



Ministry
of Justice



Civil Justice Statistics Quarterly, England and Wales (incorporating Privacy Injunction Statistics July to December 2014)

October to December 2014

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Introduction

This statistical bulletin presents statistics on three key areas of civil and administrative justice:

- County Court civil (non-family) cases that took place in England and Wales in October to December 2014;
- Judicial Review cases processed by the Administrative Court in England and Wales up to December 2014;
- Privacy Injunction cases, dealt with by the High Court or Court of Appeal, for the six month period, July to December 2014 (previously a separate publication).

The figures give a summary overview of the volume of cases dealt with by these areas 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.

In this quarterly publication, we have introduced a section on the legal representation of parties involved civil court cases – the data are provided in table 1.7 which shows the number of defended claims by the type of case and representation status (both appellant and respondent; respondent only, appellant only, neither appellant nor respondent).

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.

Privacy injunctions are used when a person or organisation who wishes to prevent the publication or dissemination of private or confidential information applies to the High Court for an injunction to stop this from occurring. These statistics were previously published as a separate publication entitled 'Statistics on Privacy Injunctions' - following a recent consultation, these figures have been incorporated into Civil Justice Statistics Quarterly, and will be published every six months.

We would like to take this opportunity to consult with users and stakeholders about the publication frequency of the Privacy Injunctions chapter, in

particular whether it would be acceptable to change this from being once every six months to an annual addition to Civil Justice Statistics quarterly. For any feedback on the publication frequency of the Privacy Injunction chapter, please email statistics.enquiries@justice.qsi.gov.uk by **30 April 2015**.

Information about the systems and data included in this publication can be found in '**A Guide to Civil and Administrative Justice Statistics**', found at the following link:

<https://www.gov.uk/government/collections/civil-justice-statistics-quarterly>

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 Civil Justice Statistics Quarterly can be found here:
www.gov.uk/government/collections/civil-justice-statistics-quarterly

Previous editions of the Privacy Injunctions statistics can be found here:
www.gov.uk/government/collections/statistics-on-privacy-injunctions

The next publication of Civil Justice Statistics is scheduled to be published on 4 June 2015, covering the period January to March 2015. This publication will also include additional tables relating to cases from the Royal Courts of Justice in 2014.

Key Findings

This report presents statistics on three areas of justice: civil (excluding family cases) and judicial reviews in England and Wales in the fourth quarter of 2014 (October to December); and Privacy Injunctions for the period July to December 2014.

Civil (excluding family) cases

- In October to December 2014, courts dealt with 379,000 claims and 196,000 judgements were made (1% and 15% higher respectively than same quarter last year).
- In contrast, the number of defences stood at 46,000, down 18% on the same quarter the previous year and the fifth consecutive year on year decrease (when compared to the same quarter the previous year).
- There were 829,000 judgements in 2014, up 25% on 2013. The increase is due to the combination of an increase in claims and a decrease in claims being defended, leading to more default judgements occurring.
- In 2014, both the claimant and defendant had legal representation in 71% of defences (compared to 65% in 2013) whilst neither the respondent nor the claimant had representation in 14% of defences, This is driven by defences of specified money claims, which account for 55% of all defences and in almost all such defences (97%), both sides were legally represented.
- There was an average of 59 weeks between a fast or multi-track claim being issued and the claim going to trial, compared with 60 weeks in the same period in 2013.

Judicial Reviews at the Administrative Court

- In 2014 there were 4,100 applications lodged at the Administrative Court, compared with 15,600 in 2013. The sharp decrease in the most recent year is due to a change in policy whereby the majority of immigration and asylum Judicial Reviews are now dealt with by the Upper Tribunal for Immigration and Asylum Chamber (UTIAC).
- 70% of the applications lodged in 2014 have now closed. A higher proportion of closed cases were eligible for a final hearing in 2014 (16%) compared with 2013 (10%).
- The proportion of all cases lodged found in favour of the claimant at a final hearing has reduced from 12% in 2000 to 1% in 2012 and has remained the same in 2013 and 2014.

Privacy Injunctions

- In the period July to December 2014, there was one privacy injunction proceeding dealt with by the Royal Courts of Justice (RCJ) in London. This was for a new interim injunction.

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 trial. 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 Civil 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 Accessible from the following link: <https://www.gov.uk/government/collections/civil-justice-statistics-quarterly>

Number of claims issued

In October to December 2014, a total of 378,785 claims were issued, 1% higher than in the same quarter in 2013 (Table 1.1 and Figure 1.1). This increase has been driven entirely by specified money claims, with all other types of claims decreasing over the same period.

Annually, 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, the trend has reversed, with a slight increase in 2013 and a further increase to 1.6 million claims being made in 2014.

In the most recent quarter, 82% of all claims were money claims, compared with 77% in the same quarter in 2013. In the current quarter, 89% of money claims (274,807) related to claims for specified amounts of money (up 8% from the same time last year). The remaining money claims related to unspecified money claims, down 3% from last year (Table 1.2).

In October to December 2014, there were 69,327 non-money claims (down 18% on the same point in 2013). 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. In 2014 the number of non-money claims has reduced further to 312,623. 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).

