



Ministry of
JUSTICE



Statistics on mortgage and landlord possession actions in the county courts in England and Wales – fourth quarter 2011

Ministry of Justice
Statistics bulletin

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Contents

Introduction	2
Findings	5
Mortgage possession actions	5
Landlord possession actions	8
Recent developments and statistical revisions	10
Tables and maps	13
Annex A	19
Annex B	20
Explanatory notes	21
Contact points for further information	25

Introduction

This quarterly bulletin presents statistics on the numbers of mortgage and landlord possession claims issued in the county courts of England and Wales, and the number of claims which led to orders for possession being made. It provides provisional figures for the latest quarter (October to December 2011) and revised figures for the previous quarter (July to September 2011). Supplementary statistical tables which include breakdowns by county court and local authority are published in spreadsheet format (please see Annex A for details).

To obtain a court order granting the entitlement to take possession of a property, a claimant – a mortgage lender or a landlord – must first make a **claim** which is then issued by a county court. Generally, the issuing process involves the arrangement of an initial hearing before a judge. At such a hearing, the court may grant an **order** for possession of the property immediately. This then entitles the claimant to apply for a warrant to have the defendant evicted by bailiffs, so taking possession of the property. Throughout the court process, even where a warrant for possession is issued, the claimant and defendant can still negotiate a compromise arrangement to prevent eviction.

More than one order may be granted during the course of an individual case. For example, it is possible that after an initial possession order is granted, the defendant may make an application to the court for the order to be varied or set aside, which could then result in another order being made. As a result, the headline statistics on orders in this bulletin are defined as *the number of possession claims that lead to an order being made*. This measure is more accurate than a straight count of the number of orders made, as it removes the double-counting of instances where a single claim leads to more than one order. It is also a more meaningful measure of the number of homeowners who are subject to court repossession actions. Where more than one order is made in relation to a single claim, the date and type of the *first* order made is counted in these statistics.

Frequently, such orders made by a court grant the mortgage lender or the landlord possession of the property, but **suspends** when the order operates. This suspension usually requires the defendant to pay the latest mortgage or rent instalment, plus some of the arrears that have built up, within a certain defined period. As long as the defendant complies with the terms of the suspension, the possession order cannot be enforced.

For further information on the court process for possession claims, please read the Explanatory Notes section on page 21.

The statistics provide a summary overview of volumes over time and by various geographies. They are a leading indicator of the number of properties to be repossessed and the only source of sub-national possession information. In addition to monitoring court workloads, they are used to assist in the development, monitoring and evaluation of policy both nationally and locally. The quarterly time series, both seasonally adjusted and non-seasonally adjusted, show some quarter-on-quarter volatility. Users should take care about interpreting trends based on a single quarter's data.

It should be noted that repossessions can occur without a court order for possession being made, and not all court orders for possession subsequently result in repossession. The numbers of claims leading to orders being made are substantially larger than the numbers of actual repossessions and the disparity between these figures varies over time. Figures showing successful repossessions by county court bailiffs following the making of a court order are published separately on a quarterly basis in the statistical bulletin "Court Statistics Quarterly". The numbers of actual repossessions (including where there is no action by county court bailiffs) are produced by the Financial Services Authority (FSA) and the Council of Mortgage Lenders (CML). Further information can be found on the following websites:

www.justice.gov.uk/publications/statistics-and-data/courts-and-sentencing/judicial-quarterly.htm

www.fsa.gov.uk/pages/Library/Other_publications/statistics/index.shtml

www.cml.org.uk/cml/statistics

For more information on the differences between the figures in this bulletin and those produced by FSA and CML, please refer to paragraph 12 in the Explanatory Notes section or to the document at the link below:

www.justice.gov.uk/downloads/publications/statistics-and-data/civiljustice/mortgage-lending-stats-note.pdf

The **Recent developments and statistical revisions** section contains information on recent changes in the statistics, and those that are upcoming.

Annex A provides details of the supplementary statistical tables which can be obtained via the following webpage:

www.justice.gov.uk/publications/statistics-and-data/civil-justice/mortgage-possession.htm

Annex B provides a comparison of the new and old order counts following a methodological change introduced in the bulletin for the second quarter of 2009. The new methodology has been applied to data from 1999 onwards. More information about this change can be found in the **Recent developments and statistical revisions** section.

The **Explanatory notes** section provides further information about the statistics, how they were compiled, what seasonal adjustment is, important historic changes (not covered in the section on **Recent developments and**

statistical revisions), and the symbols and conventions used in the bulletin.

If you have any feedback or questions about this statistical bulletin, or requests for further information, please direct them to the appropriate contact provided at the end of this report.

The county courts of England and Wales also process many other types of cases. These include other types of civil law matters such as those relating to debt, personal injury and insolvency, as well as those relating to family matters such as divorce, parental disputes and the protection of children. The statistical bulletins “Court Statistics Quarterly” and “Judicial and Court Statistics” provide data on all civil and family law cases dealt with in the county courts on a quarterly and calendar year basis respectively:

www.justice.gov.uk/publications/statistics-and-data/courts-and-sentencing/judicial-quarterly.htm

www.justice.gov.uk/publications/statistics-and-data/courts-and-sentencing/judicial-annual.htm

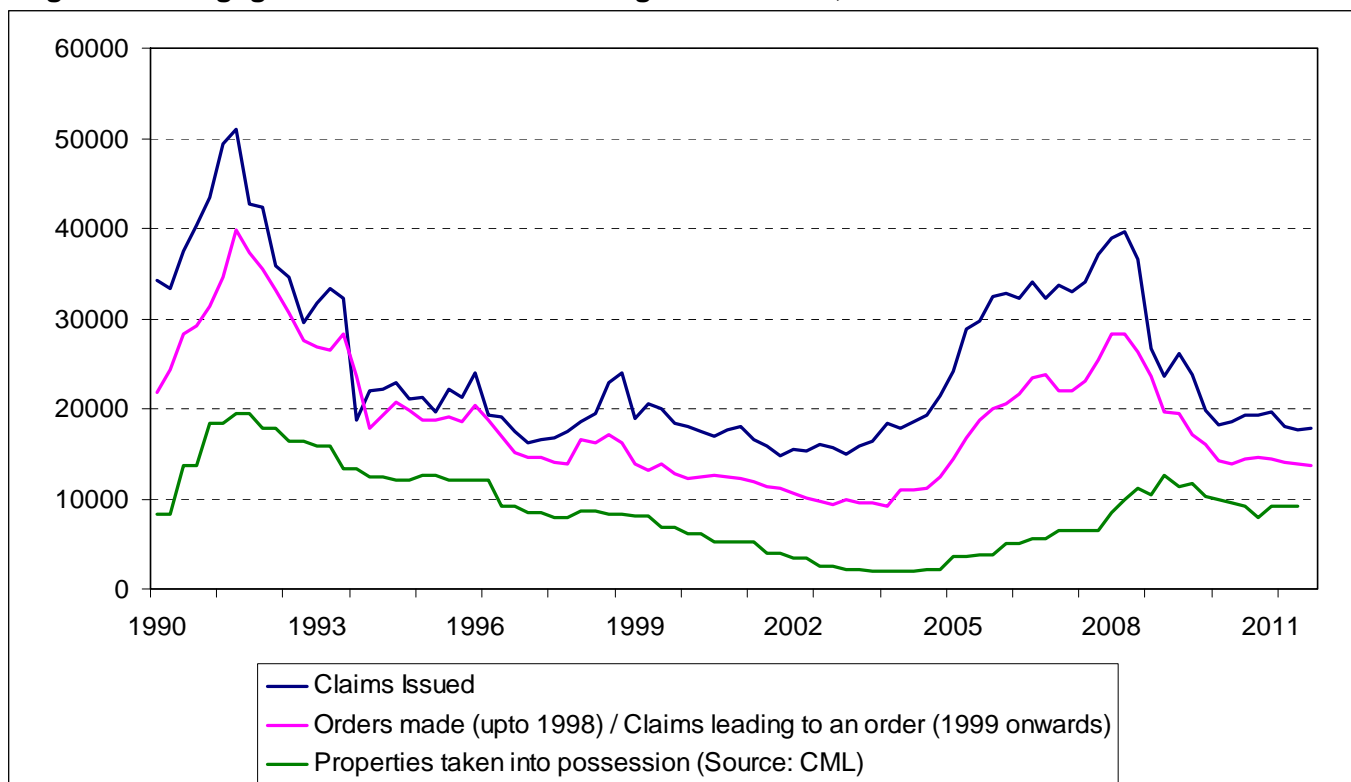
Findings

Mortgage possession actions [Tables 1, 1A, 1B, 1C and Map 1]

