



Ministry  
of Justice



# **Mortgage and Landlord Possession Statistics Quarterly, England and Wales**

January to March 2015

Ministry of Justice  
Statistics bulletin

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# Contents

Introduction	3
Court Caseload	3
Case progression	4
Key Findings	5
Section 1 - Mortgage possession actions	7
Section 2 - Landlord possession actions	10
Annex A - Further information	12
Annex B: Policy changes	13
Annex C: Explanatory notes	15
Contact points for further information	16

## Introduction

This quarterly bulletin presents statistics on mortgage and landlord possession actions in the county courts of England and Wales in January to March 2015. The statistics provide summary figures on the volume and progression of cases that follow the court process of possessing a property.

The statistics published here report on court total caseloads that are used to assist the planning of court resources both nationally and locally. They also estimate how many claims will lead to an order, warrant or repossession, which is used to monitor and evaluate policies. For previous publications of Mortgage and Landlords Possession Statistics, please see:

[www.gov.uk/government/collections/mortgage-and-landlord-possession-statistics](http://www.gov.uk/government/collections/mortgage-and-landlord-possession-statistics)

## Court Caseload

A mortgage or landlord possession action starts when a mortgage lender or landlord completes and submits a claim to the courts to repossess a property. The most common reason for repossession is arrears of mortgage or rent. The court process of possessing a property broadly follows four stages:

1. A claim for a mortgage or landlord possession being issued by a mortgage lender or a landlord;
2. An order being made by the County Court. This can either be an outright order that the property is to be recovered by a specific date, or a suspended order that is suspended as long as the defendant complies with conditions specified in the order;
3. If the defendant fails to leave the property by the date given in the order or does not meet the terms of a suspended order, the order may be enforced by a warrant of possession. This authorises the county court bailiff to evict the defendant from the property. The bailiff then arranges a date to execute the eviction; and
4. repossession by a County Court bailiff. Repossessions may occur without county court bailiffs, through less formal procedures, so the actual number of repossessions is usually greater than the number carried out by county court bailiffs.

This report also includes UK wide total mortgage repossession figures from the Council of Mortgage Lenders (CML). Therefore, these are not directly comparable to the other figures in this report, which cover England and Wales only.

Figures for each of these four processes are presented in the Excel tables and CSV files that accompany this publication.

The next publication of Mortgage and Landlord Possession Statistics Quarterly, England and Wales is scheduled to be published on 13 August 2015, covering the period April to June 2015.

## **Case progression**

This bulletin includes estimates of the percentage of claims issued in a specific quarter or year that will progress to an order, warrant or repossession when the full amount of time has been allowed to pass for those claims to progress through the County Court system. These figures are different from the court caseload figures described above which shows the total number of orders, warrants or repossession by county court bailiffs in that quarter, irrespective of when the claim was issued.

The estimated percentages 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 inherently 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 Civil and Administrative Justice Statistics<sup>1</sup> for more information on how this figure is calculated).

We have reviewed the case progression estimates that are used in this publication and have set out proposed changes in a document released alongside this publication. If you want to have your say on the proposed changes please email [case.progression@justice.gsi.gov.uk](mailto:case.progression@justice.gsi.gov.uk). Please provide feedback on the proposed changes by 14 July.

As supplementary information, we also provide the percentage of claims issued in a quarter or year that have already resulted in an order being made, a warrant being issued, or a repossession being carried out. Caution should be exercised when interpreting these figures for recent years: the information contained in the bulletin is based on the data available at the point 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 an order, warrant or repossession.

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<sup>1</sup> [www.gov.uk/government/statistics/guide-to-civil-and-administrative-justice-statistics](http://www.gov.uk/government/statistics/guide-to-civil-and-administrative-justice-statistics)

## Key Findings

This report presents key statistics on mortgage and landlord possession claims in County Courts in England and Wales for the first quarter of 2015 (January to March). This includes summary figures of volume and progression of cases that follow the court process of possessing a property. All figures for the current quarter (January to March) are currently provisional.