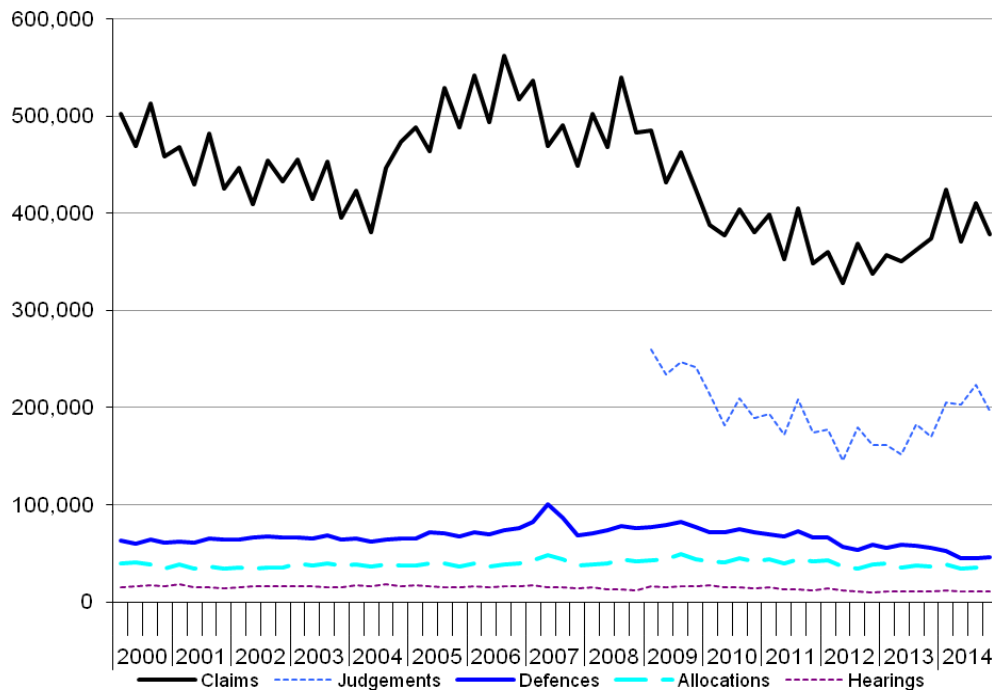
There were 5,438 insolvency petitions³ (excluding in the Royal Courts of Justice) in October to December 2014. This shows a 18% decrease on the same quarter last year and remains within the general downward trend seen since 2009. Between 2000 and 2009, insolvency petitions more than tripled (Table 1.2). The large decrease since 2009 has been steepest amongst 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 – October to December 2014



Number of defences, allocations, hearings and judgments

In October to December 2014, 46,142 defences were made, 18% less than at the same point in the previous year. Looking over the longer term, there has been a general downward annual trend since the peak of just under 340,000 in 2007, with the 2014 figure being 188,917. It is estimated that 11.8% of claims issued in October to December 2014 will be defended, although this may fall within a range of 10.3% and 13.7% (Table 1.5 and Figure 1.2).

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. In October to December 2014, a total of 35,085 allocations were made, 5% lower than the same period in 2013 (Table 1.3).

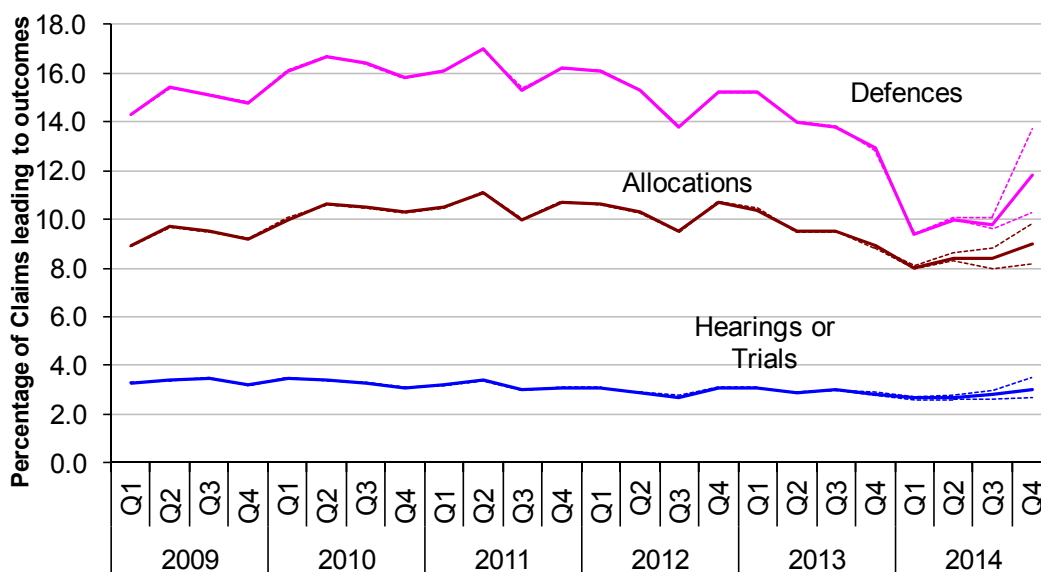
- Almost half (17,170) were allocated to the small claim track, 1% more than in the fourth quarter of 2013. This track is generally for cases with a claim value of up to £10,000 which require less preparation by the parties involved than the more complex cases allocated to the fast or multi track. The 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. The increase in small claims seen is possibly attributed to the change of policy on 1 April 2013, where the maximum claim value for the small claim track increased from £5,000 to £10,000.
- 39% (13,774) were allocated to the fast track, 9% 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% (4,414) were allocated to the multi track, 8% 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 9.0% of claims issued between October to December 2014 will be allocated (with a range between 8.2% and 9.8%).