The numbers of mortgage possession claims issued and claims leading to orders made in the county courts of England and Wales have been reasonably stable during the last two years. This has followed steep falls in the second half of 2008 and in 2009, after an increase between 2003 and the first half of 2008, as shown in Figure 1 below. In particular:

- There were 17,890 mortgage possession **claims** issued in the fourth quarter (October to December) of 2011 on a seasonally adjusted basis, eight per cent lower than in the fourth quarter of 2010 and one per cent higher than in the third quarter of 2011; see table 1.
- There were 13,607 mortgage possession **claims which led to an order being made** in the fourth quarter of 2011 on a seasonally adjusted basis, seven per cent lower than in the fourth quarter of 2010 and two per cent lower than in the third quarter of 2011; see table 1.
- 49 per cent of first orders made in mortgage possession claims were suspended in the fourth quarter of 2011, compared to 48 per cent in the fourth quarter of 2010, and 49 per cent in the third quarter of 2011. This has increased since the first half of 2010 after remaining reasonably stable since the decrease from 60 per cent in 2003 to 46 per cent in 2007; see table 1.

Figure 1: Mortgage Possession Actions - England & Wales, 1990 to 2011 Q4



Notes:

1. The order counts include suspended and outright orders.
2. Figures for claims issued and claims leading to an order from 1999 onwards are seasonally adjusted.

- A Mortgage Pre-Action Protocol (MPAP) for possession claims relating to mortgage or home purchase plan arrears came into effect on 19 November 2008. The introduction of the MPAP coincided with a sharp fall in the number of new mortgage repossession claims being issued in the courts. As orders are typically made (when deemed necessary by a judge) around 8 weeks after claims are issued, the downward impact on the number of mortgage possession claims leading to an order being made was seen in the first quarter of 2009. More information on the MPAP can be found in the “Recent developments and statistical revisions” section of this bulletin.
- There are various reasons why a claim may not lead to an order for possession being made by the judge; the parties may have resolved the dispute before the hearing takes place, for example through the mortgagee handing back the keys or paying off the mortgage arrears, or the judge may decide not to make an order for possession. It takes approximately 8 weeks from a possession claim being issued to an order being made. The proportion of mortgage possession claims which result in an order being made is calculated by comparing the number of first orders to the number of claims issued two months previously (regardless of whether leading to an order being made or not). It has generally risen between 2004 (when it was 61 per cent) and 2009 before stabilising (at around 76 per cent). It was 74 per cent in 2011 compared to 76 per cent in 2010.
- The number of actual repossessions occurring (as reported by the Council of Mortgage Lenders), expressed as a proportion of mortgage possession claims which led to an order being made in the county courts, was 63 per cent in the year ending 30 September 2011. This has decreased from 67 per cent in the year ending 30 September 2010 after a long upward trend from 18 per cent in 2004.
- Across England and Wales, the region with the **highest** numbers of mortgage claims and claims leading to orders per 1,000 households (including mortgaged and rented) in the fourth quarter of 2011 was the North West. The local authority areas with the highest number of mortgage claims per 1,000 households were:
 - Barking and Dagenham (1.62)
 - Bury (1.45).
 - Luton UA (1.37).
- The local authority areas with the highest number of mortgage claims leading to an order made per 1,000 households were:
 - Barking and Dagenham (1.32).
 - Darlington UA (1.25).
 - Halton UA (1.22).

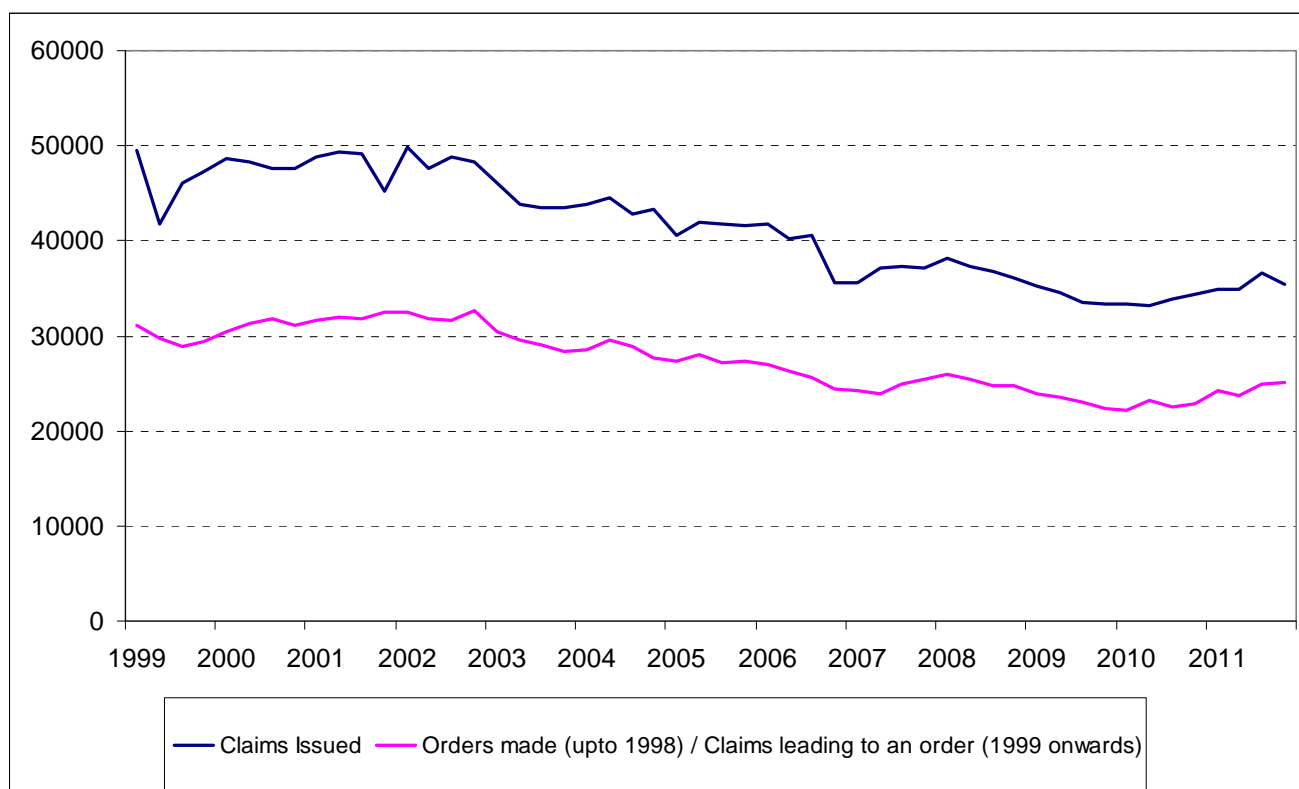
- The region with the **lowest** number of mortgage claims and claims leading to orders per 1,000 households (including mortgaged and rented) in the fourth quarter of 2011 was the South West. The local authority areas with the lowest number of mortgage claims per 1,000 households were:
 - Camden (0.19).
 - Waverley (0.21).
 - Westminster (0.21).
- The local authority areas with the lowest number of mortgage claims leading to an order made per 1,000 households were:
 - Islington (0.11)
 - Kensington and Chelsea (0.12)
 - Hammersmith and Fulham (0.13)