### Mortgage possession

- In January to March 2015, 5,643 mortgage possession claims in county courts were recorded, down 56% on the number of mortgage possession claims issued during January to March 2014. This is the lowest number of quarterly claims recorded since 2004.
- Provisional estimates of claims issued in January to March 2015 progressing to an order, warrant or repossession by county bailiffs were around 69%, 41% and 20% respectively.
- There were 4,232 orders for possession, 6,340 warrants of possession and 1,658 repossessions by county court bailiffs in January to March 2015. These figures represent the lowest quarterly number of mortgage possession orders, warrants and repossessions recorded since 2004.
- The annual total of claims issued in 2014 was 41,151, down by nearly a quarter on 2013. This is the lowest annual figure in the series, which covers the period from 1987. The number of orders, warrants and repossessions in 2014 has also fallen compared with 2013.

### Landlord possession

- The number of landlord possession claims in county court recorded during January to March 2015 was 42,226, down 11% on the number of claims issued during the same quarter in 2014.
- Provisional estimates of claims issued in January to March 2015 progressing to an order, warrant or repossession by county bailiffs were around 73%, 39% and 21% respectively.
- There were 31,442 orders for possession, 20,683 warrants of possession and 11,307 repossessions by county court bailiffs in January to March 2015. Compared to the same period in 2014, the number of orders issued has decreased by 6%. Warrants and repossessions have both increased by 1% and 8% respectively.

- The annual total of claims issued in 2014 was 164,777, down 3% on the previous year<sup>2</sup>. However the numbers of orders, warrants and repossessions in 2014 have increased since 2013. For repossessions, there were 41,965 in 2014, the highest annual figure in the series, which covers the period from 2000.

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<sup>2</sup> Annual figure for the total number of landlord possession claims in 2014 has been revised upwards by an additional 3,000 possessions. The number of claims is still down compared with 2013 but the fall is 3% rather than the 5% quoted in last quarter's bulletin.

## Section 1 - Mortgage possession actions

During the past ten years, the number of mortgage possession actions<sup>3</sup> in court has increased since 2002, peaked in 2008, and decreased since then (Figure 1 and Table 1). The total number of properties repossessed<sup>4</sup> has followed a similar trend.

The fall in the number of mortgage possession actions since 2008 coincides with lower interest rates<sup>5</sup>, a proactive approach from lenders in managing consumers in financial difficulties and other interventions from the government, such as the Mortgage Rescue Scheme. Other factors that may have contributed to the rapid fall in the number of mortgage possession claims and orders since 2008 include the introduction of the Mortgage Pre-Action Protocol (see the Annex on policy changes for more information). Additionally, the downward trend in recent years coincides with a decrease in the number of owner-occupiers<sup>6</sup>.

The estimated proportion of claims progressing to an order, warrant or repossession by county court bailiffs also increased between 2002 and 2010.

Since 2010 estimated proportions of claims leading to orders has shown a steady decrease quarter on quarter. The estimated proportion of claims leading to warrants has also shown a steady decrease since 2010.

Looking at the longer term trend, the estimated proportion of claims progressing to an order, warrant or repossession in 2008 were around 73%, 46% and 28% respectively. Estimates for 2014 show marked decreases to around 59%, 34% and 19% (Table 2).