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



Dotted lines depict upper and lower limits of the estimates

In October to December 2014, a total of 196,454 judgements were made, 15% more than the same period in 2013. Annually, the number of judgments fell between 2009 and 2012, but has begun to show an increase in the last two years. In 2014 there were 828,992 judgements made, an increase of 24% compared to 2013 (Table 1.4). The large annual increase in judgements is caused by the equivalent increase claims being submitted and less claims being defended. The fewer claims being defended would lead to more default judgements occurring.

Defended cases which are not settled or withdrawn generally result in a small claim trial (Table 1.6). In total, there were 10,737 trials in October to December 2014, 3% more than in the same quarter in 2013. It is estimated that 3.0% of claims issued between October to December 2014 will go to trial (with a range between 2.7% and 3.5%).

In the current quarter, 8,010 small claims trials took place. On average, these occurred 32 weeks after the claim was originally made. This is the same average time as the previous quarter and is the longest average time

to trial 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. In 2014, the annual average time increased to 32 weeks. Fast and multi-track trials (of which there were 2,727 in the most recent quarter) occurred on average 59 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, to an annual average of 57 weeks (Table 1.6).

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.

The number of warrants issued has been steadily falling since 2000, until the July to September 2014 quarter, where it increased by 11% compared to the same period the previous year. This increase is out of line with the general trend - in October to December 2014, a total of 55,706 warrants were issued, down 2% from the same period in 2013 suggesting a return to the downward trend seen over time.

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 October to December 2014, 30,020 enforcement orders were made, an increase of 4% compared to the same period in 2013. This figure has been generally falling since 2008.

Legal representation

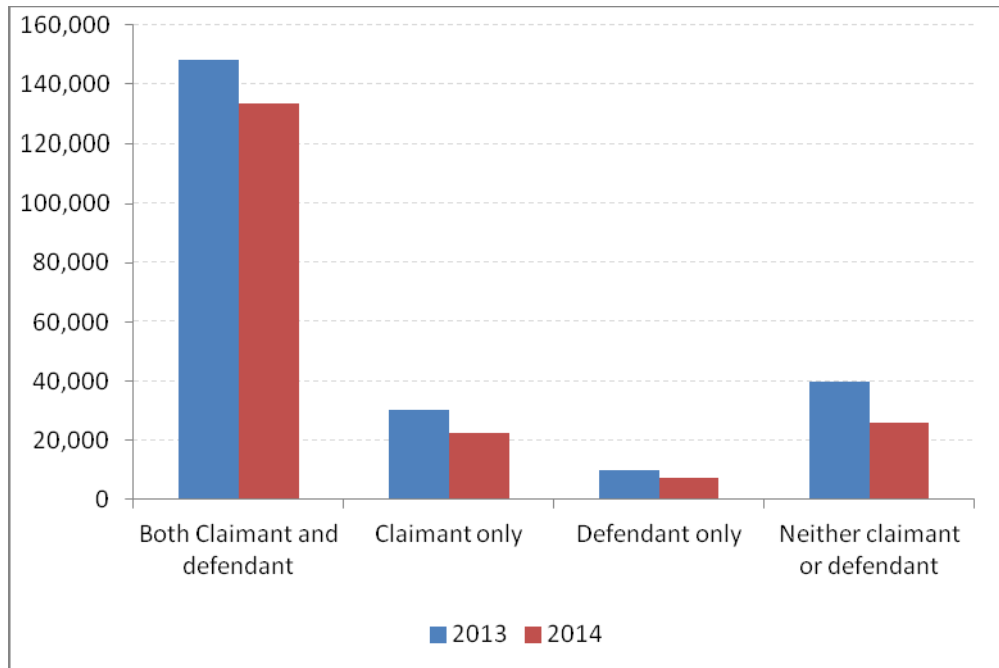
Figures on the legal representation of parties in civil (non family) related court cases are shown in Table 1.7. This gives the number of claims defended during each quarter, for mortgage and landlord possession, other non money claims, specified money claims and unspecified money claims, according to whether the applicant(s), respondent(s), both or neither had legal representation during the case.

The legal representation status reflects whether the applicant/respondent's legal representative has been recorded or left blank within CaseMan, the County Court case management system. Therefore, parties recorded as

without legal representation are not necessarily self-representing litigants in person.

Figure 1.3 shows the number of defences broken down by representation status for 2013 and 2014 in England and Wales.