Landlord possession actions [Tables 2, 2A, 2B, 2C, 3, 4 and Map 2]

The numbers of landlord possession claims issued and claims leading to orders made in the county courts of England and Wales have generally been on a downward trend since 2002, as shown in Figure 2 below. In particular:

- There were 35,439 landlord possession **claims** issued in the fourth quarter (October to December) of 2011 on a seasonally adjusted basis, three per cent higher than in the fourth quarter of 2010 and three per cent lower than in the third quarter of 2011; see table 2.
- There were 25,067 landlord possession **claims which led to an order being made** in the fourth quarter of 2011 on a seasonally adjusted basis, nine per cent higher than in the fourth quarter of 2010 and one per cent more than in the third quarter of 2011; see table 2.
- 44 per cent of first orders made in landlord possession claims were suspended in the fourth quarter of 2011, the same as in the fourth quarter of 2010 and compared to 43 per cent in the third quarter of 2011. This has remained around 45 per cent after decreasing annually from 65 per cent in 1999 to 43 per cent in 2007; see table 2.

Figure 2: Landlord Possession Actions – England & Wales, 1999 to 2011 Q4



Notes:

1. The order counts include suspended and outright orders
2. These figures are seasonally adjusted

- There are various reasons why a claim may not lead to an order for possession being made by the judge; the parties may have resolved the dispute before the hearing or paper assessment takes place, for example through the tenant handing back the keys or paying off the rental arrears, or the judge may decide not to make an order for possession. It takes approximately 8 weeks from a possession claim being issued to an order being made. The proportion of landlord possession claims which result in an order being made is calculated by comparing the number of first orders to the number of claims issued two months previously (regardless of whether leading to an order being made or not). It has increased slightly from around 66 per cent between 2000 and 2007 to around 68 per cent between 2008 and 2011. It was 69 per cent in 2011 compared to 68 per cent in 2010.
- In the fourth quarter of 2011, 66 per cent of landlord claims and 64 per cent of landlord claims leading to an order being made were brought by social landlords under the standard procedure on a seasonally adjusted basis. For the same period, 16 per cent of landlord claims and 15 per cent of landlord claims leading to an order were brought by private landlords under the standard procedure, on a seasonally adjusted basis. The remaining 18 per cent of landlord claims and 21 per cent of landlord claims leading to an order were brought under the accelerated procedure for shorthold tenancies, when the fixed period of tenancy had come to an end, on a seasonally adjusted basis; see tables 3 and 4.
- Across England and Wales, the region with the **highest** number of landlord claims and claims leading to orders per 1,000 households (including mortgaged and rented) in the fourth quarter of 2011 was London. The local authority areas with the highest number of landlord claims per 1,000 households were:
 - Barking and Dagenham (6.84).
 - Hackney (5.17).
 - Newham (5.11).
- The local authority areas with the highest number of landlord claims leading to an order made per 1,000 households were:
 - Barking and Dagenham (4.49).
 - Brent (3.57).
 - Newham (3.15).
- The region with the **lowest** number of landlord claims and claims leading to orders per 1,000 households (including mortgaged and rented) in the fourth quarter of 2011 was the South West. The local authority areas with the lowest number of landlord claims per 1,000 households were:
 - North Kesteven (0.23).
 - South Norfolk (0.30).
 - Wyre (0.31).
- The local authority areas with the lowest number of landlord claims leading to an order made per 1,000 households were:
 - Waverley (0.21).
 - Flintshire (0.23).
 - Wokingham UA (0.24).

Recent developments and statistical revisions

Breakdowns by Westminster Parliamentary Constituency and Ward

Additional statistical tables showing breakdowns of mortgage and landlord possession claims leading to orders by Westminster Parliamentary Constituency and Ward for 2011 will be available on the Ministry of Justice website from 8th March 2012 at this location:

www.justice.gov.uk/publications/statistics-and-data/civil-justice/mortgage-possession.htm

As with the breakdowns by local authority area, the figures are based on the physical location of the property which is the subject of the possession action.

Breakdown by the type of landlord

From the bulletin for the third quarter of 2010 additional breakdowns were included on the numbers of landlord possession actions (under the standard procedure) according to whether brought by a social or private landlords. These are shown at a national level from 1990 onwards for landlord possession claims in Table 3 and landlord possession claims leading to orders in Table 4. Seasonally adjusted figures for these additional breakdowns were shown for the first time in the bulletin for the fourth quarter of 2010.

Proportions of claims which then lead to orders being made

From the bulletin for the third quarter of 2010 additional breakdowns were included showing the proportion of possession claims which result in an order being made. This is calculated by comparing the number of first orders made to the number of claims (regardless of whether leading to an order being made or not) which were issued two months previously. These are shown at a national level from 2000 onwards in Tables 1 and 2.

Breakdown by the type of order

From the bulletin for the second quarter of 2010 additional tabular breakdowns were included showing the proportions of orders/claims leading to an order where the order made was suspended (as opposed to outright). These are only shown at a national level for both mortgage and landlord related possession orders from 1990 onwards.

Change to the definition of the number of possession orders made

From the bulletin for the second quarter of 2009 the ***number of possession claims that lead to an order*** replaced the old ***number of possession orders*** count. The new measure is more accurate, removing the double-counting of instances where a single claim leads to more than one order. It is also a more meaningful measure for the number of homeowners who are subject to court repossession actions.

Figures have been derived under the new counting basis back to 1999. Prior to 1999 the possession orders count is provided on the old basis as it cannot be calculated using the new measure. A comparison of the old and new counts can be found in the table in Annex B.

More information about the new definition can be found in the following documents:

- A technical note inviting user comments published on 15 May 2009:
www.justice.gov.uk/downloads/publications/statistics-and-data/civiljustice/stats-mort-landlord-note.pdf
- A statistical notice announcing the change following the consultation of users published on 4 August 2009:
www.justice.gov.uk/downloads/publications/statistics-and-data/civiljustice/mortgage-landlord-possession-stats-notice.pdf

Local Authority level breakdown

Breakdowns of the numbers of mortgage and landlord possession claims issued and claims leading to orders have been provided by local authority area, as well as by county court from the bulletin for the second quarter of 2009. The former figures are based on the physical location of the property which is the subject of the possession action. Technical upgrades to the Ministry's Management Information System has meant that a complete set of postcode information is now centrally available and was used for producing these statistics.

The local authority area breakdowns are shown in Tables 1A, 1B, 2A and 2B (for more details see Annex A) and thematic maps (see Maps 1 and 2). They are expressed both as absolute counts and the number per 1,000 households. To calculate the latter, household population denominators are taken from the most recent published household population estimates for local authorities in England and Wales, published by the Department for Communities and Local Government and the Welsh Assembly Government respectively.

More information about the new local authority breakdown can be found in the published documents listed in the previous subsection.

Introduction of Mortgage Pre-Action Protocol

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

- First charge residential mortgages and home purchase plans regulated by the Financial Service Authority under the Financial Services and Market Act 2000;

- Second charge mortgages for residential property and other secured loans regulated under the Consumer Credit Act 1974 on residential property; and
- Unregulated residential mortgages.

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

The introduction of the MPAP coincided with a fall of around 50 per cent in the daily and weekly numbers of new mortgage repossession claims being issued in the courts as evidenced from administrative records. As orders are typically made (when deemed necessary by a judge) around 8 weeks after claims are issued, the downward impact on the number of mortgage possession claims leading to an order being made was seen in the first quarter of 2009.

