



## Civil Justice Statistics Quarterly, England and Wales, October to December 2018 (provisional)

### Main points

In October to December 2018, large increases seen in the number of County Court claims and judgments made compared to the same quarter of 2017, when the number of claims received was low due to the initial drop in volumes seen after the introduction of debt Pre-action Protocol (PAP) in October 2017.

<b>Increase in County Court claims driven by specified money claims</b>		In October to December 2018, County Court claims increased by 29% to 533,000. Of these, 436,000 were specified money claims (up 42% on the same period in 2017).
<b>Unspecified money claims were down 16% to 31,200</b>		The decrease in unspecified money claims was driven by a decrease in Personal Injury claims (down 19% to 28,400).
<b>The number of claims defended and trials increased.</b>		There were 79,300 claims defended (up 7%) and 14,500 claims that went to trial in October to December 2018 (up 3%).
<b>Average time taken from claim to hearing for small claims has increased</b>		Average time taken for <u>small claims</u> and <u>multi/fast track claims</u> to go to trial was 34.4 and 57.7 weeks, up 2 weeks and down less than 1 week respectively compared to the same period in 2017.
<b>Judgments increased 19% and default judgment proportion also up</b>		Judgments increased in October to December 2018 to 315,000 when compared to the same period in 2017; the proportion that were default judgments increased by 2 percentage points to 89%.
<b>21,500 enforcement applications and 17,500 enforcement orders made</b>		Enforcement applications and orders both fell by 23%, driven by a fall in attachment of earnings applications (down 32%) and a fall in charging orders (down 37%).
<b>93,300 warrants were issued</b>		Warrants issued increased by 17% compared with the same period in 2017, driven by an increase in warrants of control (up 20%).
<b>Number of judicial review applications in 2018 down 14% on previous year</b>		There were 3,600 Judicial Reviews in 2018. Of the 2,400 cases that reached the permission stage, 305 (13%) were found to be 'totally without merit'.

This publication gives civil county court statistics for the latest quarter (October to December 2018), compared to the same quarter of the previous year. The judicial review figures cover the period October to December 2018 and privacy injunctions cover the period July to December 2018. For more details, please see the supporting document. Statistics on the Business and Property Court for England and Wales have also been published alongside this quarterly bulletin as Official Statistics. For technical detail, please refer to the accompanying support document.

# 1. Claims Summary

## County court claims increased 29% on the same quarter of 2017, with the increase driven by money claims

There were 533,000 County Court claims lodged in October to December 2018. Of these, 468,000 were money claims (up 36% from October to December 2017).



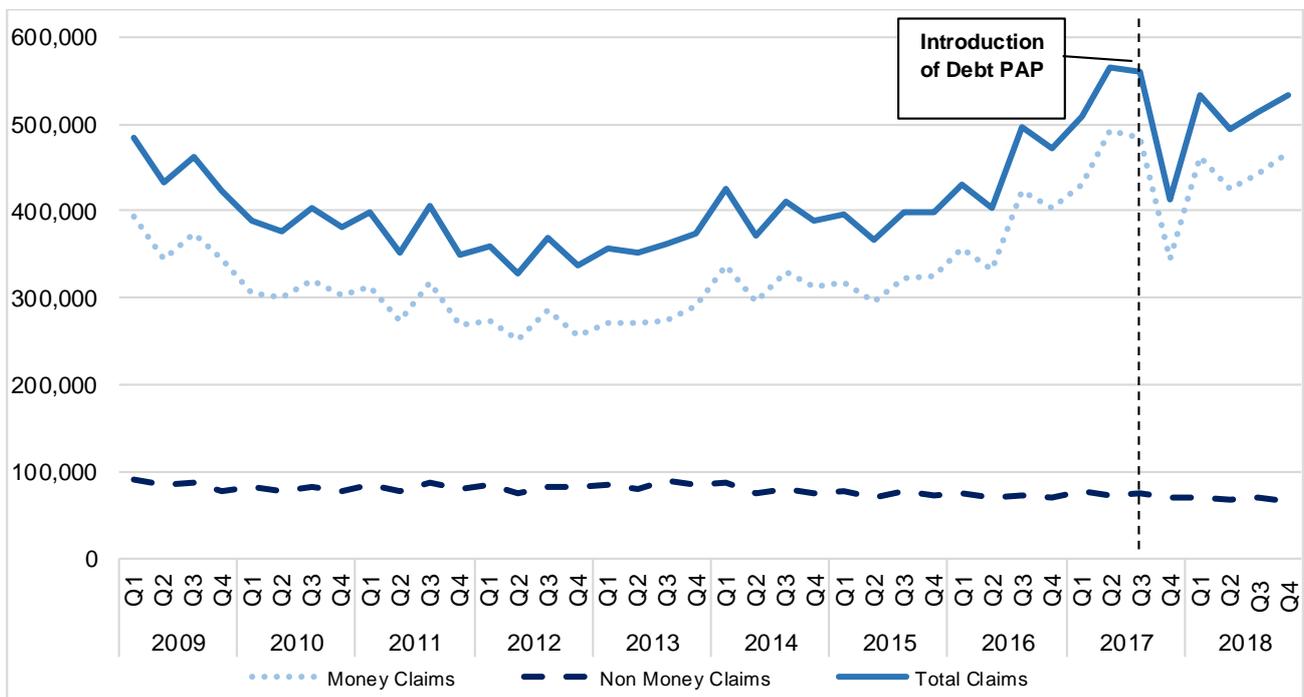
However, the number of claims received in October to December 2017 was low following the introduction of the debt PAP in October 2017. Volumes now appear to be stabilising.

