



Ministry
of Justice



Civil Justice Statistics Quarterly, England and Wales

July to September 2014

Ministry of Justice
Statistics bulletin

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Introduction

This is the first edition of a new statistical bulletin presenting statistics relating to civil cases and Judicial Reviews. These statistics were previously published within Court Statistics Quarterly Statistics which, after consultation, has been split into separate policy focussed publications.

It gives provisional figures for the latest quarter (July to September 2014) with accompanying commentary and analysis. The figures themselves give a summary overview of the volume of cases dealt with by these courts over time and are used to monitor court workloads, to assist in the development of policy and their subsequent monitoring and evaluation.

Civil cases are those that do not involve family matters or failure to pay council tax. These cases are mainly dealt with by county courts and typically relate to debt, the repossession of property, personal injury, the return of goods and insolvency. Particularly important, complex or substantial cases are instead dealt with in the High Court.

Judicial Reviews (JRs) are a process by which individuals, businesses and other affected parties can challenge the lawfulness of decisions or actions of the Executive, including those of Ministers, local authorities, other public bodies and those exercising public functions. It is a largely judge-developed procedure and can be characterised as the rule of law in action, providing a key mechanism for individuals to hold the Executive to account. It is, however, intended to operate quickly and proportionately. Certain protections are in principle provided against spurious claims: only those with sufficient interest are able to bring a case and they must first obtain permission for their case to be heard.

Information about the systems and data included in this publication can be found in the '**A Guide to Court and Administrative Justice Statistics**' which is published alongside this report.

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

There is also a separate **Glossary** published alongside this which provides brief definitions for the terms used in this report. Information regarding the symbols and conventions used in the bulletin are given in the Explanatory notes section.

Previous editions of Court Statistics Quarterly can be found here:

www.gov.uk/government/collections/court-statistics-quarterly

The next publication of Civil Justice Statistics is scheduled to be published on 5 March 2015, covering the period October to December 2014.

Key Findings

This report presents statistics on two categories of justice: civil (excluding family cases) and judicial reviews in England and Wales in the third quarter of 2014 (July to September).

Civil (excluding family) cases

- In July to September 2014, courts dealt with 407,000 claims (12% higher than the same quarter last year). The number of judgements reached its highest figure since 2009 at 224,000 and in addition, the number of warrants also showed an increase of 12% to 64,000 compared to the same period in 2013. In contrast, the number of defences stands at 45,000, a 21% decrease compared to the same period in 2013.
- From 2009 to 2013, it is estimated that between 2.6% and 3.5% of claims issued in a given quarter have gone to hearing or trial. Estimates suggest that 2014 will see a similar pattern.
- There was an average of 56 weeks between a fast or multi-track claim being issued and the claim going to trial. The time between issue and the claim going to trial rose between 2008 and 2013 but has dropped in 2014.

Judicial Reviews

- Due to the transfer of immigration and asylum Judicial Reviews to the Upper Tribunal for Immigration and Asylum Cases (UTIAC), there has been a sharp decrease in the total number of judicial review applications lodged. In January to September 2014, 3,000 applications were lodged, compared with around 15,500 in the whole of 2013. Prior to this, the number of applications had more than tripled over a 13 year period.
- This year, a higher proportion of cases have become eligible for a final hearing, 15% compared with 10% of cases in 2013. Of the 464 cases that were eligible for a final hearing in 2014 to date, currently only 73 have reached a decision. Of these, almost half (34) were found in favour of the appellant.
- Overall, the proportion of all cases that were found in favour of the appellant at final hearing has reduced from 12% in 2000 to 1% in 2013. So far this year the proportion has remained the same.
- From the 1 October 2012 to 30 September 2014, there were around 22,000 cases lodged. Of these, around 12,500 (57%) had reached permission or oral renewal stage. Of those that had reached these stages, 28% were found to be totally without merit.