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

The large fall in mortgage possession actions may have had an impact on the quality of the seasonal adjusted figures. The purpose of seasonal adjustment is to remove the impact of seasonal effects from a time series to give a better view of the overall trend. When there is a large and sudden step change in a series, such as has been seen in the fourth quarter of 2008 for claims and the first quarter of 2009 for claims leading to orders, it is more difficult for seasonal adjustment methodologies to reliably separate trend from seasonal effects. To mitigate against this we have disregarded these large falls by adjusting the series to remove the estimated impact of them when attempting to identify seasonal effects. However seasonal adjustment factors are, by necessity, still being calculated using data from both before and after the large fall. There may be differences in the scale and nature of seasonal effects between these two periods, and errors associated with estimation of the large downward shifts. These may negatively impact on the quality of the seasonal adjustments made, although this is not possible to quantify.

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

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

Table 1: Mortgage possession actions in the county courts of England and Wales^{*1}, 1990 – 2011 Q4

Year	Quarter	Not Seasonally Adjusted			Seasonally Adjusted			
		Claims Issued	Claims leading to an order ^{**2,3}	Annual estimate of % of claims which led to an order ⁴	% of orders that were suspended ⁵	Claims Issued	Claims leading to an order ^{**2,3}	Properties taken into possession ⁶
1990		145,350	103,508		47%			43,900
1991		186,649	142,905		48%			75,500
1992		142,162	126,881		54%			68,600
1993		116,181	105,283		59%			58,600
1994		87,958	77,681		59%			49,200
1995		84,170	75,258		59%			49,400
1996		79,858	71,203		61%			42,600
1997		67,073	57,156		61%			32,800
1998		84,836	66,055		62%			33,900
1999		77,818	53,448		59%			29,900
2000		70,140	48,403	68%	61%			22,900
2001		65,555	45,812	69%	61%			18,200
2002		62,862	40,430	64%	60%			12,000
2003		65,373	39,784	63%	60%			8,500
2004		76,993	45,356	61%	57%			8,200
2005		114,733	68,922	64%	54%			14,500
2006		131,248	88,018	66%	49%			21,000
2007		137,725	90,654	68%	46%			25,900
2008		142,741	111,763	73%	47%			40,000
2009		93,533	72,235	76%	46%			47,900
2010		75,431	56,968	76%	47%			36,600
2011		73,182 (p)	55,260 (p)	74%	49%			
2008	Q1	40,873	26,199	67%	47%	38,964	28,245	8,500
	Q2	39,072	29,586	69%	48%	39,696	28,268	10,000
	Q3	38,047	29,284	72%	47%	36,553	26,223	11,100
	Q4***	24,749	26,694	73%	45%	26,696	23,606	10,400
2009	Q1***	23,968	16,522	75%	47%	23,590	19,580	13,000
	Q2	26,419	19,042	76%	46%	26,121	19,493	12,000
	Q3	24,938	21,115	77%	44%	23,733	17,076	12,200
	Q4	18,208	15,556	76%	46%	19,730	15,991	10,700
2010	Q1	18,805	14,094	75%	46%	18,175	14,300	10,000
	Q2	18,395	13,557	74%	46%	18,611	13,936	9,500
	Q3	20,384	15,380	75%	47%	19,273	14,491	9,100
	Q4	17,847	13,937	76%	48%	19,369	14,573	8,000
2011	Q1	19,608	14,550	76%	48%	19,603	14,496	9,200
	Q2	18,339	13,572	76%	49%	18,018	14,001	9,100
	Q3	18,763	14,457 (r)	75%	49%	17,668	13,908	9,200
	Q4	16,472 (p)	12,681 (p)	74%	49%	17,890	13,607	

Notes:

* Data relating to 1999 onwards are sourced from county court administrative systems and exclude duplicate observations. Data prior to 1999 are sourced from manual counts made by court staff.

** Data relating to before 1999 represent the number of orders made rather than the number of claims leading to an order

*** The Mortgage Pre Action Protocol for possession claims relating to mortgage or home purchase arrears was introduced on 19th November 2008. Its introduction coincided with a substantial fall in the number of new mortgage possession claims in 2008 quarter 4 and in the number of mortgage possession claims leading to orders made in 2009 quarter 1. These changes in volumes have negatively impacted the quality of the seasonally adjusted figures. More details are available in the "Recent developments and statistical revisions" section.

1. Includes all types of lenders.

2. Includes claims leading to both outright and suspended orders

3. The number of claims that lead to an order includes all claims in which the first order, whether outright or suspended, is made during the period

4. The number of mortgage possession claims leading to an order being made, expressed as a percentage of the total number of mortgage possession claims issued 2 months in arrears (as orders are typically made around 8 weeks after claims are issued). The quarterly figures represent 12 month periods upto the end of the specified quarter. As the data prior to 1999 are less robust, these have not been used to calculate estimates of the proportion of claims which led to an order in 1999 and previous years. In addition, the reliability of figures for 2009 have been negatively impacted by the large downward step change which coincided with the introduction of the Mortgage Pre Action Protocol.

5. The percentage of first orders made in mortgage possession claims that were suspended

6. Source: Council of Mortgage Lenders (CML). The CML previously published six monthly figures on repossessed properties with quarterly data only being available from 2008. Please see the CML website www.cml.org.uk/cml/statistics for more information.

All period figures denoted by (r) are based on revised data and replace those in the previous bulletin

All period figures denoted by (p) are based on provisional data

Table 2: Landlord possession actions in the county courts of England and Wales^{*,1}, 1990 – 2011 Q4

Year	Quarter	Not Seasonally Adjusted				Seasonally Adjusted	
		Claims Issued ²	Claims leading to an order ^{**2,3,4}	Annual estimate of % of claims which led to an order ⁵	% of orders that were suspended ⁶	Claims Issued ²	Claims leading to an order ^{**2,3,4}
1990		131,017	112,780		74%		
1991		119,134	95,013		69%		
1992		117,671	96,958		67%		
1993		96,497	82,724		67%		
1994		83,081	63,561		66%		
1995		102,995	82,599		68%		
1996		111,807	87,849		72%		
1997		130,163	99,869		73%		
1998		155,128	112,236		72%		
1999		185,282	119,224		65%		
2000		192,334	124,625	64%	61%		
2001		192,702	128,218	66%	59%		
2002		194,645	128,543	66%	58%		
2003		177,119	117,581	65%	56%		
2004		174,266	114,799	66%	54%		
2005		165,689	109,911	66%	52%		
2006		158,160	103,435	63%	47%		
2007		147,057	98,617	67%	43%		
2008		148,217	100,813	68%	45%		
2009		136,592	92,894	67%	48%		
2010		134,961	90,842	68%	44%		
2011		142,088 (p)	97,863 (p)	69%	43%		
2008	Q1	39,133	25,665	67%	45%	38,135	25,961
	Q2	36,345	25,277	67%	44%	37,270	25,367
	Q3	37,477	25,413	68%	44%	36,753	24,783
	Q4	35,262	24,458	68%	46%	36,149	24,723
2009	Q1	37,307	24,654	68%	47%	35,235	23,918
	Q2	32,585	22,409	67%	46%	34,477	23,484
	Q3	34,179	23,677	67%	48%	33,450	23,091
	Q4	32,521	22,154	67%	49%	33,430	22,381
2010	Q1	35,318	22,669	67%	48%	33,320	22,105
	Q2	31,495	22,325	67%	43%	33,222	23,269
	Q3	34,602	23,214	68%	42%	33,895	22,542
	Q4	33,546	22,634	68%	44%	34,467	22,938
2011	Q1	37,011	24,812	69%	44%	34,983	24,199
	Q2	33,108	22,656	69%	42%	34,966	23,661
	Q3	37,439	25,693 (r)	69%	43%	36,661	24,906
	Q4	34,530 (p)	24,702 (p)	69%	44%	35,439	25,067

Notes:

* Data relating to 1999 onwards are sourced from county court administrative systems and exclude duplicate observations. Data prior to 1999 are sourced from manual counts made by court staff and exclude actions brought under the accelerated procedure.