## Non-money claim volumes were at 65,900, down 6% on the same quarter last year, driven by a fall in 'other non-money claims' (down 11%)

Mortgage and landlord possession claims also fell over the same period (down 3% to 34,400) whereas claims for return of goods increased by 18% to 2,600.



**Figure 1: County Court claims by type, Q1 (April to June) 2009 to Q4 (October to December) 2018 (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. In this most recent quarter, claims have increased by 29% to 533,000, compared to the same period in 2017. Of these, 468,000 were money claims (up 36% from October to December 2017). The large increase is due to the large fall seen in October to December 2017 following the introduction of the Debt Pre-action Protocol - the number of claims now appears to be stabilising.

Non-money claims have been generally decreasing since the peak of 89,300 in July to September 2013, to 65,900 in the current quarter (October to December 2018), down 6% when compared to the same period in 2017.

Within non-money claims, despite an overall increasing trend in 'other' non-money claims since a low of 25,900 in April to June 2014, in the most recent quarter they fell by 11% to 28,900 when compared to the same period in 2017.

The overall trend in Mortgage and Landlord Possession claims has been decreasing since a peak of 59,900 in January to March 2014 – there were 34,400 claims in October to December 2018 (down 3% compared to the same quarter last year).

In contrast, claims for return of goods have been generally increasing since July to September 2015 and increased to 2,600 (up 18%) in October to December 2018 compared to the same period in 2017.

## 2. Money Claims

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**Specified money claims have increased by 42% to 436,000 claims in October to December 2018, driving the increase seen in money claims.**

Specified money claims up to (and including) £15,000 increased over this period, and accounted for almost all (99%) specified money claims.



**Unspecified claims have decreased by 16% to 31,200, driven by a fall in personal injury claims (down 19% to 28,400) when compared to the same quarter in 2017**

Personal Injury claims account for 91% of all unspecified money claims



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The majority (86%) of specified money claims are processed and issued at the County Court Business Centre (CCBC). There were 375,600 such claims at the CCBC in October to December 2018 (up 45% on the same quarter in the previous year).

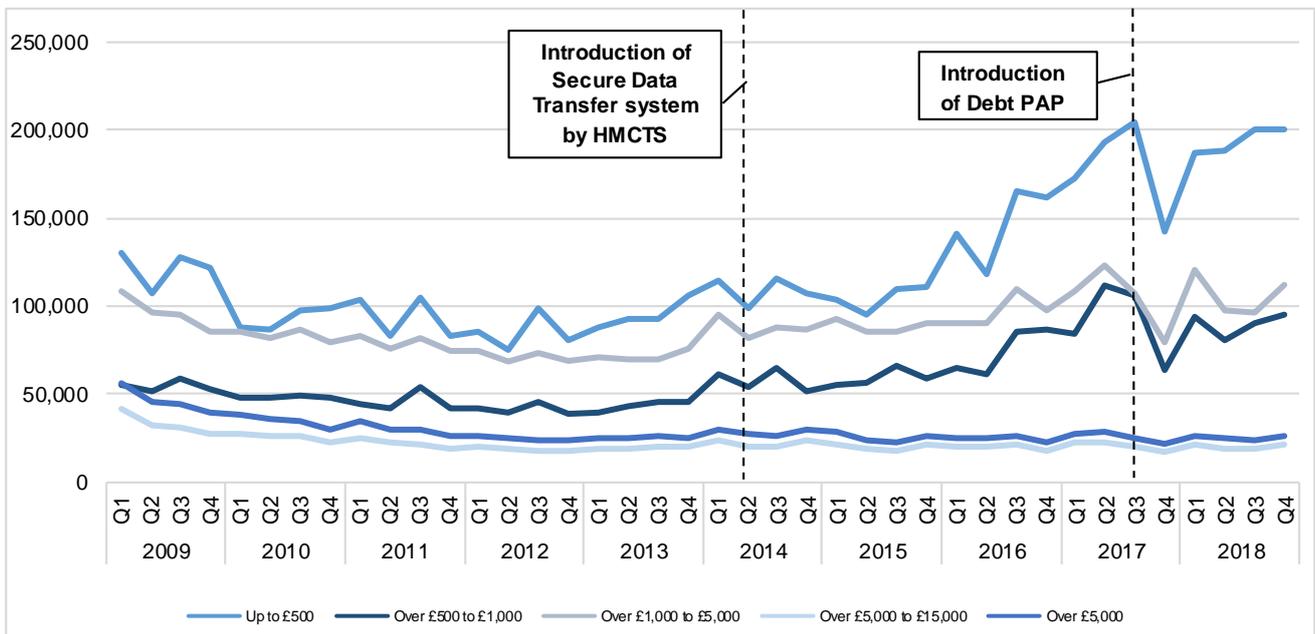
Specified money claims had been following a generally increasing trend from a low in April to June 2012 (210,000 claims), until October to December 2017 where volumes fell, following the implementation of the Pre-Action Protocol for Debt<sup>1</sup> Claims in October 2017. In October to December 2018 (a year since the volumes fell), there was an increase of 42% to 436,000 claims, suggesting that the volume of specified money claims is returning to previously seen levels, before the implementation of the debt PAP. The main aim of the protocol is to encourage early engagement between parties to resolve disputes without needing to start court proceedings.