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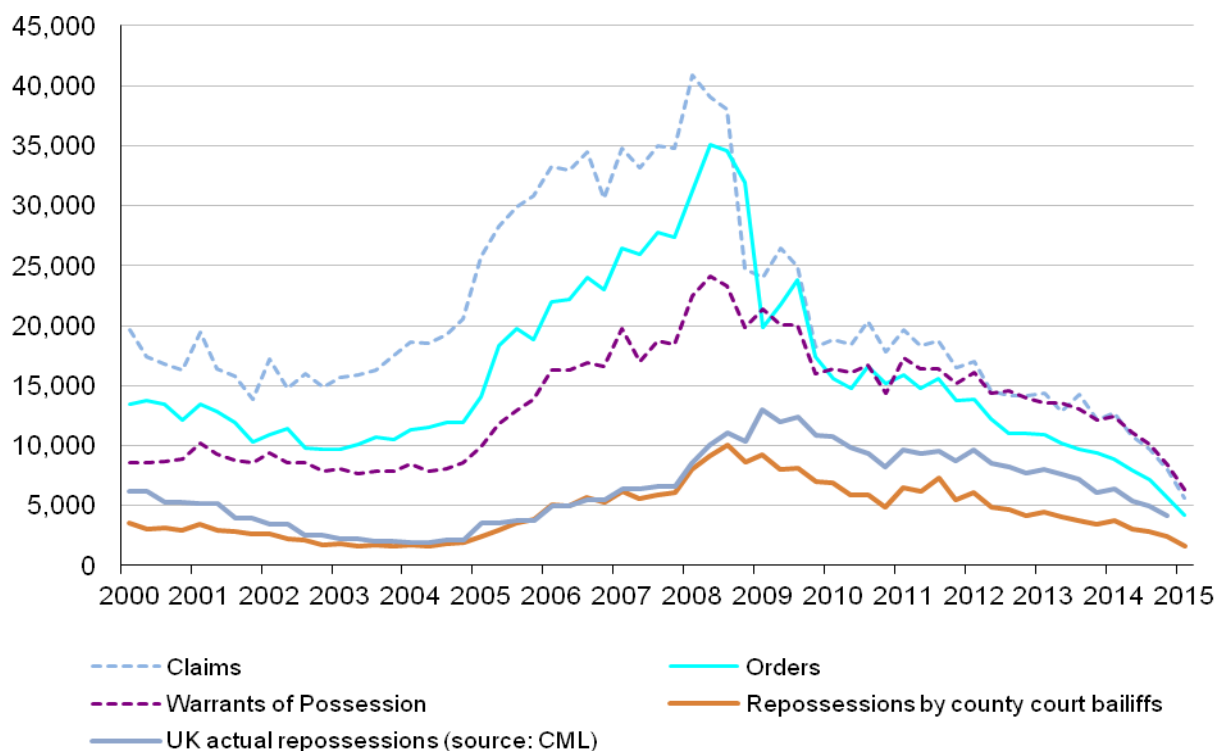
<sup>3</sup> Actions includes claims, orders, warrants of possession, and repossession by county court bailiffs

<sup>4</sup> Including those not repossessed by county court bailiffs

<sup>5</sup> At the end of September 2008, the base rate set by the Bank of England was 5%. By the end of March 2009 it was 0.5%, where it stayed for the rest of the period covered in this bulletin (see [www.bankofengland.co.uk/statistics/Pages/default.aspx](http://www.bankofengland.co.uk/statistics/Pages/default.aspx))

<sup>6</sup> As stated in the English Housing Survey:  
[www.gov.uk/government/organisations/department-for-communities-and-local-government/series/english-housing-survey](http://www.gov.uk/government/organisations/department-for-communities-and-local-government/series/english-housing-survey)

**Figure 1: Mortgage possession actions in England & Wales, 2000 to 2015 Q1**



**Claims issued:** A possession claim is created when a claimant begins a legal action for an order for possession of property by making a claim that is then issued in a county court. There were 5,643 mortgage possession claims issued in January to March 2015, down 56% on the same quarter in 2014. The total number of claims issued in 2014 was 41,151, this reflects a 23% decrease on the total of claims issued in 2013.

**Orders<sup>7</sup>:** The court may grant an order following a judicial hearing which can be either for immediate possession (outright order) or suspended. There were a total of 4,232 orders in January to March 2015, down 53% on the number of orders in the same period in 2014.

Of mortgage possession orders made, 46% were suspended in January to March 2015, the same proportion seen in 2014 annually. – this proportion has remained generally stable between 45% and 50% since 2006.

Based on the fact that 27% of claims have reached the order stage to date, it is estimated that 69% of claims issued in January to March 2015 will lead to an order being made in time although this figure could range between 61% and 77%<sup>8</sup>.

<sup>7</sup> Between 2007 and 2009 changes to the method of data collection led to an over-estimate of the total number of orders and warrants. Please see [A Guide to Civil and Administrative Justice Statistics](#) for details.

<sup>8</sup> A general description of how these estimates were calculated is contained in the Introduction. Please see [A Guide to Civil and Administrative Justice Statistics](#) on this website for a detailed methodological description.