** Data relating to before 1999 represent the number of orders made rather than the number of claims leading to an order.

1. Includes all actions regardless of the category of landlord.

2. Includes those actions made under the standard procedure prior to 1999 and from 1999 onwards both the standard and accelerated procedures. Landlord actions via the accelerated procedure enables the orders to be made solely on the basis of written evidence for shorthold tenancies, when the fixed period of tenancy has come to an end.

3. Includes claims leading to both outright and suspended orders.

4. The number of claims that lead to an order includes all claims in which the first order, whether outright or suspended, is made during the period.

5. The number of landlord possession claims leading to an order being made, expressed as a percentage of the total number of landlord possession claims issued 2 months in arrears (as orders are typically made around 8 weeks after claims are issued). The quarterly figures represent 12 month periods upto the end of the specified quarter. As the data prior to 1999 are less robust, these have not been used to calculate estimates of the proportion of claims which led to an order in 1999 and previous years.

6. The percentage of first orders made in landlord possession claims that were suspended

All period figures denoted by (r) are based on revised data and replace those in the previous bulletin

All period figures denoted by (p) are based on provisional data

Table 3: Landlord possession claims in the county courts of England and Wales by type of procedure and landlord^{*,1}, 1990 – 2011 Q4

Year	Quarter	Non-Seasonally adjusted				Seasonally adjusted			
		Standard Procedure		Accelerated Procedure ¹	Overall Total	Standard Procedure		Accelerated Procedure ¹	Overall Total
		Social Landlord	Private Landlord			Social Landlord	Private Landlord		
1990		103,438	27,579		131,017				
1991		97,432	21,702		119,134				
1992		97,807	19,864		117,671				
1993		78,450	18,047		96,497				
1994		65,394	17,687		83,081				
1995		83,637	19,358		102,995				
1996		91,523	20,284		111,807				
1997		107,861	22,302		130,163				
1998		132,668	22,460		155,128				
1999		154,104	17,287	13,891	185,282				
2000		156,196	19,665	16,473	192,334				
2001		155,208	20,236	17,258	192,702				
2002		157,913	18,948	17,784	194,645				
2003		141,008	18,118	17,993	177,119				
2004		136,918	17,047	20,301	174,266				
2005		126,333	18,287	21,069	165,689				
2006		116,152	19,002	23,006	158,160				
2007		103,214	19,347	24,496	147,057				
2008		104,165	21,004	23,048	148,217				
2009		98,108	21,459	17,025	136,592				
2010		90,217	23,147	21,597	134,961				
2011		93,632 (p)	22,741 (p)	25,715 (p)	142,088 (p)				
2008	Q1	27,588	5,273	6,272	39,133	26,771	5,138	6,226	38,135
	Q2	24,388	5,455	6,502	36,345	25,808	5,188	6,274	37,270
	Q3	26,495	5,329	5,653	37,477	25,776	5,368	5,609	36,753
	Q4	25,694	4,947	4,621	35,262	25,865	5,334	4,950	36,149
2009	Q1	27,162	5,498	4,647	37,307	25,613	5,058	4,564	35,235
	Q2	22,920	5,465	4,200	32,585	24,967	5,501	4,009	34,477
	Q3	24,806	5,295	4,078	34,179	24,081	5,337	4,032	33,450
	Q4	23,220	5,201	4,100	32,521	23,405	5,600	4,425	33,430
2010	Q1	24,235	6,231	4,852	35,318	22,854	5,726	4,740	33,320
	Q2	20,444	5,844	5,207	31,495	22,275	5,895	5,052	33,222
	Q3	23,207	5,688	5,707	34,602	22,503	5,732	5,660	33,895
	Q4	22,331	5,384	5,831	33,546	22,530	5,794	6,143	34,467
2011	Q1	24,262	6,254	6,495	37,011	22,875	5,741	6,367	34,983
	Q2	21,397	5,492	6,219	33,108	23,324	5,547	6,095	34,966
	Q3	24,783	5,721	6,935	37,439	24,013	5,769	6,879	36,661
	Q4	23,190 (p)	5,274 (p)	6,066 (p)	34,530 (p)	23,401	5,669	6,369	35,439

Notes:

* Data relating to 1999 onwards are sourced from county court administrative systems and exclude duplicate observations. Data prior to 1999 are sourced from manual counts made by court staff and exclude actions brought under the accelerated procedure.

1. The accelerated procedure enables orders to be made solely on the basis of written evidence for shorthold tenancies, when the fixed period of tenancy has come to an end.

All period figures denoted by (p) are based on provisional data

Table 4: Landlord possession claims leading to an order in the county courts of England and Wales by type of procedure and landlord^{*,1,2}, 1990 – 2011 Q4

Year	Quarter	Non-Seasonally adjusted				Seasonally adjusted			
		Standard Procedure		Accelerated Procedure ³	Overall Total	Standard Procedure		Accelerated Procedure ³	Overall Total
		Social Landlord	Private Landlord			Social Landlord	Private Landlord		
1990		91,875	20,905		112,780				
1991		79,578	15,435		95,013				
1992		83,125	13,833		96,958				
1993		71,114	11,610		82,724				
1994		49,750	13,811		63,561				
1995		66,981	15,618		82,599				
1996		70,583	17,266		87,849				
1997		82,493	17,376		99,869				
1998		94,897	17,339		112,236				

1999		97,743	10,324	11,157	119,224				
2000		100,082	11,512	13,031	124,625				
2001		102,623	12,309	13,286	128,218				
2002		103,790	11,511	13,242	128,543				
2003		93,217	11,209	13,155	117,581				
2004		89,827	10,191	14,781	114,799				
2005		82,857	11,525	15,529	109,911				
2006		75,148	11,368	16,919	103,435				
2007		67,683	12,380	18,554	98,617				
2008		70,156	13,024	17,633	100,813				
2009		66,940	13,407	12,547	92,894				
2010		61,100	14,656	15,086	90,842				
2011		63,146 (p)	14,962 (p)	19,755 (p)	97,863 (p)				

2008	Q1	18,003	3,011	4,651	25,665	17,948	3,127	4,886	25,961
	Q2	17,176	3,388	4,713	25,277	17,575	3,229	4,563	25,367
	Q3	17,564	3,306	4,543	25,413	17,283	3,222	4,278	24,783
	Q4	17,413	3,319	3,726	24,458	17,373	3,453	3,897	24,723

2009	Q1	18,060	3,286	3,308	24,654	17,286	3,292	3,340	23,918
	Q2	15,952	3,348	3,109	22,409	17,037	3,300	3,147	23,484
	Q3	16,910	3,549	3,218	23,677	16,626	3,454	3,011	23,091
	Q4	16,018	3,224	2,912	22,154	15,961	3,368	3,052	22,381

2010	Q1	15,922	3,492	3,255	22,669	15,246	3,564	3,295	22,105
	Q2	14,841	3,873	3,611	22,325	15,874	3,738	3,657	23,269
	Q3	15,077	3,794	4,343	23,214	14,809	3,685	4,048	22,542
	Q4	15,260	3,497	3,877	22,634	15,193	3,671	4,074	22,938

2011	Q1	16,092	3,809	4,911	24,812	15,425	3,798	4,976	24,199
	Q2	14,455	3,704	4,497	22,656	15,460	3,646	4,555	23,661
	Q3	16,380 (r)	3,850 (r)	5,463	25,693 (r)	16,089	3,739	5,078	24,906
	Q4	16,219 (p)	3,599 (p)	4,884 (p)	24,702 (p)	16,133	3,791	5,143	25,067

Notes:

* Data relating to 1999 onwards are sourced from county court administrative systems and exclude duplicate observations. Data prior to 1999 are sourced from manual counts made by court staff and exclude actions brought under the accelerated procedure.