1: Civil (excluding family) cases

A civil claim against a person or a company (the defendant) starts when a person or company (the claimant) completes and submits a claim form to the County Court. This can be done either in person or online. A copy of the claim form along with a response pack is sent to (served on) the defendant who has 14 days to respond to the claim. If the defendant disputes (defends) the claim (in full or part) and mediation fails, the case is allocated by a judge to one of three case-management tracks (small claims track, fast track or multi track). Allocated cases which are not settled or withdrawn generally result in a small claim hearing or trial¹. A judgment regarding the claim can be made at various stages of the process. There are various methods of enforcing a judgment through the county courts including warrants and orders.

Estimating case progression: In addition to providing results regarding the civil workload of the courts, this bulletin contains estimates of the percentage of claims issued in a specific quarter or year that will, in time, progress to a defence, allocation or hearing or trial in County Courts. These figures are different from the court workload figures which show the total number of defences, allocations or hearings or trials in that quarter, irrespective of when the claim was issued.

The case progression estimates include upper and lower estimates around them (a confidence interval) reflecting the uncertainty inherent in any estimation of the future. Claims from more recent periods will, by definition, have had less time for the case to be processed so there is more uncertainty around the final estimate, resulting in a wider confidence interval (Please see **A Guide to Court and Administrative Justice Statistics**¹ for more information on how this figure is calculated).

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

¹ For further details of the way civil claims are processed and case progression please see **A Guide to Court and Administrative Justice Statistics:** www.gov.uk/government/uploads/system/uploads/attachment_data/file/319022/guide-to-court-and-administrative-justice-statistics-june-2014.pdf

Number of claims issued

In July to September 2014, a total of 407,063 claims were issued, 12% higher than in the same quarter in 2013 (Table 1.1 and Figure 1.1). There was a general downward trend in the number of claims between 2006 and 2012 from 2.1 million to a low of 1.4 million – since then, this trend appears to be reversing with a slight increase in 2013 to 1.45 million and 1.2 million claims have been made within the first 3 quarters of 2014.

In the most recent quarter, 80% of all claims were money claims. This proportion has remained broadly stable year on year, since data collection started in 2000. In the current quarter, 89% of money claims (291,781) related to claims for specified amounts of money (up 24% from the same time last year). The remaining money claims related to unspecified money claims, down 7% from last year (Table 1.2).

In July to September 2014, there were 79,604 non-money claims (down 11% on the same point in 2013) bringing the total for three quarters of 2014 to 243,270. Annually, this figure dropped from an average of just under 400,000 between 2000 and 2008 to an average of just over 330,000 between 2009 and 2013. This decrease can be partially explained by the fall in mortgage possession claims. This coincided with lower interest rates, a proactive approach from mortgage lenders in managing consumers in financial difficulties, and various interventions, such as introduction of the Mortgage Pre-Action Protocol² that encouraged more pre-action contact between lender and borrower (Table 1.2).