**Warrants of possession<sup>6</sup>:** Having received an order, or if the terms of a suspended order are broken, the claimant can apply for a warrant of possession. There were 6,340 warrants of possession in January to March 2015, almost half the number seen in the same period in 2014. The total number of warrants issued in 2014 was 41,901, down 20% from the previous year.

Based on the fact that 3% of claims have reached the warrant stage to date, it is estimated that 41% of claims issued in January to March 2015 will progress to a warrant being issued, however this figure may range between 35% and 46%.

**Repossessions in England and Wales by county court bailiffs:** Once a warrant has been issued, county court bailiffs can repossess the property on behalf of the claimant. There were 1,658 repossessions by county court bailiffs in January to March 2015, down 55% on the same quarter in 2014. The total number of repossessions in 2014 was 11,976, which is a 24% decrease on the number of repossessions in 2013.

It is estimated that 20% of the claims issued in January to March 2015 will lead to repossessions; however this figure may range between 15% and 25%. So far to date 16 claims have reached the warrant stage.

**All repossessions in the UK<sup>9</sup>:** UK-wide there were 4,200 repossessions in total in October to December 2014. This figure includes repossessions carried out by county court bailiffs and also other types of repossessions.

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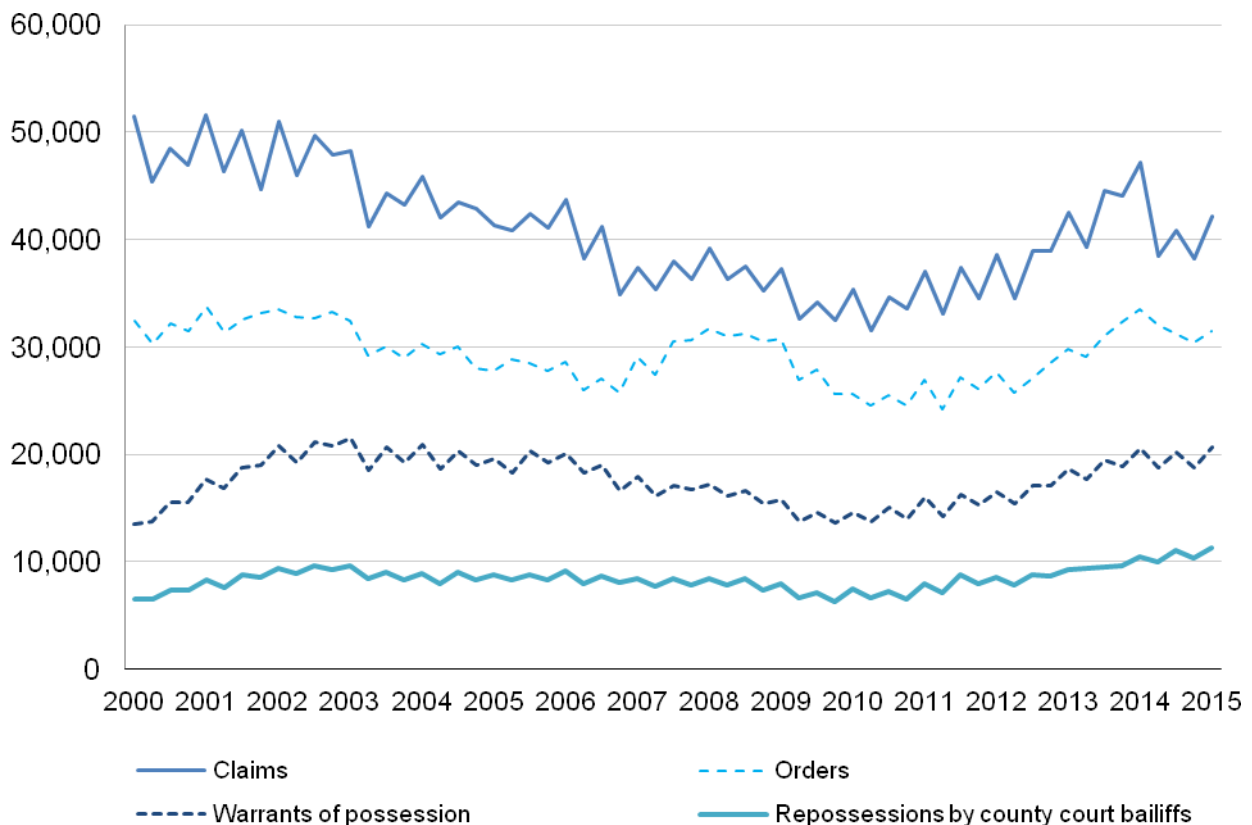
<sup>9</sup> Information on actual mortgage repossessions is provided by the Council of Mortgage Lenders (CML) and is presented in this bulletin with a delay of three months. Please also note this figure relates to repossessions made in the United Kingdom whereas all other statistics in this bulletin relate to England and Wales. It should also be noted that these figures are rounded by the CML to the nearest hundred. For the most recent quarterly update on actual mortgage repossessions, please see the CML website: [www.cml.org.uk/cml/statistics](http://www.cml.org.uk/cml/statistics).