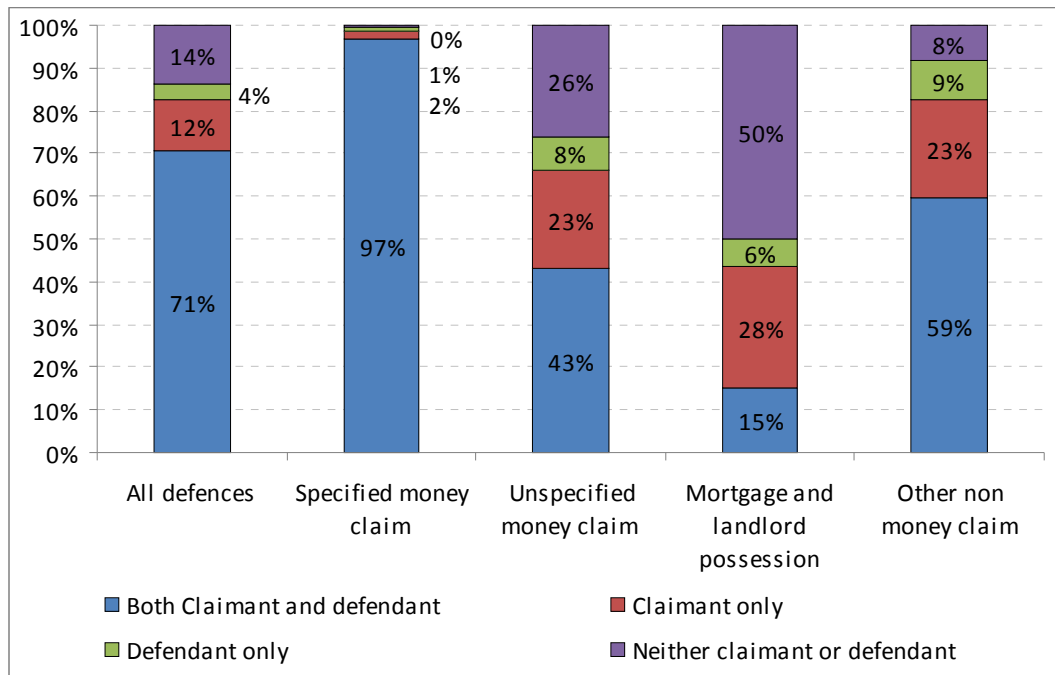
Figure 1.3: Number of civil defences by type of civil claim and legal representation status, January to March 2013 – October to December 2014



Although the total number of defences has gone down when comparing 2013 to 2014, the proportion of representation for the defences that had occurred has been consistent, with the majority of defences having legal representation for both the claimant and respondent.

In 2014, both the claimant and defendant had legal representation in 71% of defences (compared to 65% in 2013) whilst neither the respondent nor the claimant had representation in 14% of defences, Defences with either the claimant or defendant only represented were 12% and 4% of all defences respectively.

Figure 1.4 shows the number of defences in 2014 broken down by representation status and case type in England and Wales.

Figure 1.4: Proportion of civil defences, by type of case and legal representation status, England and Wales, 2014**Figure 1.4b Number and proportion of defences by type of defence claim, England and Wales, 2014**

| | All Defences | Specified money claims | Unspecified money claims | Mortgage and Landlord Possessions | Other non-money claims |
|------------------------|--------------|------------------------|--------------------------|-----------------------------------|------------------------|
| Number of defences | 188,917 | 103,927 | 64,615 | 16,590 | 3,785 |
| Proportion of defences | 100% | 55% | 34% | 9% | 2% |

The most common type of defence claim, specified money claims, accounts for just over half of all defences (55%) and in almost all defences of this type (97%), both the respondent and claimant had legal representation. For the other types of claim, legal representation status is more evenly distributed although mortgage and landlord possession defences are more likely to not have legal representation for both the respondent and claimant.

Changes to legal aid came into effect as of April 2013, and removed legal aid eligibility for some civil cases. However, figures show that the proportion of defences with legal representation for at least one party has actually increased slightly between 2013 and 2014. We will be carrying out further work to look in more detail at the emerging trends within these data.

The Legal Aid Agency (LAA - formerly the Legal Services Commission) collects statistics on those applying for legal aid, and figures on the number applications received and certificates granted by various civil categories, including debt have been published in their annual statistical report which can be found here:

www.gov.uk/government/statistics/legal-aid-statistics-april-2013-to-march-2014

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 10,116 completed civil proceedings in the Magistrates Court between October to December 2014, down 39% 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 at the Administrative 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.

This chapter tracks the progress of JRs lodged at the Administrative Court between 1 January 2000 and 31 December 2014. The figures presented in **this chapter exclude Judicial Reviews that are dealt with by the Upper Tribunal Immigration and Asylum Chamber (UTIAC)**; however these figures are publicly available in a separate publication⁵.

As the information included in this chapter 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 data.

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 applications lodged during the year 2014, where a larger 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 Civil and Administrative Justice Statistics**⁶.

⁵ Tribunal and Gender Recognition Certificate Statistics Quarterly:
www.gov.uk/government/collections/tribunals-statistics

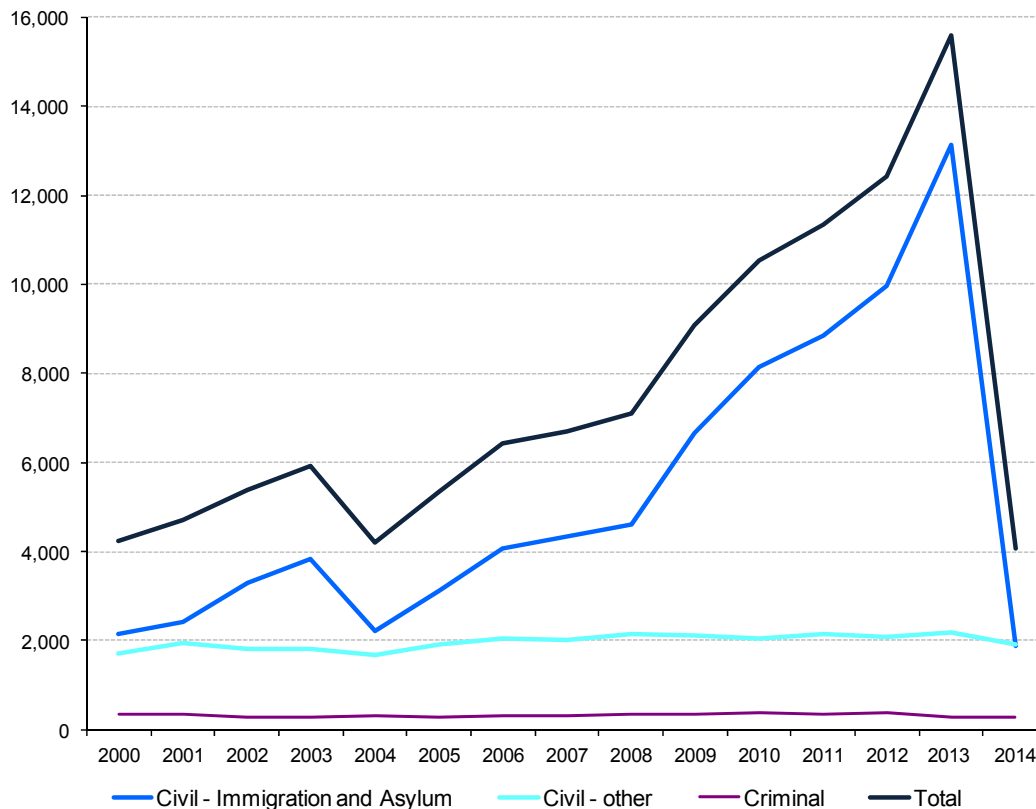
⁶ Accessible from the following link: <https://www.gov.uk/government/collections/civil-justice-statistics-quarterly>