The increase in specified money claims can be seen across small claims, with the greatest increase in claims over £500 and up to and including £1,000 (up 51%). These claims account for 22% of the total specified money claims in the most recent quarter. Higher value claims (above and including £5,000) also increased over this period by 23% to 26,900 claims.

**Figure 2: Specified money claims by monetary value, Q1 (January to March) 2009 to Q4 (October to December) 2018 (source: civil workload CSV)**

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<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 28,000 and 38,000 claims each quarter over the last four years (since April to June 2014). More recently the volumes have been decreasing, falling 16% to 31,200 in October to December 2018 compared to the same period in 2017, the lowest level of the series. The fall in unspecified money claims is driven by a decrease in personal injury, down 19% to 28,400, and can be attributed to a change in Civil Procedure rules on holiday package gastric illness claims, and whiplash reform.

### Allocations (Table 1.3)

In October and December 2018, 40,700 money claims were allocated to track, down 9% on the same period in 2017, with decreases seen across all allocations types (small claims track and multi and fast track). Compared to October to December 2017, of these allocations;

- 22,000 were allocated to small claims, a decrease of 6%, accounting for 54% of all allocations;
- 15,600 were allocated to fast track, a decrease of 12%, accounting for 38% of all allocations;
- 3,100 were allocated to multi-track, a decrease of 6%, accounting for 8% of all allocations.

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

**The number of claims defended increased by 7% to 79,300**



Of those claims defended, 53% had legal representation for both claimant and defendant, 26% had representation for claimant only, and 4% for defendant only.

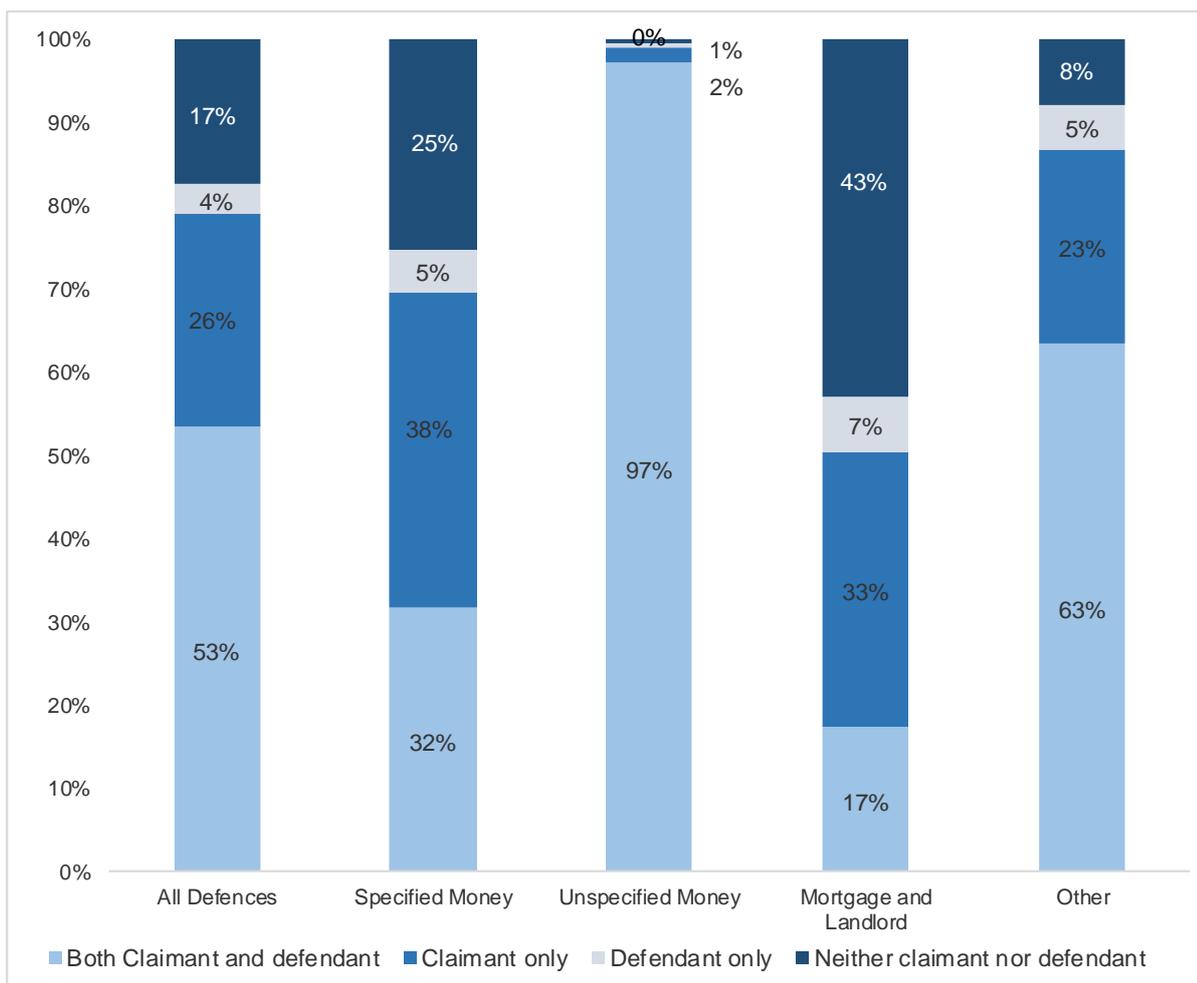
**The number of trials has increased to 14,500 and average time taken from claim to trial has increased for small claims.**