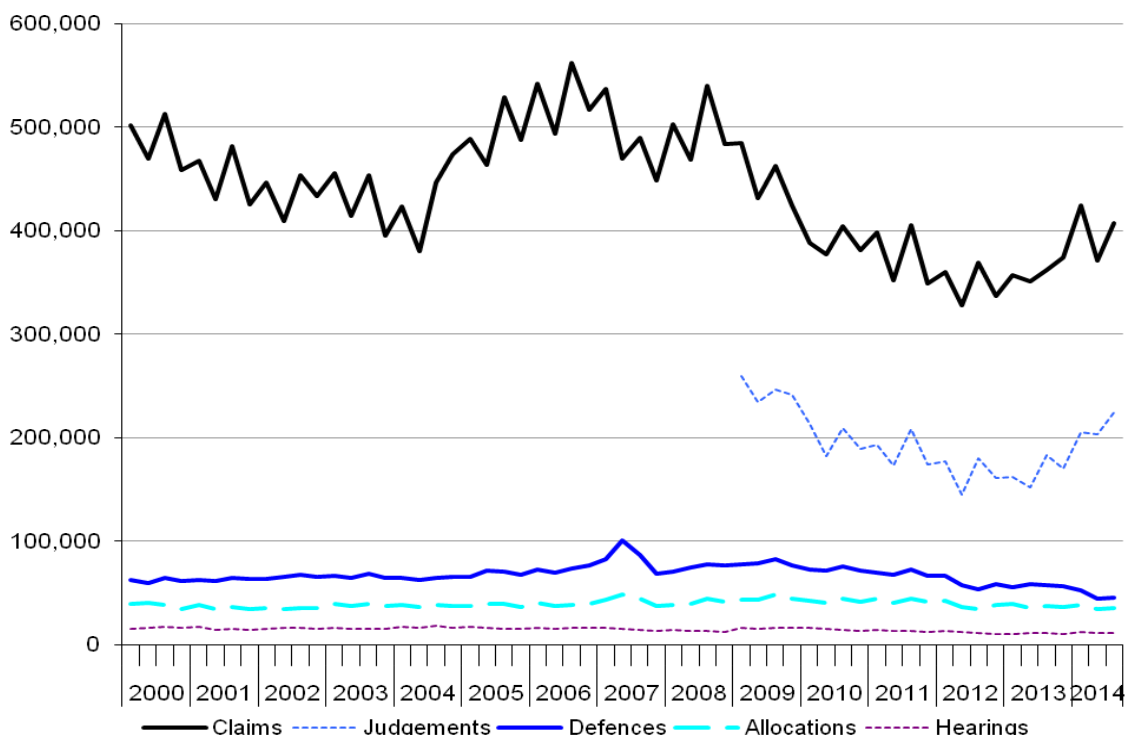
There were 6,178 insolvency petitions³ (excluding in the Royal Courts of Justice) in July to September 2014. This shows a 17% decrease on the same quarter last year and remains within the general downward trend seen since 2009. Between 2000 and 2009, insolvency petitions more than tripled (Table 1.2). The large decrease since 2009 has been steepest among bankruptcy petitions made by debtors, then among bankruptcy petitions made by creditors, and least severe among petitions for company windings up⁴.

² For more information on the Mortgage Pre-Action Protocol please see [Annex B of the Mortgage and landlord possession statistics publication](#).

³ Insolvency petitions relate to bankruptcy or companies “winding up”

⁴ See the accompanying csv files for more information

Figure 1.1: Civil claims, defences, allocations and hearings and trials, January to March 2000 – July to September 2014



Number of defences, allocations, hearings and judgments

In July to September 2014, 45,396 defences were made, 21% less than at the same point in the previous year. There has been a general downward trend since the annual peak of just under 340,000 in 2007, with the 2013 figure being just under 228,000. It is estimated that 11.3% of claims issued in July to September 2014 will be defended, although this may fall within a range of 10.1% and 13.0% (Table 1.5 and Figure 1.2). The vast majority (around 90%) of defences are made within two quarters of the claim being made.

If the claim is defended, further information is usually provided by each of the parties, after which the case is allocated by a judge to one of three case-management tracks. Between July and September 2014, a total of 35,757 allocations were made (Table 1.3).

- Almost half (17,555) were allocated to the small claim track⁵, 9% more than in the third quarter of 2013. This track is generally for cases with a claim value of up to £10,000 which do require less preparation by the parties involved than the more complex cases allocated to the fast or

⁵ On 1 April 2013 due to a policy change, the maximum claim value for cases allocated to the small claims track increased from £5,000 to £10,000.

multi track. The hearings are designed to be accessible to people who do not have representation by a solicitor or counsel, and are dealt with in about an hour.