Applications for permission to apply for Judicial Review

The overall annual trend in judicial review applications received had been steadily increasing up to 2013 and has since dropped dramatically in 2014. In 2000, there were 4,238 applications for permission to apply for a Judicial Review and by 2013, this had risen to an annual intake of 15,594 (over a threefold increase) (table 2.1, figure 2.1). This year, however, there have only been 4,062 applications, almost a quarter of the number of applications lodged last year and the lowest number since the time series began in 2000.

JR Civil (Immigration and Asylum) cases have been driving the previous increase, from 2,151 in 2000 to 13,130 in 2013 and are the reason for drop seen in 2014. This type of judicial review accounted for half of all JRs in 2000 and 84% of all JRs in 2013 before dropping back to 47% in 2014.

Figure 2.1: Annual Judicial Review Applications, by type⁷ calendar year 2000-2014



The recent decline seen is due to a change implemented⁸ in November 2013, in which the Upper Tribunal for Immigration and Asylum Chamber (UTIAC) took over responsibility for the majority of Civil (Immigration and Asylum) Judicial Review cases, from the Administrative Court. Therefore the reduction in Immigration and Asylum JR cases seen above means a

⁷ This chart excludes a small number of cases that could not be allocated to a type

⁸ www.justice.gov.uk/courts/rcj-rolls-building/administrative-court/applying-for-judicial-review

subsequent increase has been seen in Immigration and Asylum tribunals. The figures on the number of JRs taking place in the UTIAC are published in a separate publication⁶. There were 1,892 Civil-Immigration and Asylum cases which were dealt with by the Administrative court in 2014, of which 105 were subsequently transferred to the UTIAC.

The trends in JR Civil (other) and JR Criminal cases are less prominent than Civil (Immigration and Asylum). JR Civil (Other) cases steadily rose from 1,727 in 2000 to 2,191 in 2013. This year the figure has fallen to 1,902, a 13% decrease on last year. JR Criminal cases have remained fairly stable from 2000 to 2011, fluctuating between 280-370 cases each year. In 2012 it reached a peak of 384 cases and has since fallen to 273 in 2013 and an all time low of 268 cases in 2014.

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.

The three main stages of the Judicial Review process once a case has been lodged are:

- Permission stage - where the Court's permission is required for a claim for JR to proceed. This can be in the form of an oral or paper hearing.
- Oral renewal stage - In cases where the Court refuses permission to proceed (either in full or in part), this is where the claimant requests that the decision be reconsidered at a hearing.
- Final hearing – Where permission is granted for a case to proceed at either the permission or oral renewal stage, this is the point where cases are heard and a judgement is made.

Please note, case progression figures can be affected by the proportion of case mix, which has changed over time and thus any previously observed trends should be viewed with caution. For example, 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 47% in 2014.

Also, the case progression figures will change as time allows for more cases to progress through the system.

⁹ For more information see 'A Guide to Civil And Administrative Justice', accessible from the following location: <https://www.gov.uk/government/collections/civil-justice-statistics-quarterly>

Permission stage

- In 2000, 85% of judicial reviews lodged reached the permission stage and 29% were granted permission to proceed. These proportions decreased gradually over time to an all time low in 2013 of 54% JR reaching permission stage and 9% being granted permission to proceed.
- In 2014 the number granted permission to proceed had increased slightly to 14%. This may be due to an increase in the number of cases reaching the permission stage; 68% of cases lodged in 2014 compared with 54% of all lodged cases in 2013.

Oral renewals

- In 2000, 18% of all cases lodged were granted an oral renewal. This rose to 26% in 2001 and steadily fell to 14% in 2009. There was a slight increase to 17% in 2012, before falling to 8% in 2013 and remaining at 8% in 2014.
- The fall in those eligible is most likely due to the introduction on 1st July 2013 of chapter 54, section 12, subsection 7 in the civil procedure rules, where a judge is able to label a case as being “Totally without merit”; in which case, a claimant will lose the right to an oral renewal to overturn the original judgement. A claimant can however appeal against this decision, which would be dealt with at the Appeals Court (In Criminal JR’s there is no appeal route from a refusal of permission if TWM). The outcomes of such cases are not recorded in these figures. There are also a number of JRs that are not eligible for renewal if refused or have a substantive hearing if granted – challenging decisions of the Upper Tribunal. These claims end in this court if refused or are remitted back to the Upper Tribunal if permission granted.
- In terms of those granted an oral renewal in 2000, 4% of all cases lodged received an oral renewal and were granted permission to proceed. This fell to 2% for 2013 and has remained at this level in 2014.