Average time taken for small claims has increased to 34.4 weeks, whereas for multi and fast track claims, it decreased to 57.7 weeks.

In October to December 2018, almost all (97%) unspecified money defences had legal representation for both the defendant and claimant, compared with around a third (32%) of specified money defences.

**Figure 3: Proportion of civil defences and legal representation status, October to December 2018 (Source: table 1.6)**



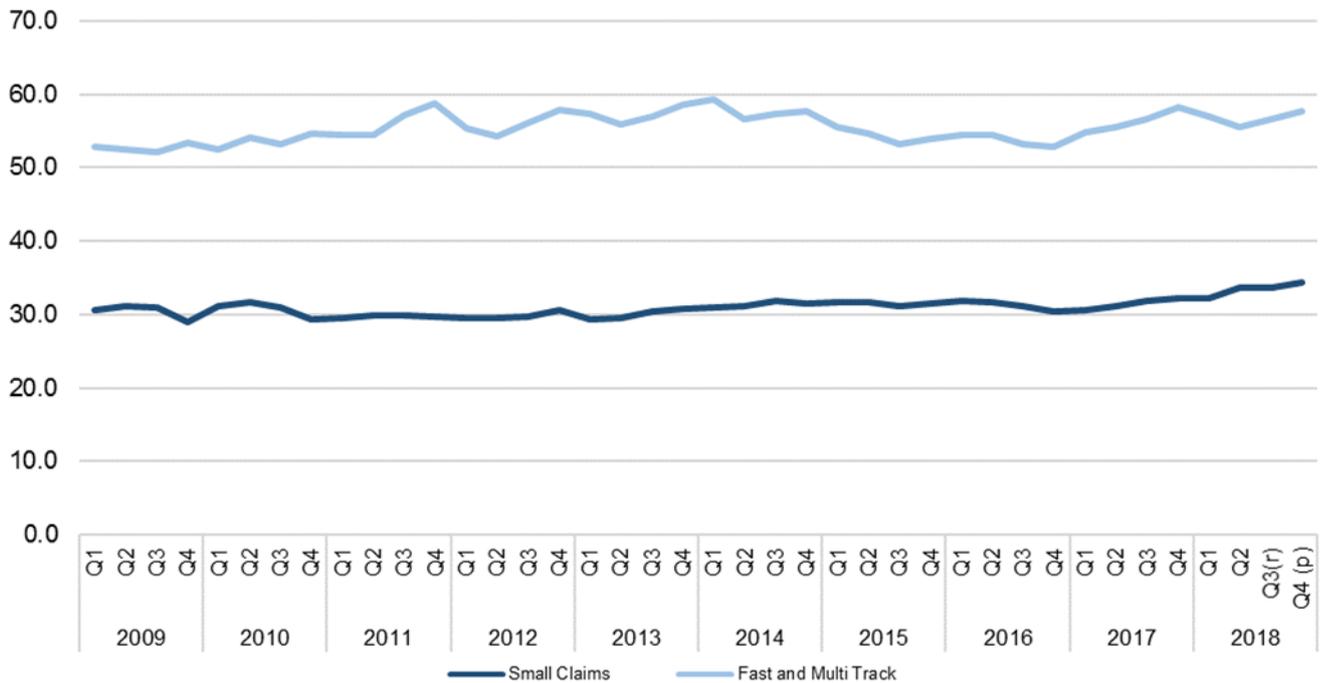
**Claims defended (Table 1.6)**

The total number of claims defended increased by 7% to 79,300 cases. Of these, 61% were specified money claim defences, and 33% were unspecified money claim defences. The proportion of claims defended that were for specified money claims has increased by 8 percentage points since October to December 2017, whilst the proportion that were unspecified money claims decreased by 7 percentage points. Mortgage and landlord possession defences accounted for 4% of claims defended.

### Trials and Time Taken to Reach Trial (Table 1.5)

Defended cases which are not settled or withdrawn generally result in a trial. In total, there were 14,100 trials in October to December 2018, remaining at a similar level compared to the same quarter in 2017. Of the claims that went to trial, 9,800 (70%) were small claims trials (down 5% compared to the same quarter in 2017) and 4,200 (30%) were fast and multi-track trials (up 12% from 3,800 in the same quarter of 2017).