** Data relating to before 1999 represent the number of orders made rather than the number of claims leading to an order.

1. Includes claims leading to both outright and suspended orders.

2. The number of claims that lead to an order includes all claims in which the first order, whether outright or suspended, is made during the period.

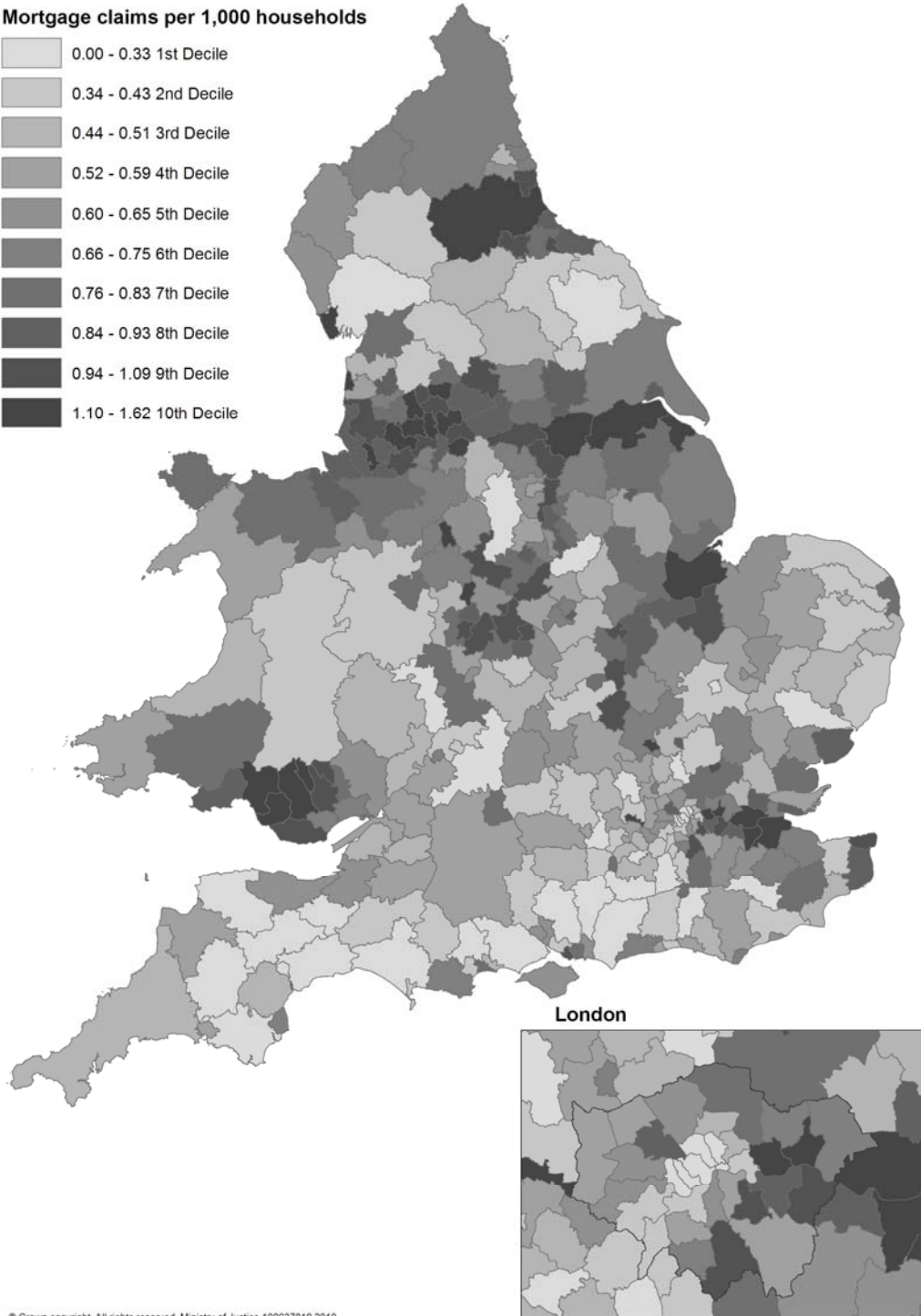
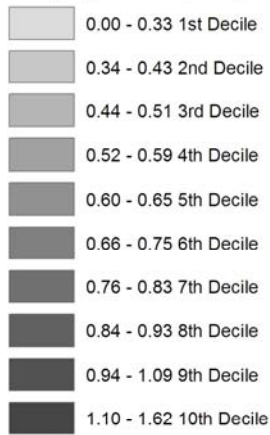
3. The accelerated procedure enables orders to be made solely on the basis of written evidence for shorthold tenancies, when the fixed period of tenancy has come to an end.

All period figures denoted by (r) are based on revised data and replace those in the previous bulletin

All period figures denoted by (p) are based on provisional data

Map 1: Mortgage Possession Claims Issued – 2011 Q4

Mortgage claims per 1,000 households



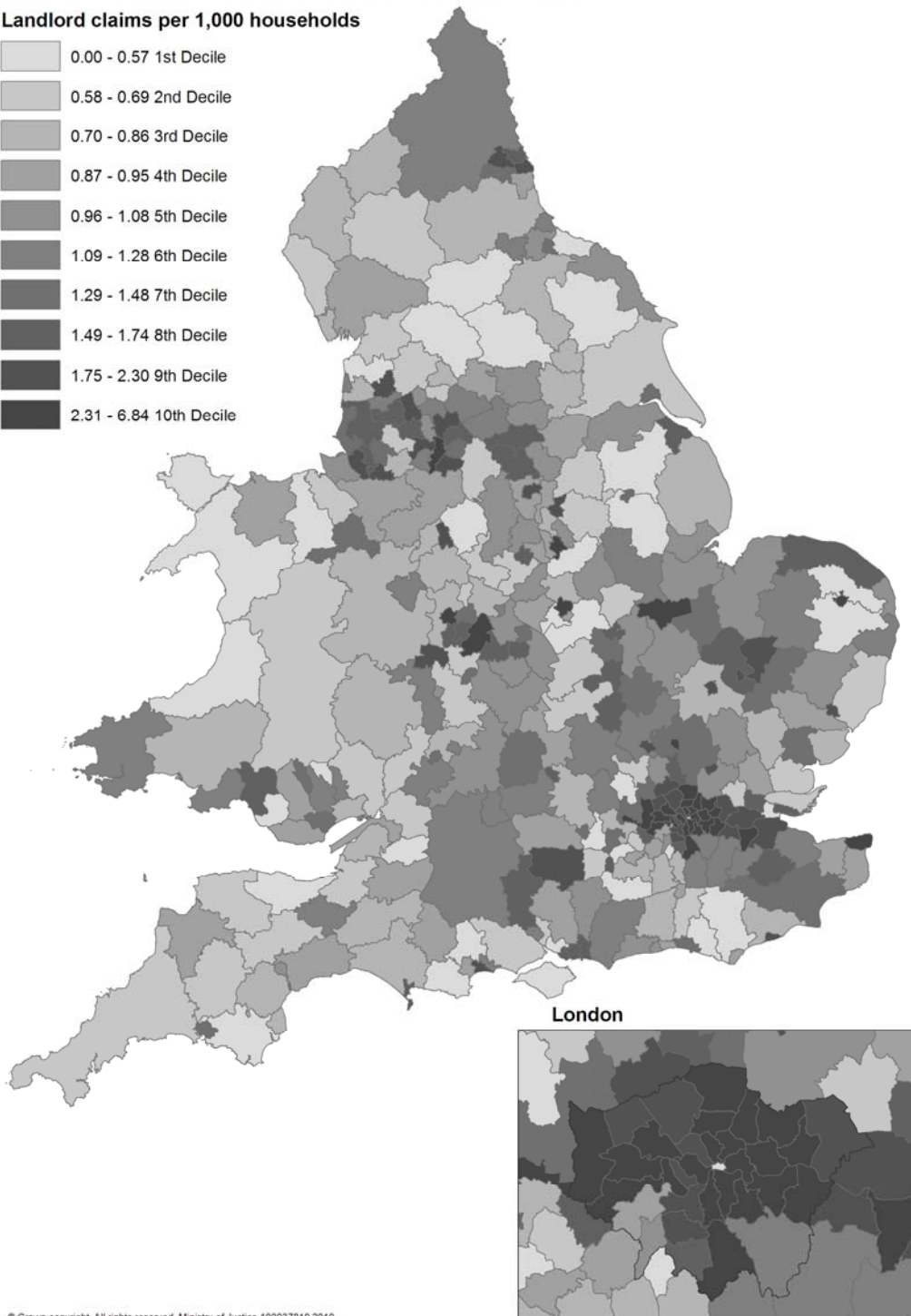
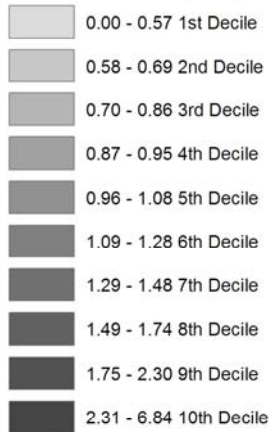
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Notes:

1. The number of mortgage possession claims per 1,000 households (including mortgaged and rented) are based on 2008 household estimates for England, published by the Department of Communities and Local Government, and 2010 estimates for Wales, published by the Welsh Assembly.
2. Each decile includes 10% of local authorities (based on the number of mortgage claims) in ascending order from the lowest number per 1,000 households (the 1st decile) to the highest (the 10th decile).

Map 2: Landlord Possession Claims Issued – 2011 Q4

Landlord claims per 1,000 households



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Notes:

1. The number of landlord possession claims per 1,000 households (including mortgaged and rented) are based on 2008 household estimates for England, published by the Department of Communities and Local Government, and 2010 estimates for Wales, published by the Welsh Assembly.
2. Each decile includes 10% of local authorities (based on the number of landlord claims) in ascending order from the lowest number per 1,000 households (the 1st decile) to the highest (the 10th decile).

Annex A

Supplementary statistical tables to this bulletin are available within an excel file on the Ministry of Justice website at this location:

www.justice.gov.uk/downloads/publications/statistics-and-data/mojstats/mortgage-landlord-possession-stats-tables-q4-2011.xls

Tables within this Excel file are:

Copy of Table 1 of this bulletin showing the number of mortgage possession actions in the county courts from 1990 onwards, both on a seasonally adjusted and non seasonally adjusted basis.

Table 1A shows the number of mortgage possession claims by local authority on a non seasonally adjusted basis.

Table 1B shows the number of mortgage possession claims leading to an order by local authority on a non seasonally adjusted basis.

Table 1C shows the number of mortgage possession actions by county court on a non seasonally adjusted basis.

Copy of Table 2 of this bulletin showing the number of landlord possession actions in the county courts from 1990 onwards, both on a seasonally adjusted and non seasonally adjusted basis.

Table 2A shows the number of landlord possession claims by local authority on a non seasonally adjusted basis.

Table 2B shows the number of landlord possession claims leading to an order by local authority on a non seasonally adjusted basis.

Table 2C shows the number of landlord possession actions by county court on a non seasonally adjusted basis.

Copy of Table 3 of this bulletin showing the number of landlord possession claims in the county courts with breakdown by the type of procedure and landlord from 1990 onwards, both on a non seasonally and seasonally adjusted basis.

Copy of Table 4 of this bulletin showing the number of landlord possession claims leading to orders made in the county courts with breakdown by the type of procedure and landlord from 1990 onwards, both on a non seasonally and seasonally adjusted basis.

In addition, spreadsheets showing local authority level figures from 2000 to the latest quarter and court level figures from 1987 to the latest quarter can be obtained via the following webpage:

www.justice.gov.uk/publications/statistics-and-data/civil-justice/mortgage-possession.htm

Annex B

Comparison of the old and new orders made counts, England and Wales, 1999-2009

Statistics based on old definition = "No. of orders" columns

Statistics based on new definition = "No. of claims leading to an order" columns

Year	Quarter	Mortgage			Landlord		
		No. of orders	No. of claims leading to an order	% difference	No. of orders**	No. of claims leading to an order	% difference
1990		103,508			112,780		
1991		142,905			95,013		
1992		126,881			96,958		
1993		105,283			82,724		
1994		77,681			63,561		
1995		75,258			82,599		
1996		71,203			87,849		
1997		57,156			99,869		
1998		66,055			112,236		
1999		55,964	53,448	-4.5%	122,462	119,224	-2.6%
2000		50,918	48,403	-4.9%	127,575	124,625	-2.3%
2001		47,997	45,812	-4.6%	131,242	128,218	-2.3%
2002		41,759	40,430	-3.2%	132,155	128,543	-2.7%
2003		41,038	39,784	-3.1%	120,694	117,581	-2.6%
2004		46,683	45,356	-2.8%	117,786	114,799	-2.5%
2005		70,964	68,922	-2.9%	112,869	109,911	-2.6%
2006		90,826	88,018	-3.1%	107,101	103,435	-3.4%
2007		94,913	90,654	-4.5%	107,848	98,617	-8.6%
2008		116,872	111,763	-4.4%	114,476	100,813	-11.9%
2004	Q1	11,342	11,029	-2.8%	30,315	29,512	-2.6%
	Q2	11,469	11,141	-2.9%	29,331	28,607	-2.5%
	Q3	11,944	11,611	-2.8%	30,091	29,331	-2.5%
	Q4	11,928	11,575	-3.0%	28,049	27,349	-2.5%
2005	Q1	14,075	13,712	-2.6%	27,737	26,983	-2.7%
	Q2	18,365	17,845	-2.8%	28,893	28,152	-2.6%
	Q3	19,707	19,107	-3.0%	28,449	27,708	-2.6%
	Q4	18,817	18,258	-3.0%	27,790	27,068	-2.6%
2006	Q1	21,963	21,297	-3.0%	28,557	27,794	-2.7%
	Q2	22,159	21,475	-3.1%	26,009	25,291	-2.8%
	Q3	24,060	23,296	-3.2%	27,087	26,212	-3.2%
	Q4	22,644	21,950	-3.1%	25,448	24,138	-5.1%
2007	Q1	23,778	22,578	-5.0%	26,765	24,886	-7.0%
	Q2	22,741	21,695	-4.6%	25,188	23,087	-8.3%
	Q3	24,384	23,391	-4.1%	27,776	25,456	-8.4%
	Q4	24,010	22,990	-4.2%	28,119	25,188	-10.4%
2008	Q1	27,375	26,199	-4.3%	28,974	25,665	-11.4%
	Q2	30,913	29,586	-4.3%	28,570	25,277	-11.5%
	Q3	30,603	29,284	-4.3%	28,884	25,413	-12.0%
	Q4***	27,981	26,694	-4.6%	28,048	24,458	-12.8%
2009	Q1	17,587	16,522	-6.1%	28,447	24,654	-13.3%

Notes:

* Data relating to 1999 onwards are sourced from county court administrative systems and exclude duplicate observations. Data prior to 1999 are sourced from manual counts made by court staff.

** Landlord order data relating upto 1998 exclude orders relating to the accelerated possession procedure.

*** The Mortgage Pre Action Protocol for possession claims relating to mortgage or home purchase arrears was introduced on 19th November 2008. Its introduction has coincided with a substantial fall in the number of new mortgage possession claims in Q4 2008 and in the number of mortgage possession orders in Q1 2009.