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 stands at 16%
- The proportion of all cases lodged found in favour of the claimant at a final hearing has reduced from 12% in 2000 to 1% in 2013 and has remained the same in 2014.

Timeliness (Figure 2.2 and Table 2.3)

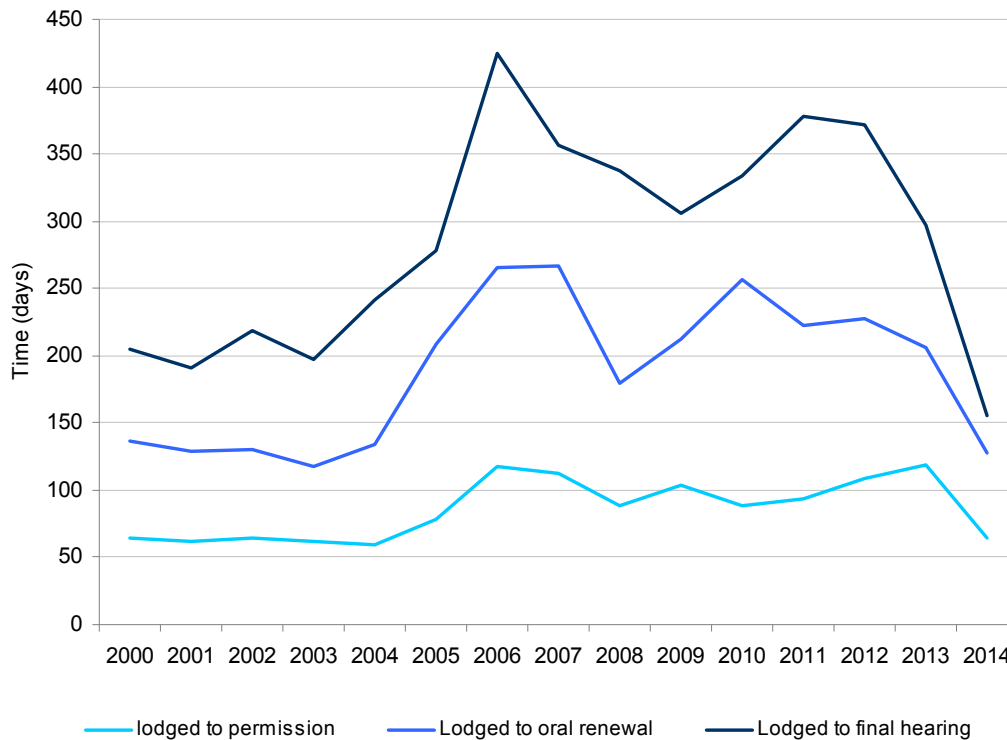
Timeliness figures are based on the date the Judicial Review is lodged to the date of various stages of the process. It is not a measure of the time the Administrative Court takes to deal with a judicial review as it also includes time taken for parties to the JR to provide evidence and any adjournments or postponements requested. Caution must be taken when interpreting the most recent data but particularly that for 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 (70% of cases that were lodged in 2014 were classed as 'Closed').

The average time taken from lodging a case to the permission stage decision has remained relatively stable between 2006 and 2013 where the number was 119 days; prior to this, the number was stable at approximately 65 days (from 2000-2005). For the 70% of the cases lodged in 2014 classed as closed, that figure has almost halved to 64 days. This may be driven by the reduced caseload, due to the Immigration and Asylum cases moving to the UTIAC.

The average time taken from lodging a case to the oral renewal stage decision has fluctuated over the years. From 2000-2004, the average time was 129 days. This increased rapidly to 209 days in 2005 and to a peak of 267 days in 2007. The figure then fell sharply to 180 days in 2008 before rising to an average of 225 days from 2009 to 2013. For the 70% of cases lodged in 2014 classed as closed, the number has fallen to 128 days.

The average time taken from lodging a case to the final hearing decision showed a similar pattern; 205 days in 2000 peaking to 425 days in 2006 and fluctuating since then. The 2013 figure stood at 297. For 2014 to date, this figure has fallen considerably to 156 days, though this is subject to change as unclosed cases progress through the system and only 70% of cases in 2014 have so far closed.

Figure 2.2: Average time taken for each stage of the Judicial Review process, 2000 to 2014¹



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 will change in future publications as cases progress through the system, especially for cases lodged in 2014.

Please note that 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 procedures, for cases issued on or after 1st July 2013; a case refused permission and certified as totally without merit cannot be renewed at the oral renewal hearing stage.

From 1 October 2012 to 30 December 2014, there were 22,869 cases lodged. Of these 13,323 (58%) had reached permission or oral renewal stage at the time the data were extracted in January 2015. Of those that had reached these stages, 3,677 (28%) were found to be totally without merit.

3: Privacy Injunctions

This chapter presents statistics on privacy injunctions dealt with at hearings at the High Court or Court of Appeal at the Royal Courts of Justice (RCJ) in London during July to December 2014.

In general terms, the injunctions covered by these statistics are those dealt with in any civil proceedings in the High Court or Court of Appeal where the court considers either:

- an application for an injunction prohibiting the publication of private or confidential information;
- the continuation of such an injunction; or
- an appeal against the grant or refusal of such an injunction.