**Figure 4: Average number of weeks from claim being issued to initial hearing date, Q2 (January to March) 2009 to Q4 (October to December) 2018 (Source: table 1.5)**



In October to December 2018, it took an average of 34.4 weeks between a small claim being issued and the claim going to trial, 2 weeks longer than in the same period in the previous year. This is likely due to the previous increase in volumes of small claims seen in April to June 2018 and the time lag between claims being issued and subsequently going to trial. For multi/fast track claims, it took on average 57.7 weeks to reach a trial, 1 week less than in October to December 2017 - this remains in line with the long-term range (52-59 weeks).

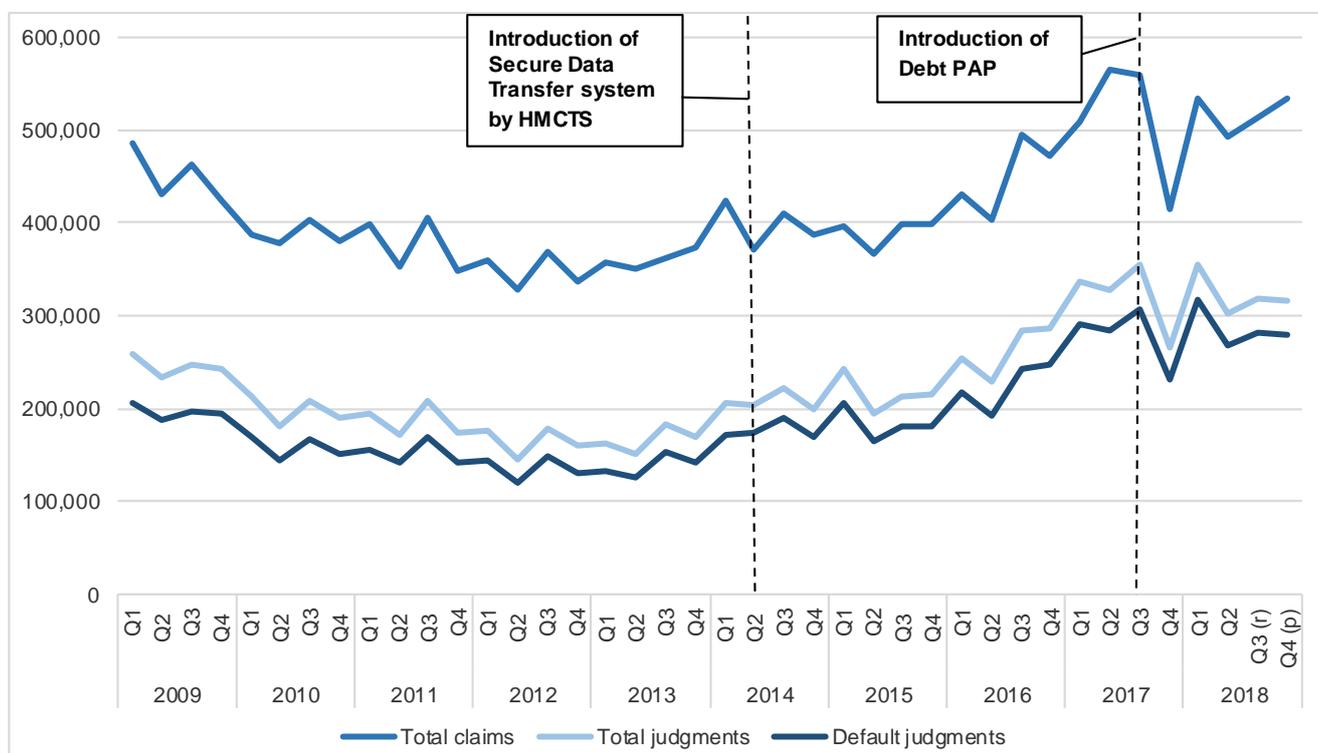
## 4. Judgments

### Judgments increased by 19% compared to same quarter in 2017, with default judgments also up 21%

There were 315,500 judgments made in October to December 2018, of which 280,000 were default judgments. The proportion of default judgments increased by 2 percentage points to 89% when compared to the same quarter in 2017.