Explanatory notes

Introduction

1. The United Kingdom Statistics Authority has designated these statistics as National Statistics, in accordance with the Statistics and Registration Service Act 2007 and signifying compliance with the Code of Practice for Official Statistics.

Designation can be broadly interpreted to mean that the statistics:

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

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

2. Figures on mortgage and landlord possession actions in the county courts of England and Wales are published on a quarterly basis. The quarterly time series, both seasonally adjusted and non-seasonally adjusted, show some quarter-on-quarter volatility. Users should take care about interpreting trends based on a single quarter's data.
3. The figures relate to the numbers of possession ***claims issued*** and ***claims leading to an order being made***. The count of claims leading to an order includes all claims in which the first order, whether outright or suspended, is made during the period.
4. The mortgage data include all types of lenders, whether local authority or private (e.g. banks and building societies).
5. The landlord data include all types of landlord, whether social or private sector, and cover actions made using both the standard and accelerated possession procedures. The accelerated possession procedure is used by landlords in relation to assured shorthold tenancies, when the fixed period of tenancy has come to an end. It enables orders to be made by the court solely on the basis of written evidence and without calling the parties to a hearing.
6. The possession action figures do ***not*** indicate how many houses have actually been repossessed through the courts. Repossessions can occur without a court order being made while not all court orders result in repossession.
 - ***Claims Issued***. A claimant begins an action for an order for possession of property by issuing a claim in a county court.
 - ***Orders Made***. The court, following a judicial hearing (or judicial involvement in accelerated procedure cases) may grant an order for

possession immediately. This entitles the claimant to apply for a warrant to have the defendant evicted. However, even where a warrant for possession is issued, the parties can still negotiate a compromise to prevent eviction. It is also possible that the order is followed by an application to vary/set it aside, which could result in another order being made. Where more than one order for possession is made in a claim, the count of claims leading to an order being made, to avoid double counting of claims, is based on the date and type of the first order made.

- **Suspended Orders.** Frequently, the court grants the mortgage lender or the landlord possession of the property, but **suspends** the operation of the order which usually requires the defendant to pay the current mortgage or rent instalments plus some of the accrued arrears within a certain defined period. As long as the defendant complies with the terms of the suspension the possession order cannot be enforced.

Revisions

7. The figures for the fourth quarter of 2011 are provisional, and are therefore liable to revision to take account of any late amendments to the administrative databases from which these statistics are sourced. The standard process for revising the published statistics to account for these late amendments is as follows. An initial revision to the statistics for the latest quarter may be made when the next edition of this bulletin is published. Final figures for this quarter, and for other quarters in the same calendar year, will be published when statistics for the first quarter of the following year are initially released.

Further breakdowns available on request

8. Local authority statistics are presented in this bulletin, with Westminster Parliamentary Constituency and Ward level statistics for 2011 to be published on 8th March 2012 – for more details see page 11. Quarterly possession court actions data are available on request for the following geographies.
 - Government Office Regions
 - Westminster Parliamentary Constituencies (prior to 2011)
 - Urban and Rural classifications
 - Outbound Postcodes (e.g. SW1H)

Annual data (prior to 2011) are also available for wards. Data for other geographical areas are not currently available.

Confidentiality

9. In order to protect the confidentiality of personal and corporate information, the Ministry of Justice operates a disclosure control policy when responding to requests for these sub-national statistics. Counts of less than 8, including zero, are suppressed, while all higher counts are only provided rounded to the nearest 5. Percentage changes between two periods are not provided where there are less than 30 cases in the earlier period. Figures for time periods other than calendar quarters and annual totals will not be provided.

Seasonal adjustment

10. Seasonally adjusted figures are provided as well as non-seasonally adjusted information, to provide a clearer picture of the underlying behaviour of the data series after removal of seasonal or other calendar influences. The seasonal adjustment models are designed using the software package X12 ARIMA, the standard tool used for this purpose in government statistics. These figures are provided in Tables 1, 2, 3 & 4.

The two sets of figures serve distinctly different purposes. In broad terms, the unadjusted figures are the count of the actual number of possession actions in a given period, while the seasonally-adjusted figures give a better and more meaningful picture of changes over time.

Production process and quality assurance procedures

11. The statistics on county court possession actions relating to 1999 onwards have been produced using the Ministry's Management Information System (MIS). This is a data warehousing facility drawing data directly from the main administrative system in the county courts, CaseMan, and Possession Claim OnLine (PCOL). PCOL was launched in October 2006 to enable claimants to make possession claims via the internet. Court staff are required to use these systems to record summary details in managing these cases, and they obtain benefits from doing so as for instance the systems make the process of drawing a court order relatively quick and easy. The systems therefore contain accurate and complete details of the incidence and dates of all new claims and orders made in these claims. Statistical quality assurance procedures include the identification and removal of duplicate entries for the same event in a case, and checks that the latest data are consistent with previously obtained data for each county court. The statistics prior to 1999 are manual counts supplied by the county courts each month and are consequently less robust.

Other sources of statistics

12. Figures showing successful repossessions by county court bailiffs following the making of a court order are published separately on a quarterly basis in the statistical bulletin "Court Statistics Quarterly". The numbers of actual repossessions (including where there is no action by county court bailiffs) are produced by the Financial Services Authority (FSA) and the Council of Mortgage Lenders (CML). The statistics shown for "properties taken into possession" in Figure 1 and Table 1 are

published figures from the CML, which is an industry body representing around 94 per cent of the UK residential lending industry. It should be noted that:

- The Ministry statistics on court actions cover England and Wales only. CML statistics cover the whole of the UK.
- CML statistics on actual possessions include properties surrendered voluntarily.
- Given the time lags involved, some of the court orders for the possessions shown by CML may have been granted in earlier time periods.
- Mortgage possessions counted in the CML statistics mainly relate to the non-repayment of loans which are secured as a "first charge" against the property. The large majority of "second charge" lending (any loan secured on a property where a separate first charge loan already exists) falls outside the CML's membership, therefore any resulting repossessions will not be counted in their figures.

More details about the differences between mortgage possession data published by the Ministry (in this bulletin), the CML and the Financial Services Authority can be viewed at the link:

www.justice.gov.uk/downloads/publications/statistics-and-data/civiljustice/mortgage-lending-stats-note.pdf

Historic Factors

13. A Pre-Action Protocol for housing possession claims based on rent arrears came into effect on 2nd October 2006. The Protocol applies to rent arrears claims issued by social landlords (e.g. Local Authorities, Registered Social Landlords), and gives clear guidance on what the courts will be expecting landlords and tenants to have done prior to arriving at court. The main aim of the Protocol is to encourage more pre-action contact between parties and to enable court time to be used effectively. The introduction of the Protocol may therefore explain much of the reductions in the numbers of rent possession claims issued and orders made since then. This protocol can be viewed using this link:

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

Symbols and conventions

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

(p) = Provisional data

(r) = Revised data

Contact points for further information

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

www.justice.gov.uk/publications/statistics-and-data/civil-justice/mortgage-possession.htm

www.justice.gov.uk/publications/statistics-and-data/archive/mortgage-landlord.htm

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

Peter Morris

Tel: 020 3334 3531

Email: peter.morris@justice.gsi.gov.uk

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

Sarah Southerton

Tel: 0303 444 1201

Email: Sarah.Southerton@communities.gsi.gov.uk

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

Tel: 020 7438 8922

Other enquiries about these statistics should be directed to:

Tingting Shu

Justice Statistics Analytical Services

Ministry of Justice

7th Floor

102 Petty France

London SW1H 9AJ

Tel: 020 3334 3737

Email: statistics.enquires@justice.gsi.gov.uk

General enquiries about the statistical work of the Ministry of Justice can be e-mailed to: statistics.enquires@justice.gsi.gov.uk

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