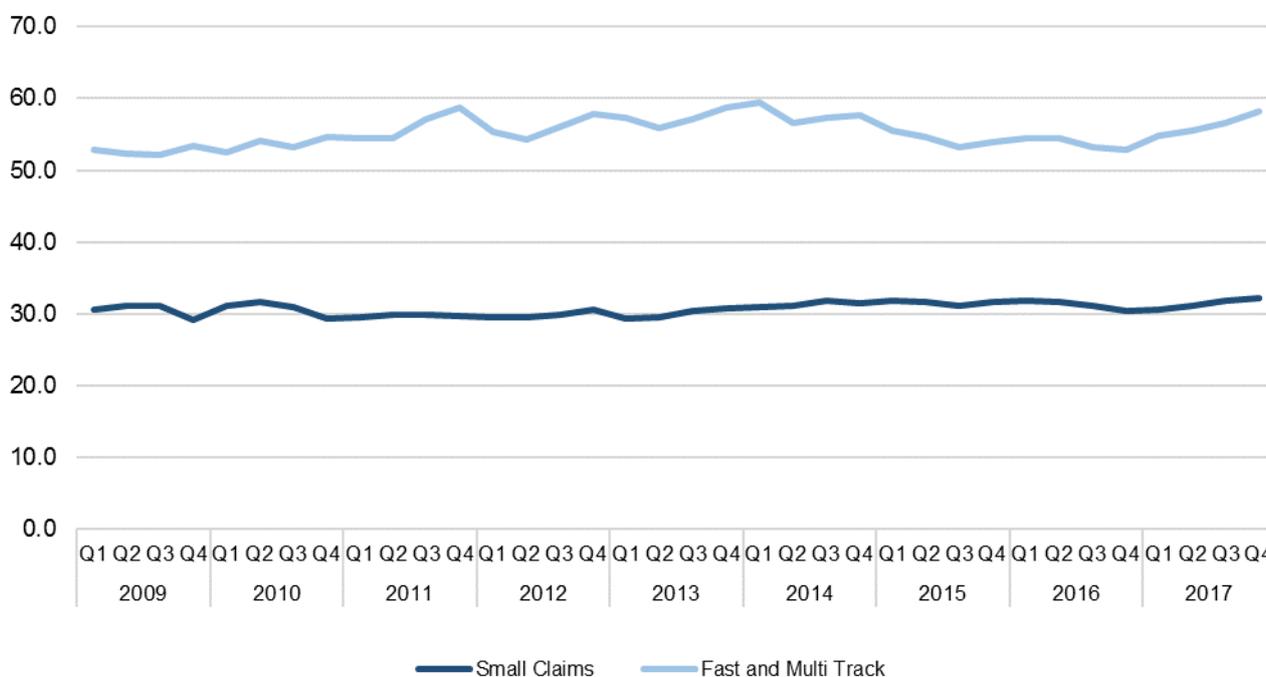
The number of claims defended increased by 3% to 73,000 cases. Of these, over half (56%) were specified money claim defences, and 38% were unspecified money claim defences. The proportion of specified money claim defences has increased by three percentage points since the same quarter of 2016, whereas unspecified money claim and mortgage and landlord possession defences both decreased by one percentage point.

Due to a data quality issue, representation figures by claim type for October to December 2017 are not reported in this bulletin. Investigations are underway to resolve this.

#### Trials and Time Taken to Reach Trial

Defended cases which are not settled or withdrawn generally result in a trial. In total, there were 14,000 trials in October to December 2017, up 1% on the same quarter in 2016. Of the claims that went to trial, 10,000 (73%) were small claims trials (up 8% on the same quarter in 2016) and 4,000 were fast and multi-track trials (down 13% on the same quarter in 2016).

**Figure 3: Average number of weeks from claim being issued to initial hearing date, Q1 (Jan-Mar) 2009 to Q4 (Oct-Dec) 2017 (Source: table 1.5)**



There was an average of 32.2 weeks between a small claim being issued and the claim going to trial in October to December 2017, just less than two weeks longer than the same period in the previous year. For multi/fast track claims the average was 58.3 weeks over the same period, just over five weeks longer than in October to December 2016, although the average time taken remains in line with the long-term range (52-59 weeks).