**Figure 5: All claims, judgments and default judgments, Q1 (January to March) 2009 to Q4 (October to December) 2018 (Source: table 1.2 and 1.4)**



There were 315,500 judgments made in October to December 2018, an increase of 19% compared to the same quarter of the previous year. Of these, 89% were default judgments, up 2 percentage points against the same quarter of the previous year. As well as an increase in the proportion of judgments given by default, the number of default judgments increased by 21% from October to December 2017, although the number of judgments made in October to December 2017 was low due to the impact of the debt PAP. Judgment volumes now appear to be returning to the levels seen before the introduction of the debt PAP.

The second largest type of judgment was 'admissions', of which there were 21,100 in October to December 2018, down 6% on the same quarter in 2017. Admission judgments accounted for 7% of all judgments, remaining at a similar level seen in October to December 2017.

## 5. Enforcements and Warrants

### Enforcement applications and enforcement orders were both down 23% compared to same quarter in 2017

There were 21,500 applications and 17,500 orders made in October to December 2018. The fall in applications was driven by attachment of earnings cases (down 32% to 14,000) The fall in orders was driven by the decrease in charging orders (down 37% to 5,500).

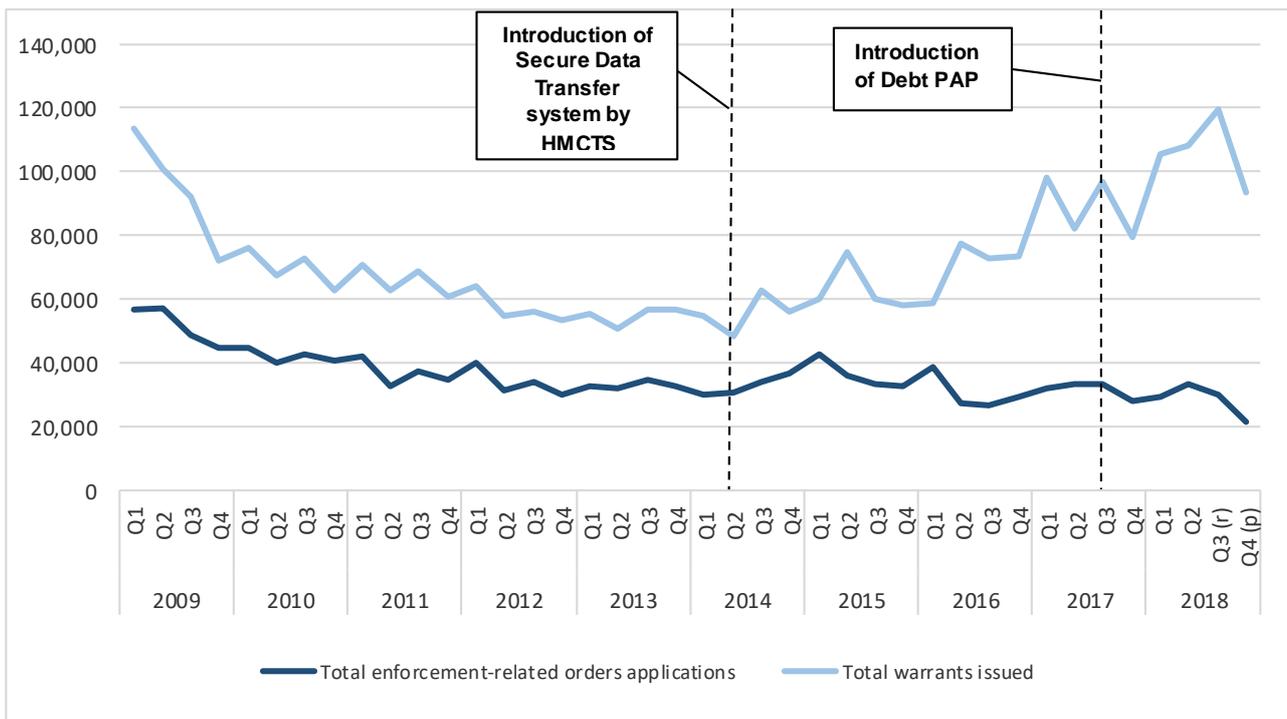


### Warrants issued increased by 17%, driven by an increase in warrants of control

In October to December 2018, 93,300 warrants were issued – more than three quarters (77%) were warrants of control, which increased 20% over the same period.