The injunctions covered by these statistics will be termed “**privacy injunctions**” throughout this report. **They include, but do not exclusively relate to, super-injunctions.**

Specifically, the statistics relate to applications concerned with data protection and rights to respect for private and family life protected by Article 8 of the European Convention on Human Rights (ECHR), whether the injunction is sought by an individual, a public authority, or a company. When an injunction is sought, section 12 of the Human Rights Act is engaged, meaning that the injunction might, if granted, affect the exercise of the right to freedom of expression contained in Article 10 of the ECHR.

The ECHR can be found on the following website:

human-rights-convention.org/

The statistics do not cover injunctions arising from proceedings dealing with family issues, immigration or asylum issues, those which raise issues of national security, or most proceedings dealing with intellectual property and employment issues. The statistics also relate only to those injunctions dealt with at the RCJ in London. They exclude, for example, cases dealt with at District Registries of the High Court. In practice, however, the vast majority, if not all applications for such injunctions will be dealt with at the RCJ.

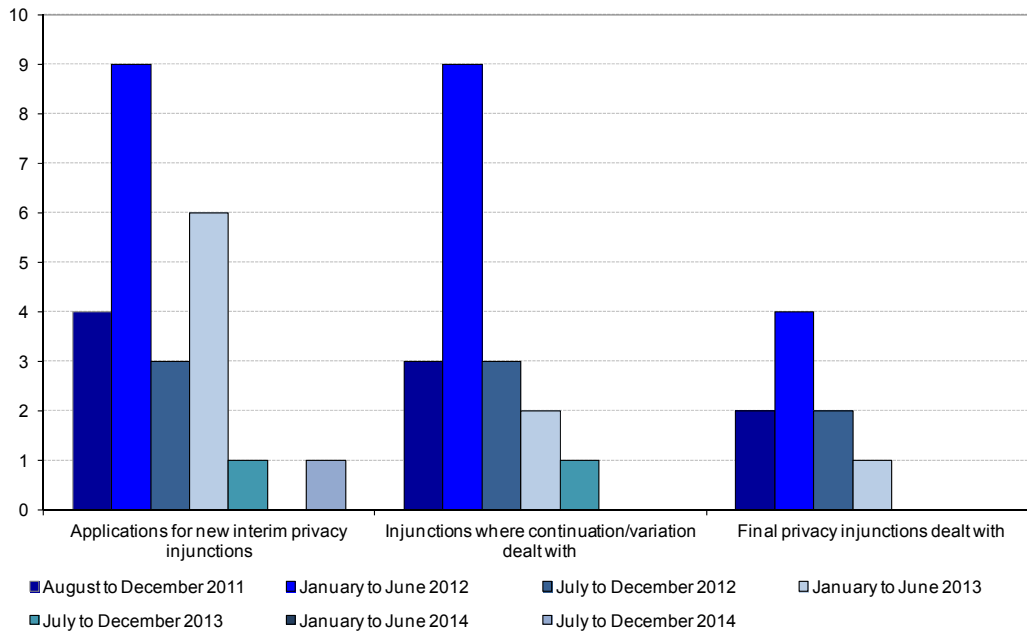
Data have been collected via statistical returns completed by the hearing judge and forwarded to the Ministry of Justice statistics team. The judge in the case therefore determines whether an injunction has met the criteria for inclusion in these statistics. See Explanatory Notes for more details.

Proceedings where applications for privacy injunctions were considered

During the period July to December 2014, there was one proceeding in which the High Court in London considered an application for a **new** interim injunction prohibiting the publication of private or confidential information. No proceedings were considered at the High court on whether to continue or amend an existing interim injunction or to issue a final permanent injunction.

Also no proceedings in the Court of Appeal were heard for an **appeal** against a grant or refusal of an interim or final injunction. The Court of Appeal has heard one such proceeding since these statistics began to be collected – this was during August to December 2011.

Figure 1: Number of privacy injunction proceedings



New interim privacy injunctions (Table 3.1)

As noted above, there was one proceeding at the High Court during July to December 2014 in which the court considered an application for a new interim injunction.

This compares with four proceedings in which the court considered an application for a new interim injunction during August to December 2011; nine in January to June 2012; three in July to December 2012; six in January to June 2013; one in July to December 2013; and none in January to June 2014.

Continuation of existing interim injunctions (Table 3.2)

As noted above, there was no proceeding at the High Court in which the court considered whether to continue or vary an existing interim injunction from previous periods during July to December 2014

This compares with the two proceedings granted out of three proceedings sought for continuing or amending an interim injunction between August and December 2011; eight out of nine in January to June 2012; none out of three between July and December 2012; two out of two for January to June 2013; none out of one in July to December 2013 and none in January to June 2014.

Final privacy injunctions (Table 3.3)

As noted above, there were no proceedings at the High Court in which the court considered an application for a final privacy injunction in January to June 2014

This compares with two proceedings to issue a final injunction between August and December 2011; four in January to June 2012; two in July to December 2012; one in January to June 2013; and none for both July to December 2013 and January to June 2014.

Annex A: Planned upcoming changes to publications

This is the first edition of the Civil Justice Statistics Quarterly to include the Privacy Injunction chapter. These statistics were previously published twice a year in a standalone publication entitled 'Statistics on Privacy Injunctions'. As a result of a recent consultation, it has been incorporated into this publication.

We would like to take this opportunity to consult with users and stakeholders about the publication frequency of the Privacy Injunctions chapter, in particular whether it would be acceptable to change this from being once every six months to an annual addition to the Civil Justice Statistics quarterly alongside the annual Royal Court of Justice chapter published in June each year.