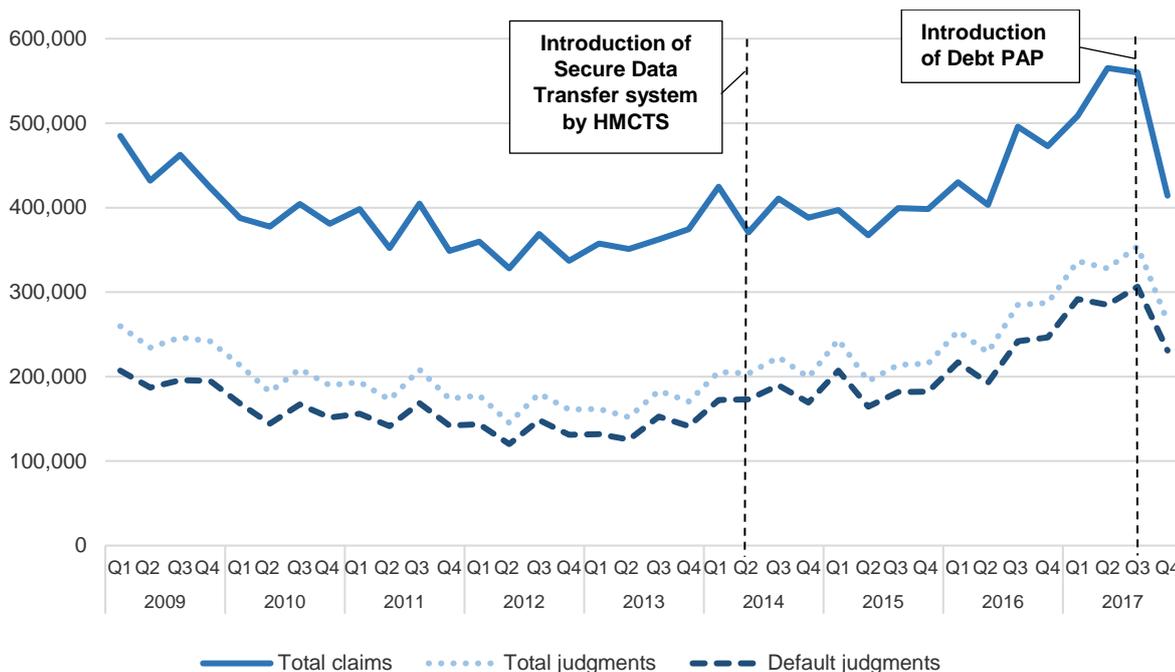
## 4. Judgments

### Judgments decreased by 8%, compared to same quarter in 2016



There were 265,000 judgments made in October to December 2017, of which 231,000 were default judgments. Despite the decrease in overall judgments, the proportion of default judgments increased by 1 percentage point to 87% against the same quarter of 2016.

**Figure 4: All claims, judgments and default judgments, Q1 (Jan-Mar) 2009 to Q4 (Oct-Dec) 2017 (Source: table 1.2 and 1.4)**



There were 265,000 judgments made in October to December 2017, a decrease of 8% against the same quarter of the previous year. Of these, 87% were default judgments, up 1 percentage point against the same quarter of the previous year, despite a fall in volume to 231,000 judgments. The proportion of default judgments increased to 87% in the first quarter of 2017, after remaining stable at around 85% between 2014 and 2016, and has remained at this level since. There has been a gradual increase in the proportion of default judgments since 2009, from 80% to 87%.

The second largest type of judgment were 'admissions', of which there were 20,000 in October to December 2017, down 20% on the same quarter in 2016. Admission judgments accounted for 7% of all judgments, down from 9% in October to December 2016.

## 5. Enforcements and Warrants

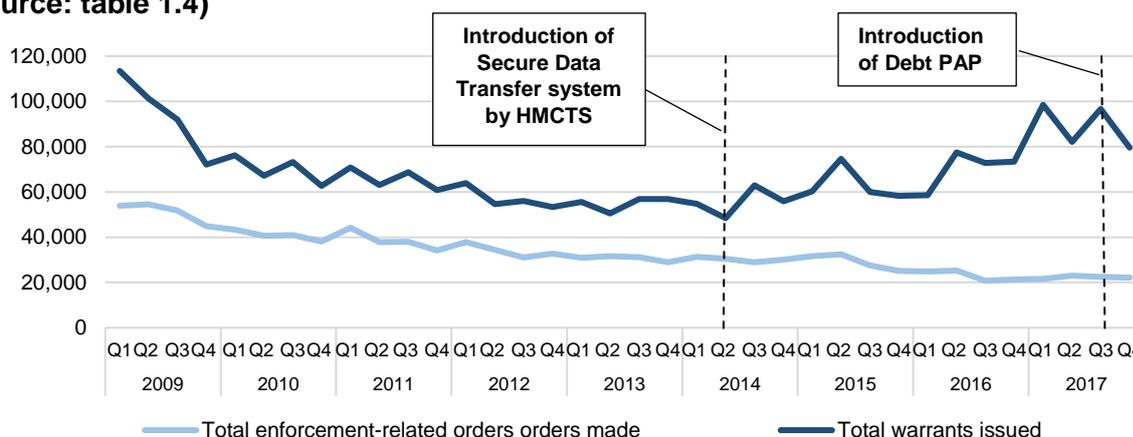
### Enforcement applications down 6% and enforcement orders up 4% compared to same quarter in 2016

There were 27,800 applications and 22,200 orders made in October to December 2017. The decline in applications were driven by charging order applications (down 27%) and increase in orders charging orders made (up 9%).