**Figure 6: Warrants and enforcements issued – Q1 (January to March) 2009 to Q4 (October to December) 2018 (Source: tables 1.7 and 1.8)**



### Warrants (Table 1.7)

There were 93,300 warrants issued in October to December 2018, up 17% on the same quarter in 2017. Over the longer term, warrants issued fell between 2000 and April to June 2014, to 48,400. They have since gradually increased, driven by warrants of control.

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 (Table 1.8)

In October to December 2018, there were 21,500 enforcement-related order applications (which include attachment of earnings orders, charging orders, third party debt orders, administration orders, and orders to obtain information) and 17,500 enforcement related

orders made (both down 23% compared to the same period last year). The fall in applications has been driven by attachment of earnings cases (down 32%), and the fall orders has been driven by a decrease in charging orders (down 37%).

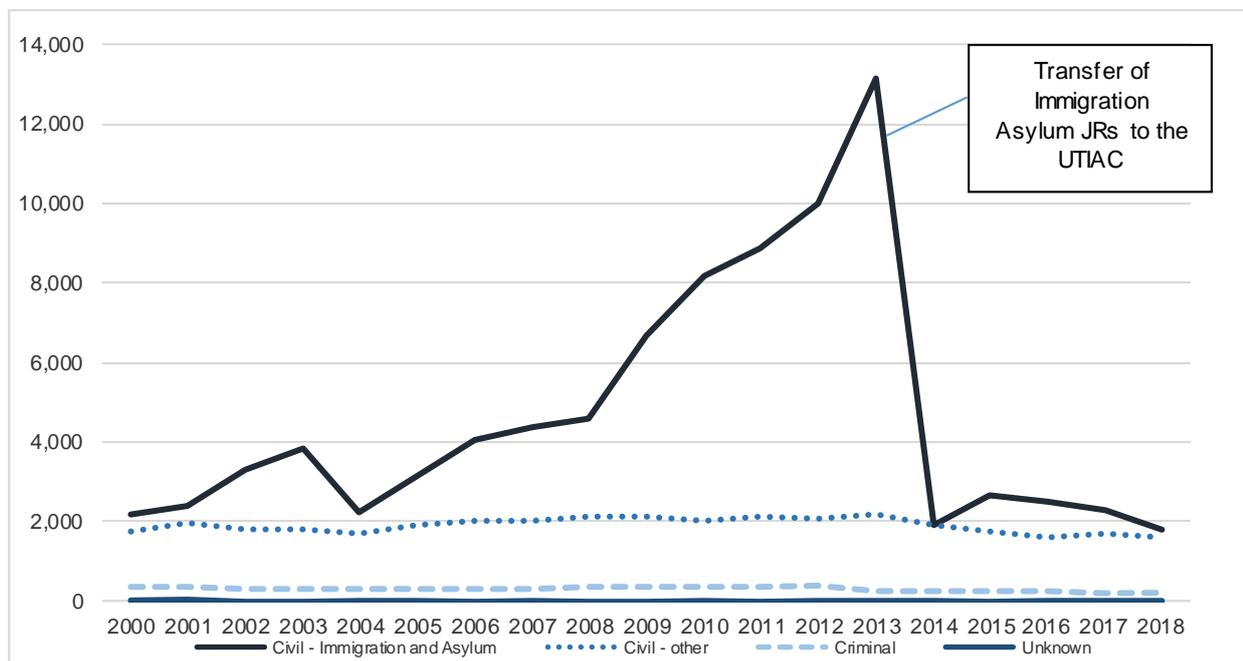
Over the longer term, as shown in figure 6, there has been a decreasing trend in enforcement related applications received and orders made since 2008, possibly due to claimants' preference for using warrants instead to retrieve money, property or goods.

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

**Of the 3,600 applications received, 70% have already closed, and 305 were found to be 'Totally Without Merit' (13% of cases that reached the permission stage).**

There were 3,600 judicial review applications received in 2018, down 14% compared to 2017, and the lowest number of applications received recorded since the series began.

**Figure 7: Annual Judicial Review Applications, by type; calendar year 2000-2018 (Source: table 2.1)**



Of the 3,600 judicial review applications received in 2018, 1,800 were civil immigration and asylum applications, 1,600 were civil (other) and 210 were criminal, down 21%, 7% and 5% respectively compared to 2017. Fifty of the civil immigration and asylum cases have since been transferred to the Upper Tribunal (Immigration and Asylum Chamber) - UTIAC.