## Section 2 - Landlord possession actions

Annually, landlord possession claims decreased between 2002 and 2010 and subsequently increased until 2013. However in 2014, this figure fell (Figure 2 and Table 3). The trend in recent years coincides with that of the number of renters<sup>10</sup>.

The estimated proportions of claims which have progressed to an order or warrant have also been increasing since 2009 and 2008 respectively. The estimated proportion of claims which have progressed to repossession by county court bailiffs increased slightly from 2009 to 2012 (20% to 24%) and has remained stable since then. The estimated proportions of claims leading to an order, warrant or repossession in 2010 stood at around 68%, 36% and 22% respectively. The estimated proportion of claims progressing to each stage in 2014 was 73%, 41% and 25% respectively.

**Figure 2: Number of landlord possession actions in England & Wales, 2000 to 2015 Q1**



**Claims issued:** A possession claim is created when a claimant begins a legal action for an order for possession of property by making a claim that is then issued in a county court. There were 42,226 landlord possession claims issued in January to March 2015, which is a decrease of 4,982 (11%) on the same quarter in 2014. The total number of possession claims issued in 2014 was 164,777, this reflects a 3% decrease on the total number of

<sup>10</sup> Please see English Housing Survey (footnote five)

claims issued in 2013. The annual figure for 2014 has been revised upwards by an additional 3,000 possessions. The number of claims is still down compared with 2013 but the fall is 3% rather than the 5% quoted in last quarter's bulletin.

Within landlord possession claims, there are three types of claims; social landlord, private landlord and accelerated claims. Accelerated claims can be used by both private and social landlords under certain circumstances and are usually quicker than normal evictions. The majority of landlord possession claims (27,204 or 64%) were social landlord claims, whilst 5,551 (13%) were private landlord claims and 9,471 (22%) were accelerated claims.

**Orders:** The court may grant an order following a judicial hearing which can be either for immediate possession (outright order) or suspended. There were a total of 31,442 landlord possession orders made in January to March 2015, down 6% on the number of orders in the same period in 2014.

In January to March 2015, 42% of landlord possession orders being made were suspended. Annually, the proportion of suspended orders in 2014 was 43% - maintaining the flat trend seen since 2010.

It is estimated that 73% of claims issued in January to March 2015 will lead to an order being made in time, although this figure could range between 70% and 77%.

**Warrants of possession:** Having received an order, or if the terms of a suspended order are broken, the claimant can apply for a warrant of possession. There were 20,683 warrants of possession in January to March 2015, a slight increase (up 1%) on the same period in 2014. The total number of warrants issued in 2014 was 78,272, up 5% on 2013.

In the last decade, the estimated proportion of claims that will lead to warrants annually has been between 34% and 39%, with figures generally trending upwards since 2008 – the latest estimate for 2014 is 41%, the highest proportion to date. It is estimated that January to March 2015 will be 39%, although the final figure could range between 34% and 43%.

**Repossessions by county court bailiffs:** Once a warrant has been issued county court bailiffs can repossess the property on behalf of the claimant. There were 11,307 landlord repossessions by county court bailiffs in January to March 2015, up 8% on the same period in 2014. The total number of repossessions in 2014 was 41,965, up 11% on 2013.