- 39% (13,778) were allocated to the fast track, 17% less than the same quarter in 2013. This track is generally for cases with a claim value of between £10,000 and not more than £25,000, with issues not complex enough to merit more than a one day trial.
- 12% (4,424) were allocated to the multi track, 6% less than the third quarter of 2013. This track is generally for cases with a claim value exceeding £25,000 with more complex issues. They generally last more than one day at trial.

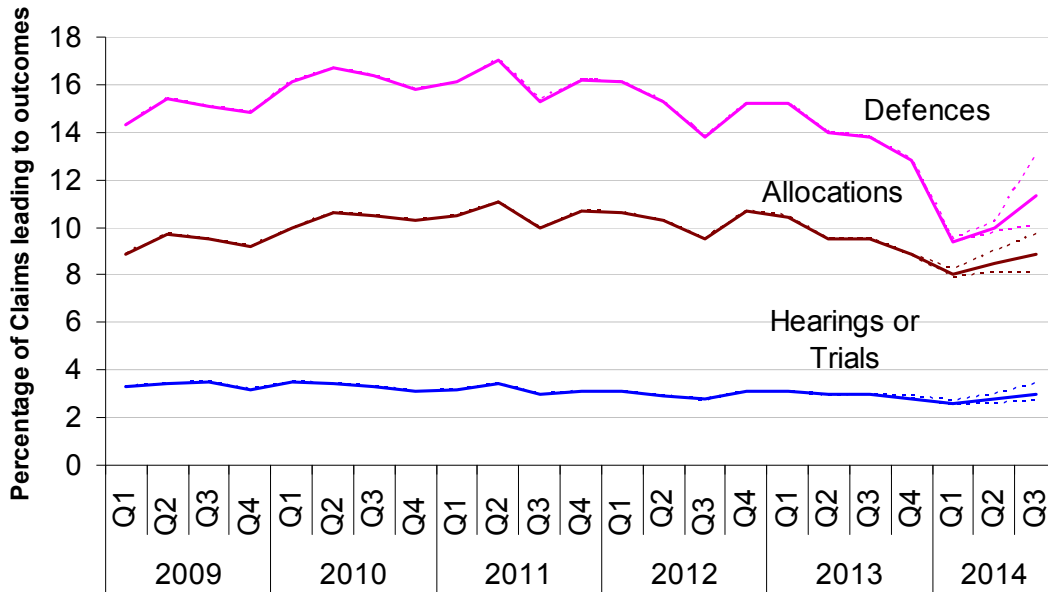
It is estimated that 8.9% of claims issued between July and September 2014 will be allocated, (with a range between 8.1% and 9.7%). Most allocations (around 94%) take place within a year and just over half of these take place the quarter after the claim was originally made.

Defended cases which are not settled or withdrawn generally result in a small claim hearing or trial (Table 1.3). In total, there were 11,052 trials and small claim hearings in July to September 2014, 2% more than in the same quarter in 2013. It is estimated that 3.0% of claims issued between July and September 2014 will go to hearing or trial (with a range between 2.7% and 3.4%).

In the current quarter, 8,248 small claims hearings took place. On average, these occurred 32 weeks after the claim was originally made. This is the longest average time to hearing since data were collected in 2000 - it steadily increased over time to a peak of 31 weeks in 2009 and then stabilised at 30 weeks between 2010 and 2013. Fast and multi-track trials (of which there were 2,804 in the most recent quarter) occurred on average 56 weeks after the claim was originally made. The time between issue and the claim going to trial rose between 2008 and 2013 but has fallen in 2014 (Table 1.6).

In July to September 2014, a total of 224,306 judgements were made, the highest quarterly figure since 2009. More generally, the number of judgments fell between 2009 and 2012, but has begun to show an increase in the last two years.

Figure 1.2: Estimated case progression of civil claims by court action, January to March 2009 – July to September 2014



Dotted lines depict upper and lower limits of the estimates

Enforcement

There are various methods of enforcing a judgment through the county courts. The most common method of enforcing a monetary judgment is the warrant of execution against a debtor’s goods. This is where, unless the amount owed is paid, items owned by the debtor can be recovered by a bailiff acting on behalf of the court and sold.