In 2018, 70% of the applications made progressed and are now closed. Of the total applications received in 2018, 2,400 have so far reached the permission stage, and of these<sup>3</sup>:

- 13% (305) were found to be totally without merit (TWM), down 46% on the proportion in the previous year.
- 540 cases were granted permission to proceed and 1,800 were refused at the permission stage. However, 100 cases refused at permission stage went on to be granted permission at the renewal stage.
- 640 cases have been assessed to be eligible for a final hearing and of these, 120 have since been heard.
- The mean time from a case being lodged to the permission decision was 65 days, 10 days less than the mean time for 2017.

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

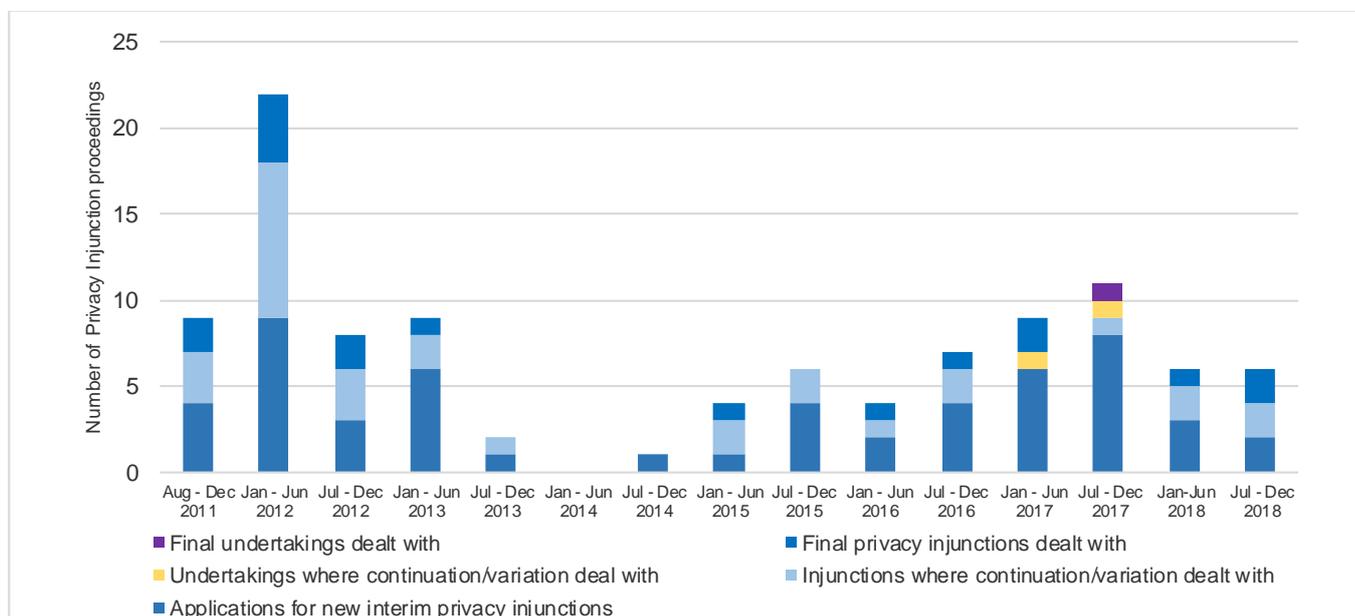
<sup>3</sup> Comparisons of 2018 figures to previous years should be treated with caution, because, at the time of publication, 20% of the 2018 cases were still working their way through the system.

## 7. Privacy Injunctions<sup>4</sup>

**In the final six months of 2018, there were two proceedings where the High Court considered an application for a new interim privacy injunction**

Two proceedings were considered at the High Court on whether to continue or amend an interim injunction, and two proceedings were considered to issue a final permanent injunction.

**Figure 8: Number of privacy injunction proceedings, by type of proceeding, from Aug-Dec 2011 to Jul-Dec 2018 (Source: tables 3.1, 3.2 and 3.3)**



### **New interim privacy injunctions (Table 3.1)**

Of the two proceedings at the High Court that took place in July to December 2018, both were granted. In the previous six months (January to July 2018) three new interim privacy injunction proceedings took place (revised up from two provisionally declared). One of these was granted, one was refused and one was withdrawn.

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

The continuation of two existing interim injunction proceedings that took place in July to December 2018 were both granted/varied.

### **Final privacy injunctions (Table 3.3)**

Of the two final privacy injunctions dealt with in July to December 2018 one was granted and one was refused. The final privacy injunction dealt with in January to July 2018 was granted.

### **Continuation of or final undertakings (Table 3.2 and 3.3)**

There were no proceedings considered at the High Court on whether to continue or amend an undertaking, or consider a final undertaking<sup>5</sup>.

<sup>4</sup> The privacy injunction data are Official Statistics

<sup>5</sup> 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.

## 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 tables providing statistics on the Business and Property Courts of England and Wales.
- 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.

## 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.

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