The estimated proportion of claims leading to repossessions has followed an upward trend between 2009 and 2012, remaining at a stable in 2013 (24%) and increased to 25% in 2014. It is estimated that 21% of claims made in January to March 2015 will lead to repossessions by county court bailiffs, although this figure could range between 18% and 25%.

## Annex A - Further information

Supplementary tables and CSV datasets are available alongside this bulletin, allowing users to analyse the data themselves.

The following tables are available, showing data for county courts in England and Wales:

- Table 1: Mortgage possession workload in the county courts of England and Wales, 1987 – 2015 Q1
- Table 2: Mortgage possession claims that lead to orders, warrants, and repossessions in the county courts of England and Wales, 1999 – 2015 Q1
- Table 3: Landlord possession workload in the county courts of England and Wales, 1990 – 2015 Q1
- Table 4: Landlord possession claims that lead to orders, warrants, and repossessions in the county courts of England and Wales, 1999 – 2015 Q1
- Table 5: Landlord possession claims in the county courts of England and Wales by type of procedure and landlord, 1999 – 2015 Q1
- Table 6: Mortgage and Landlord possession workload in the county courts of England by type of procedure and landlord, 1999 – 2015 Q1
- Table 7: Mortgage and Landlord possession workload in the county courts of Wales by type of procedure and landlord, 1999 – 2015 Q1

The CSV datasets contain local authority and court-level breakdowns of claims, orders, warrants and county court bailiff repossessions for England and Wales, for the full amount of time that data are available. Where the value is between 1 and 5, the value is suppressed and shown as “-” to protect the confidentiality of those involved in the claim, order, warrant or repossession. For this reason, the national total number of claims, orders etc. from this data-set will not match the actual total, although the differences are generally small.

For more information, please refer to the separately downloadable **Guide to local authority and court-level information**, which can be found in the CSV zip folder, which accompany this publication.

## Annex B: Policy changes

### **New Bailiff Laws**

New laws came into effect on 6 April 2014 to bring an end to bad and aggressive bailiff behaviour, while making sure businesses, local authorities and others can still fairly enforce debts owed to them. These reforms are part of a wider package under changes to the Tribunals, Courts & Enforcement Act 2007.

With roughly 4 million debts collected each year, in future only bailiffs who have been trained and received certification will be allowed to practise.

Bailiffs will be banned from entering homes at night and from using physical force against debtors. The changes will also prevent bailiffs from entering properties where only children are at home and includes further measures to protect vulnerable people. Bailiffs will be prevented from taking vital household essentials from debtor's property, such as a cooker, microwave, refrigerator or washing machines.

A new set of fixed fees for debtors has also been introduced, to end the previous situation where bailiffs were setting their own fees – sometimes at very high levels – and adding these to the amount people in debt had to pay.

### **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;
- Third 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% 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 7 weeks (using 2011 data) after claims are issued, the downward impact on the number of mortgage possession orders 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.

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](http://www.justice.gov.uk/guidance/courts-and-tribunals/courts/procedure-rules/civil/contents/protocols/prot_mha.htm)

## 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 courts in England and Wales. Calendar year statistics are also provided.

### 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 Civil and Administrative Justice Statistics**.

### Symbols and conventions

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

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

## Contact points for further information

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

[www.gov.uk/government/collections/mortgage-and-landlord-possession-statistics](http://www.gov.uk/government/collections/mortgage-and-landlord-possession-statistics)

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

**Hugo Biggs**

Tel: 0203 334 3514

Email: [hugo.biggs@justice.gsi.gov.uk](mailto:hugo.biggs@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:

**Simon Edwards**

Email: [simon.edwards@communities.gsi.gov.uk](mailto:simon.edwards@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 020 7438 8922.

Other enquiries about these statistics should be directed to:

**Justice Statistics Analytical Services**

**Tara Rose**

Ministry of Justice

7<sup>th</sup> Floor

102 Petty France

London SW1H 9AJ

Email: [statistics.enquires@justice.gsi.gov.uk](mailto:statistics.enquires@justice.gsi.gov.uk)

Other National Statistics publications, and general information about the official statistics system of the UK, are available from [www.statistics.gov.uk](http://www.statistics.gov.uk)

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