In July to September 2014, a total of 63,954 warrants were issued, the highest quarterly figure since January to March 2012. The number of warrants issued has been steadily falling since 2000, but the latest figure could indicate a change in this trend, with July to September 2014 being 12% higher than the same period in 2013.

Alternatively, various types of court orders can be obtained:

- attachment of earnings orders enable payment through the debtor’s employer.
- fourth party debt orders enable payment by freezing and then seizing money owed by a fourth party to the debtor.
- charging orders obtain security for the payment against the debtor’s assets. This may be followed by an order for sale which forces the sale of these assets.

In July to September 2014, 28,889 enforcement orders were issued. This figure has been generally falling since 2008.

Civil proceedings in the Magistrates' Courts

Magistrates' courts deal with criminal and some civil cases, and cases are dealt with either by justices of the peace, who are unqualified and who are paid only expenses, or by District Judges who receive some payment. Magistrates can deal with a limited number of civil cases such as arrears of income tax, national insurance contributions, council tax or payments of child maintenance.

There were 15,615 completed civil proceedings in the Magistrates Court between July and September 2014, down 14% on the same period in 2013 (Table 1.2). It should be noted that a proceeding can either relate to a single case or multiple cases, so the numbers of cases completed is greater than the number of completed proceedings.

2: Judicial Reviews

This chapter tracks the progress of Judicial Reviews (JRs) lodged between 1 January 2000 and 30 September 2014. Judicial Reviews take place in the Administrative Court, which is part of the High Court. The data are taken from the Administrative Court System (COIN). The data presented here are for judicial reviews only, although the Administrative Court does also deal with other types of appeals and first stage applications; as such these figures are not reflective of the full workload of the Administrative Court.

As the information has been extracted from a live database, all figures are refreshed each quarter and therefore there are minor revisions between the information presented here and earlier data⁶.

Information for all years is provided in the supporting tables and csv that accompany this publication. Please note for later years cases may not have progressed to the end of the process, so the progression and timeliness figures for these cases should be treated with caution, in particular for receipts during the year 2014, where a very large proportion of cases will not have been concluded.

For more information on the Judicial Review process, including how topics are allocated to Immigration/Asylum and Other, please see the **A Guide to Court and Administrative Justice Statistics**⁷.

⁷ The guide can be found at the following location:
www.gov.uk/government/uploads/system/uploads/attachment_data/file/319022/guide-to-court-and-administrative-justice-statistics-june-2014.pdf

Applications for permission to apply for Judicial Review

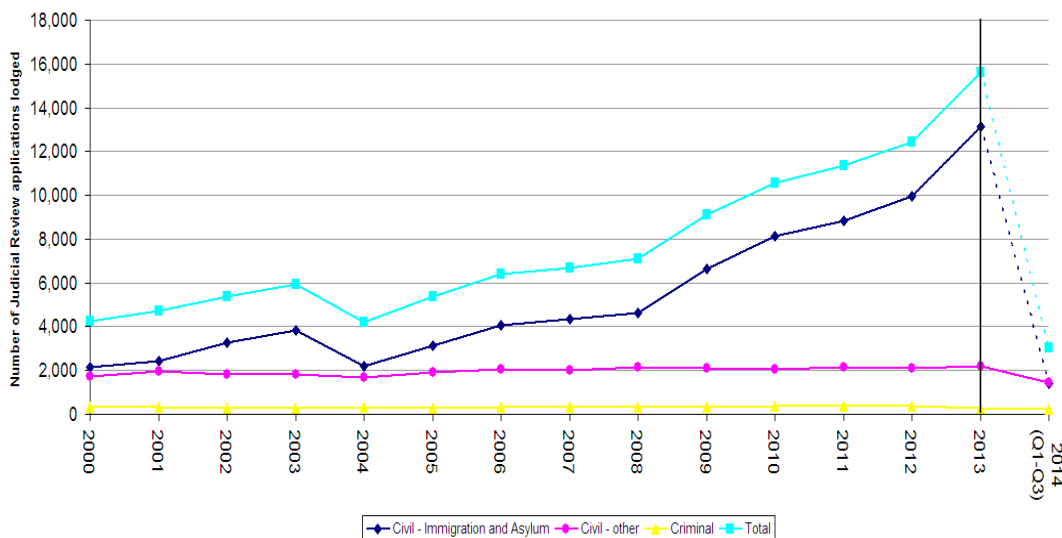
The overall annual trend in judicial review applications received has been steadily increasing, with the exception of a dip in 2004. In 2000, there were 4,238 applications for permission to apply for a Judicial Review (JR). By 2013, this had risen to an annual intake of 15,595 (over a threefold increase) (Table 2.1).