We are also continuing to review the case progression estimates that are used in this publication and would welcome any feedback, particularly on what they are used for.

For any feedback on case progression or the publication frequency of the Privacy Injunction chapter, please email statistics.enquiries@justice.gsi.gov.uk by **30 April 2015**.

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 - 2014, quarterly Q1 2009 – Q4 2014
- 1.2 Number of claims issued in the county and magistrates' courts, by type of claim, England and Wales, annually 2000 - 2014, quarterly Q1 2009 – Q4 2014
- 1.3 Claims defended and allocations to track, England and Wales, annually 2000 – 2014, quarterly Q1 2009 – Q4 2014
- 1.4 Case progression in the county courts, England and Wales, annually 2009 - 2014, quarterly Q1 2009 – Q4 2014
- 1.5 Trials/small claim hearings, England and Wales, annually 2000 - 2014, quarterly Q1 2009 – Q4 2014
- 1.6 Number of trials and small claim hearings and the average time to reach trial/hearing, England and Wales, annually 2000 - 2014, quarterly Q1 2009 - Q4 2014
- 1.7 Number of defended claims by case type and details of legal representation, England and Wales, annually 2013 - 2014, quarterly Q1 2013 - Q4 2014

Judicial Reviews in the Administrative Court:

- 2.1 Number of case applications for permission to apply for Judicial Review by topic, at the Administrative Court, 2000-2014
- 2.2 Case Progression: number of Judicial Review cases that reach permission stage, oral renewal stage and final hearing by cases lodged, at the Administrative Court, 2000-2014
- 2.3 Timeliness (in days) of Judicial Review cases started at the Administrative Court, by staged reached, 2000-2014
- 2.4 Number of Judicial Reviews at the Administrative Court classed as 'Totally Without Merit' between 1 October 2012 to 31 December 2014

Privacy Injunctions Statistics:

- 3.1 Applications at the High Court in London for new interim privacy injunctions, August 2011 to December 2014
- 3.2 Proceedings dealing with the continuation or variation of interim injunctions at the High Court in London, August 2011 to December 2014
- 3.3 Final privacy injunctions dealt with at the High Court in London, August 2011 to December 2014

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

- Civil Courts national and court level workload activity data
- Civil Courts national and court level case progression data
- National Administrative Court Judicial review data (anonymised case level dataset).

Annex C: Explanatory notes

Privacy Injunction Explanatory notes

Data have been collected via statistical returns filled out at court hearings and returned securely to the Ministry of Justice statistics team. The forms are completed by judges, who with their full understanding of the circumstances of the case thus determine whether an injunction has met the criteria for inclusion in the statistics (see **Introduction**). This means, therefore, that only an injunction deemed by the judge to meet these criteria is included.

UK courts have long operated under a fundamental principle of “open justice”. This means, in general terms, that all aspects of court proceedings should be open to the press and the public. Exceptions are only permitted in limited circumstances, where the law requires it (for example dealing with the care of children in the family courts). In proceedings where an injunction is sought to protect or enforce privacy, the judge may decide that some deviation (or “derogation”) from the principle of open justice may be needed for the proper administration of justice.

The privacy injunction statistics presented in this bulletin are designated as Official Statistics. They have been produced in accordance with the Code of Practice for Official Statistics.

Practice Direction 51F of the Civil Procedure Rules described the scheme under which these statistics are used to be collected. Following the successful implementation of the pilot the provisions were made permanent by inclusion in the Civil Procedure Rules with effect from 1 October 2012. The material is contained in Practice Direction PD40F which supplements Part 40 of the Civil Procedure Rules: Judgments, Orders, Sale of Land etc. Practice Direction 51F has ceased to exist.

The information collected by the Ministry of Justice on the statistical returns filled out by judges gives only the broad details about each injunction which are presented in this report. No information is collected by the Ministry of Justice statistics team which provides any further indication about the circumstances or nature of the case or allows any party to be identified.

The statistics are, by necessity, based on the completed data collection forms returned to the Ministry of Justice by judges, their clerks or court associates at the Royal Courts of Justice in London. It is possible that the figures presented here constitute an undercount, if any relevant statistical returns have not yet been completed by a judge or forwarded to the statistics team (see Revisions). Validation is carried out on the returns received to resolve any apparent inconsistencies in the information provided on a form.

Public judgments can be found on the British and Irish Legal Information Institute website at www.bailii.org/.

General Publication Explanatory Notes

The United Kingdom Statistics Authority has designated these statistics (excluding the Privacy Injunctions) 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 civil court 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.

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

For the Privacy Injunction figures, once published, the statistics for a particular period will not normally be subject to revision. Revisions may occur if data are received late from the court, or if an error is identified.

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 zero and two. Low numbers are suppressed to stop individuals being identified
- (r) = Revised data
- (p) = Provisional data

Further information

Earlier editions of this publication can be found at:

www.gov.uk/government/collections/civil-justice-statistics-quarterly

Statistics on Tribunals (including Judicial Reviews dealt with by the UTIAC) can be found at:

www.gov.uk/government/collections/tribunals-statistics

Previous editions of the Privacy Injunctions statistics can be found here:

www.gov.uk/government/collections/statistics-on-privacy-injunctions

Information on Civil County Court Mortgage and Landlord Possession Statistics can be found at:

www.gov.uk/government/collections/mortgage-and-landlord-possession-statistics

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

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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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