### Warrants issued increased by 8%, driven by warrants of control

In October to December 2017, 80,000 warrants were issued, three quarters (75%) of which were warrants of control, which have increased 9% on the same quarter in 2016

**Figure 5: Warrants and enforcements issued – Q1 (Jan–Mar) 2009 to Q4 (Oct–Dec) 2017**  
(Source: table 1.4)



### Warrants

There were 80,000 warrants issued in October to December 2017, an increase of 8% on the same quarter in 2016. Over the longer term, issued warrants fell between 2000 and April to June 2014, to 48,000. They have since gradually increased, driven by warrants of execution (which made up 75% of all warrants in October to December 2017).

This increase is likely due to the introduction of the Secure Data Transfer system in July 2014 by HMCTS for the issue of Warrants of Control. This enables bulk customers to not only issue money claims digitally but also the subsequent enforcement by a warrant; speeding up and simplifying the process, which has led to a customer preference for warrants over other types of enforcement.

### Enforcements

There were 28,000 enforcement-related order applications (which include attachment of earnings orders, charging orders, third party orders, and orders to obtain information) in October to December 2017 and 22,000 actual enforcement related orders made (down 6% and up 4% respectively, compared to the same period last year). The fall in applications was driven by a decrease in charging order applications (down 27%), whereas the increase in orders was driven by an increase in charging orders made (up 9%). There is a delay between orders being applied for and subsequently being issued – this explains the different trends in applications and orders made in the twelve months to October to December 2017.

Over the longer term, there has been a decreasing trend in enforcement related applications received and orders made since 2008, possibly due to claimants' preference for using warrants instead to retrieve money, property or goods (as warrants increased over this

same period). Figure 5 highlights the increase in warrants issued since Q3 2014 and the decrease in enforcements issued across the time series.

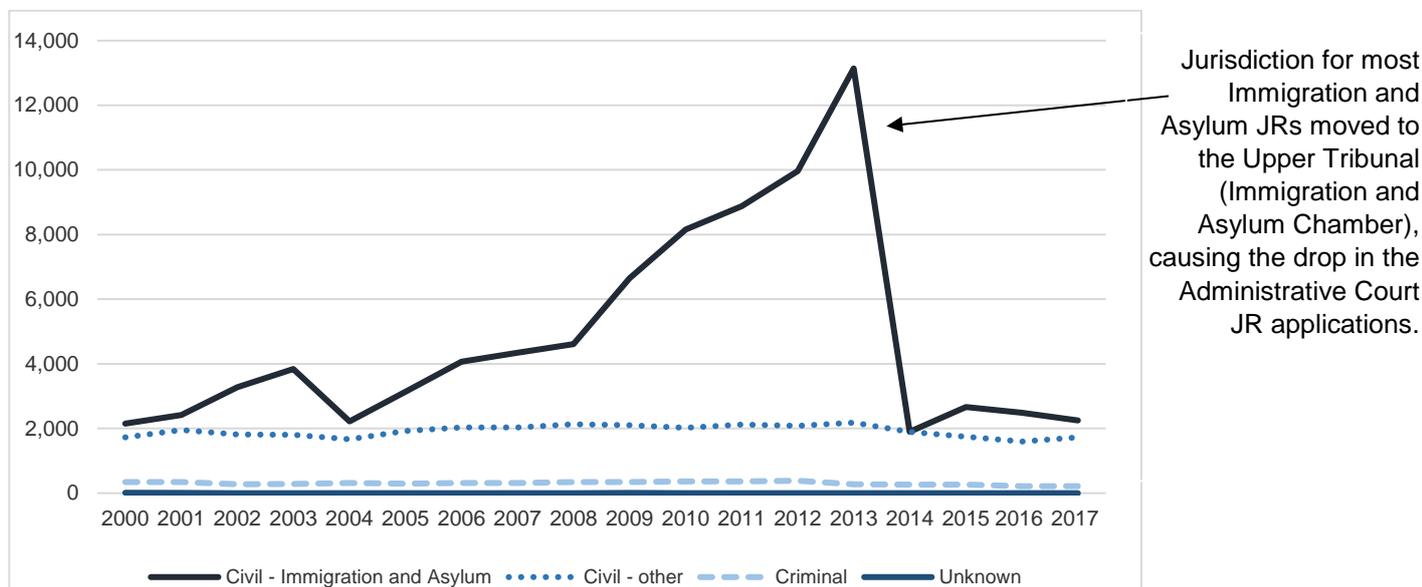
## 6. Judicial Reviews<sup>2</sup>

**There were 4,200 judicial review applications received in 2017, down 2% on 2016**

Of the applications received in 2017, 68% have already closed, and 513 were found to be 'Totally Without Merit' (18% of cases that reached the permission stage in 2017).