JR Civil (Immigration and Asylum) cases have been driving this increase, from 2,151 in 2000 to 13,130 in 2013. This type of judicial review accounted for half of all JRs in 2000 and 84% of all JRs in 2013. Figure 2.1 shows these increases over time.

So far this year (January to September 2014), there have been 3,059 applications. Although this figure is only for three quarters of the year, it is still apparent that it is much lower than seen in previous years. This is due to the transfer of the majority of Civil (Immigration and Asylum) cases to the Upper Tribunal from November 2013. Therefore the reduction in Immigration and Asylum JR cases seen means a subsequent increase will be seen in Immigration and Asylum tribunals.

The trends in JR Civil (other) and JR Criminal cases are less prominent than Civil (Immigration and Asylum). JR Criminal cases have reduced by 21% over the period to 213 in 2013, while JR Civil (other) cases rose by 22% to 1,453 in 2013.

Figure 2.1: Annual Judicial Review Applications, by type⁸ calendar year 2000-2013 and 2014 Q1-3



The dotted line represents only three quarters of 2014 but has been included to demonstrate the impact of the transfer of the majority of Civil (Immigration and Asylum) cases to the Upper Tribunal

Case progression (Table 2.2)

Once a judicial review has been lodged, it then progresses through the process until it is concluded; the time this process will take will be different for each case⁹.

Please note that the proportion of case mix has changed over time and thus any previously observed trends in case progression should be viewed with caution (Civil Judicial Reviews for Immigration and Asylum rose from 51% of all cases in 2000 to 84% of all cases in 2013 and stands at 46% for Q1-3 2014). Also, the case progression figures will change as time allows for more cases to progress through the system.

Permission stage

- In 2000, 85% of judicial reviews lodged reached the permission stage and 29% were granted permission to proceed. By 2013 the number granted permission to proceed had reduced to 9%. This decrease is

⁸ This chart excludes a small number of cases that could not be allocated to a type

⁹ For more information see the following guide:
www.gov.uk/government/uploads/system/uploads/attachment_data/file/319022/guide-to-court-and-administrative-justice-statistics-june-2014.pdf

partly explained by drop in the proportion of cases that had reached the permission stage, which fell to 54% in 2013.

- In 2014 to date, 13% of cases lodged were granted permission to proceed, compared with 9% in 2013. This may be due to an increase in the number of cases reaching the permission stage: almost two thirds of cases lodged in 2014 to date compared with 54% of all lodged cases in 2013.

Oral renewals

- For those cases that progressed to the oral renewal stage, the trends are far more stable. In 2000, 4% of all cases lodged reached an oral renewal and were granted permission to proceed. This fell to 2% for 2013 and has remained at this level in 2014 to date.

Final hearing

- The proportion of cases eligible for a final hearing (granted permission to proceed at permission or oral renewal stage) has steadily reduced over time, from 33% in 2000 to 10% in 2013. The rate is slightly higher so far this year and currently stands at 15%
- The proportion of all cases lodged that found in favour of the appellant at a final hearing has reduced from 12% in 2000 to 1% in 2013. So far this year, this proportion has remained the same.

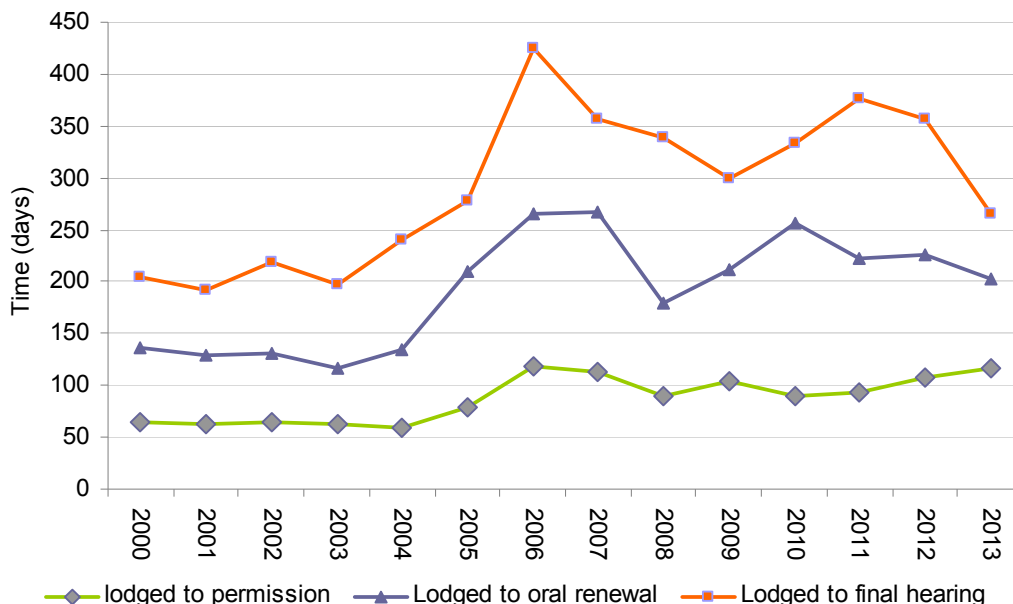
Timeliness (Figure 2.2 and Table 2.3)

Timeliness figures are based on the date the Judicial Review is lodged to the date of various stages of the process. It is not a measure of the time the Administrative Court takes to deal with a judicial review as it also includes time taken for parties to the JR to provide evidence and any adjournments or postponements requested. Caution must be taken when interpreting the most recent data but particularly that for Q1-3 2014 as not enough time has passed for all cases to reach each stage and those that have will be the ones that are shorter in length so the average will be lower than the true figure

- The average time taken from lodging a case to the permission stage has remained relatively stable between 2006 and 2013 where the number was 117 days.
- The average time taken between lodging a case and reaching the oral renewal stage reached a peak in 2007 at 267 days and has fluctuated since then. In 2012, the figure stood at 226
- The average time taken from lodging a case to the final hearing showed a similar pattern, peaking at 425 days in 2006 and fluctuating since then. The 2012 figure stood at 357. Please note this is based on cases that

have reached a final hearing and may change for later periods as cases progress through the system.

Figure 2.2: Average time taken for each stage of the Judicial Review process, 2000 to 2013¹



¹ The average time taken to reach each stage is calculated using only those cases that have reached the stage in question. Figures for later years may change in later periods, especially for 2013.

Please note the timeliness analysis includes cases that were transferred to the Upper Tribunal of the Immigration and Asylum Chamber. These cases were effectively closed on the COINS database in November 2013.

Totally without merit

In refusing permission for judicial review, a judge can certify a case to be totally without merit (TWM). As part of the Government's reforms to judicial review procedure, since 1st July 2013 a case refused permission and certified as totally without merit cannot be renewed at an oral hearing.