**Figure 6: Annual Judicial Review Application, by type calendar year 2000-2017 (Source: table 2.1)**



Of the 4,200 judicial review applications received in 2017, 2,300 were Civil Immigration and Asylum applications, 1,700 were civil (other) and 217 were criminal, down 9%, up 8% and down 1% respectively on 2016. Fifty of the civil Immigration and Asylum cases have since been transferred to the UTIAC.

In 2017, 68% of the applications made have progressed and are now closed. Of the total applications, 2,800 reached the permission stage, and of these:

- 18% (513) were found to be totally without merit (TWM), two percentage points less than 2016 (at 20%).
- 522 cases were granted permission to proceed and 2,300 were refused at the permission stage. However, 119 cases refused at permission stage went on to be granted permission at the renewal stage.
- Of the 2017 cases, 641 have so far been assessed to be eligible for a final hearing and of these, 143 have since been heard.
- For those cases lodged in 2017, the mean time from a case being lodged to the permission decision was 62 days, down from 78 days and 72 days in 2016 and 2015, respectively. However, the mean time for 2017 may increase with future publications, as more of the 2017 cases work their way through the later stages of the Judicial Review process.

<sup>2</sup> The judicial review data are Official Statistics

## 7. Privacy Injunctions<sup>3</sup>

**Undertakings were recorded for the first time alongside privacy injunctions from January 2017.**

In the last six months of 2017, there were eight proceedings where the High Court considered an application for a new interim privacy injunction, one proceeding was considered at the High Court on whether to continue or amend an interim injunction and no proceedings were considered to issue a final permanent injunction.

There was one proceeding also considered at the High Court on whether to continue or amend an undertaking and one proceeding considered a final undertaking over the same period. An undertaking is different from an injunction, in that it is a promise given by the defendants, rather than an injunction which is an order of the court.

**Figure 7: Revised number of privacy injunction proceedings, by type of proceeding, from Aug-Dec 2011 to Jul-Dec 2017 (Source: tables 3.1, 3.2 and 3.3)**



### New interim privacy injunctions (Table 3.1)

Of the eight proceedings at the High Court that took place in July to December 2017, all eight were granted. In the previous 6 months (January to June 2017) six new interim privacy injunction proceedings took place. Two of these were granted, three refused, and for one, an undertaking was given.

### Continuation of existing interim injunctions (Table 3.2)

The continuation of an existing interim injunction proceeding that took place in July to December 2017 was granted/varied. The continuation of an undertaking was also accepted. In January to June 2017, the existing interim injunction was also granted/varied.

### Final privacy injunctions (Table 3.3)

The final undertaking dealt with in July to December 2017 was accepted, as were the two final privacy injunction proceedings in the first six months of 2017.

<sup>3</sup> The privacy injunction data are Official Statistics

## Accompanying files

As well as this bulletin, the following products are published as part of this release:

- A supporting document providing further information on how the data is collected and processed, as well as information on the revisions policy and legislation relevant to civil justice.
- A set of overview tables and CSV files, covering each section of this bulletin.

## Rounding convention

Figures greater than 10,000 are rounded to the nearest 1,000 and those between 1,000 and 10,000 are rounded to the nearest 100.

## Omission of Figures

Figures for claims defended in October to December 2017 by case type and details of legal representation (table 1.6) have been excluded from this quarterly edition, due to data quality issues. The figures are currently being investigated.

## National Statistics status

National Statistics status means that official statistics meet the highest standards of trustworthiness, quality and public value.

All official statistics should comply with all aspects of the Code of Practice for Official Statistics. They are awarded National Statistics status following an assessment by the Authority's regulatory arm. The Authority considers whether the statistics meet the highest standards of Code compliance, including the value they add to public decisions and debate.



It is the Ministry of Justice's responsibility to maintain compliance with the standards expected for National Statistics. If we become concerned about whether these statistics are still meeting the appropriate standards, we will discuss any concerns with the Authority promptly. National Statistics status can be removed at any point when the highest standards are not maintained, and reinstated when standards are restored.

## Contact

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