From the 1 October 2012 to 30 September 2014, there were 21,867 cases lodged. Of these 12,524 (57%) had reached permission or oral renewal stage at the time the data were extracted in November 2014. Of those that had reached these stages, 3,484 (28%) were found to be totally without merit

Annex A: Planned upcoming changes to publications

This is the first edition of a new statistical bulletin presenting statistics relating to civil cases and Judicial Reviews. These statistics were previously published within Court Statistics Quarterly Statistics which, after consultation, has been split into separate policy focussed publications.

We would like to take this opportunity to consult with stakeholders about how we can improve the new Civil Justice Statistics Quarterly.

We would particularly welcome your feedback on the following issues:

- How do you find the structure of the publication? Is it readable and have a good enough balance with text and graphs?
- Is there any particular analysis you would like to see that is not included (for example should there be more breakdowns by gender or region etc)?
- Conversely is there anything you think we shouldn't be publishing?

In addition, we are in the process of reviewing the case progression estimates that are used in this publication and would welcome any feedback, particularly on their usefulness, and how they are used by external customers and stakeholders.

If you have comments or suggestions please let us know by emailing: statistics.enquiries@justice.gsi.gov.uk. Please entitle your email 'Civil Justice Statistics Quarterly – consultation feedback'

Annex B: List of Accompanying Tables and CSV

Accompanying this publication are the following tables:

Civil Courts

1.1 County court activity, England and Wales, annually 2000 - 2013, quarterly Q1 2009 - Q3 2014

1.2 Number of claims issued in the county and magistrates' courts, by type of claim, England and Wales, annually 2000 - 2013, quarterly Q1 2009 - Q3 2014

1.3 Claims defended and allocations to track, England and Wales, annually 2000 - 2013, quarterly Q1 2009 - Q3 2014

1.4 Case progression in the county courts, England and Wales, annually 2009 - 2013, quarterly Q1 2009 - Q3 2014

1.5 Trials/small claim hearings, England and Wales, annually 2000 - 2013, quarterly Q1 2009 - Q3 2014

Judicial Reviews:

2.1 Number of case applications for permission to apply for Judicial Review by topic, 2000-2014(Q3)

2.2 Case Progression: number of Judicial Review cases that reach permission stage, oral renewal stage and final hearing by cases lodged, 2000-2014(Q3)

2.3 Timeliness (in days) of Judicial Review cases started, by staged reached, 2000-2014(Q3)

2.4 Number of Judicial Reviews classed as Totally Without Merit between 1 October 2012 to 30 September 2014

There are also a number of csv files that support this publication, these include;

- National and court level workload activity data
- National and court level case progression data
- National Judicial review data

Annex C: Explanatory notes

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

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

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

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

Breakdowns of many of the summary figures presented in this bulletin, such as split by case type or by HMCTS area, are available in the Comma Separated Value (csv) files that accompany this publication.

Revisions

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

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

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

Symbols and conventions

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

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

Further information

Information on publicly funding legal services is now published by the Legal Aid Agency and can be found here:

www.gov.uk/government/collections/legal-aid-statistics

Earlier editions of this publication can be found at:

www.gov.uk/government/organisations/ministry-of-justice/series/courts-and-sentencing-statistics

Contacts

Press enquiries on the contents of this bulletin should be directed to the MoJ or HMCTS press offices:

Philippa Silverman

Tel: 020 3334 3529

Email: philippa.silverman@justice.gsi.gov.uk

Zoe Campbell

Tel: 020 3334 6698

Email: zoe.campbell@hmcts.gsi.gov.uk

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

Tara Rose

Ministry of Justice

102 Petty France

London

SW1H 9AJ

Tel: 020 3334 0866

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

General enquiries about the statistics work of the MoJ can be emailed to statistics.enquiries@justice.gsi.gov.uk

General information about the official statistics system of the UK is available from www.statistics.gov.uk

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