

A consultation on including claimant data on the Register of Judgments, Orders and Fines

This consultation begins on 21/11/23. This consultation ends on 16/01/24.



Ministry
of Justice

A consultation on including claimant data on the Register of Judgments, Orders and Fines.

**A consultation produced by the Ministry of Justice. It is also available at
<https://consult.justice.gov.uk/>**

About this consultation

To:	This consultation is aimed at users of the Register of Judgments, Orders and Fines and the County Court, debt advice organisations and to others with an interest in these areas.
Duration:	From 21/01/23 to 16/01/24
Enquiries (including requests for the paper in an alternative format) to:	Enforcement Team, Civil Law and Justice Division, Access to Justice Directorate Ministry of Justice 102 Petty France London SW1H 9AJ Email: claimantdataconsultation@justice.gov.uk
How to respond:	Please send your response by 16/01/24 to: Enforcement Team, Civil Law and Justice Division, Access to Justice Directorate Ministry of Justice 102 Petty France London SW1H 9AJ Email: claimantdataconsultation@justice.gov.uk
Response paper:	A response to this consultation exercise is due to be published] at: https://consult.justice.gov.uk/

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Executive summary

1. This consultation considers a proposal to amend the law to allow for the names of claimants of money judgments in the County Court and High Court to be published on the Register of Judgments, Orders and Fines in England and Wales (the “Register”). The Register is run by Registry Trust Ltd, on behalf of the Ministry of Justice.
2. The Register contains information about individuals, businesses or organisations that have had unpaid judgments, orders or fines made against them by a court or tribunal. This information can be accessed publicly and is used in a number of ways. For example, banks and lenders can use data from the Register when deciding whether to lend money.
3. The government thinks that the inclusion of the claimant’s name on the Register in England and Wales could be beneficial to consumers. It could:
 - help consumers who have had a default County Court judgment made against them and do not know who the claimant is;
 - help regulators to monitor how regulated firms use the courts to enforce debts and;
 - help lenders to make more informed credit decisions.
4. This consultation is open for 8 weeks and will close on 16/01/24. We look forward to hearing the views of those with an interest in this proposal.
5. After considering the consultation responses, and if the decision to proceed is made, we plan to lay Regulations in Parliament to allow His Majesty’s Courts and Tribunal Service (HMCTS) to provide RTL with the names of claimants for publication on the Register.

Introduction

6. This consultation paper seeks views about a proposal to include the names of claimants on the Register of Judgments Orders and Fines in England and Wales.
7. This consultation is aimed at users of the Register, as well as users of the County Court and High Court. This includes claimants, creditors and their regulators and representative bodies, the legal profession and debt advice organisations and those with an entry against them on the Register. We also welcome views from anyone else with an interest in this area.
8. The consultation is open for 8 weeks. The deadline for submissions is midnight on 16/01/24 .
9. The Government will consider all of the responses received and will publish a response in due course.

The proposal

Background

10. Section 98 of the Courts Act 2003 requires that a register be kept of certain court judgments in accordance with regulations made by the Lord Chancellor ('the Register'). That statutory provision has been given effect by the Lord Chancellor in making the Register of Judgments, Orders and Fines Regulations 2005¹ (the Regulations) and entering into agreements with Registry Trust Limited (RTL) who maintain the Register. RTL is a not-for-profit company which also maintains similar registers for Scotland, Northern Ireland, the Republic of Ireland, the Isle of Man and Jersey by agreement with the relevant authorities.
11. This consultation seeks views on whether to include claimants' details on the Register for England and Wales and, if agreed, the proposal is to amend the Regulations to require HMCTS to provide RTL with those details for that purpose.
12. In 2022, just over 874,000 judgments were registered in England and Wales.² The majority of these were County Court judgments for money owed, made in default of a defence from the debtor. There were 814,250 default judgments in 2022.³
13. Ordinarily, if a judgment is not paid off in full within one month, it remains on the Register for six years. Judgments that are paid in full after the one-month deadline can be marked as satisfied on the Register. A judgment may also be

¹ The Register of Judgments, Orders and Fines Regulations 2005 (SI 2005/3595), as amended by The Register of Judgments, Orders and Fines Regulations 2009 (SI 2009/474).

² Registry Trust Ltd: [Q4 and Year 2022 Statistics](#).

³ [Civil justice statistics quarterly - GOV.UK \(www.gov.uk\)](#)

removed entirely from the Register if, for example, the judgment is 'set aside' (cancelled) by a court.

14. RTL use and share the data on the register to encourage responsible lending and borrowing, enable good business decisions, and inform public discussions on the economy and household finances. The Register can be searched to see if an individual or business has a registered judgment against them. A small fee⁴ is charged for such a search. Data can also be bought in bulk, for example, by credit reference agencies. The data on the Register is used by companies to inform their decisions on lending to individuals and business. RTL also provide a range of services to charities, regulators, think tanks and other organisations.
15. For judgments that must be registered, the Regulations require HMCTS to provide RTL with the following information which must in turn be included in the Register:
 - a. The full name and address of the debtor;
 - b. if the debtor is an individual, that individual's date of birth (where known);
 - c. the amount of the debt;
 - d. the case number;
 - e. the date of the judgment or order; and
 - f. the name of the court that made the judgment or order.
16. Claimant data is not currently amongst the information the Regulations require HMCTS to provide to RTL for inclusion on the Register for England and Wales. However, claimant data is included in the Registers for Scotland and Northern Ireland.
17. The issue of whether to include claimant data on the Register for England and Wales was considered in 2003 as part of the consultation about the Regulations. At that time, it was decided not to include it because of concerns that it may lead to confusion about the identity of the debtor and be of limited benefit.
18. RTL and some other stakeholders have asked the government to consider changing the law to require HMCTS to provide them with the judgment claimant's name for publication on the Register in England and Wales, which they maintain will be beneficial to consumers. The government agrees that it could have the following benefits:

⁴[Our Fees Explained \(trustonline.org.uk\)](http://trustonline.org.uk)

- a. Help consumers who have had a default judgment made against them find that information easier. The Civil Procedure Rules allow for claim forms to be served at the debtor's last known address. If the creditor has not been provided with a new address, they may serve the claim to a previous address. The Rules also allow for a judgment to be made in default of a defence.

RTL report receiving a significant number of enquiries from people with entries on the Register who do not know who the claimant is. As RTL do not hold that data, they advise people to request the information from the court who made the judgment.

Allowing access to claimant information at the same time as other information about the judgment is accessed would be quicker for consumers and save HMCTS and RTL staff time in responding to enquiries. It would also allow consumers to respond to judgments quicker, which could help them to improve their credit ratings. Quicker payment of judgments would be beneficial to claimants too.

- b. Provide regulators, policy makers, academics and debt advisors with information about claimant behaviour which may inform their regulatory activity or policy decisions.

19. In addition, we are seeking views on whether the proposal could help financial institutions and companies to make more informed credit and business decisions, by providing them with more information about the debt owed.

20. This consultation seeks views about whether others agree with these potential benefits. We are also interested in hearing about any other advantages that interested parties think that the proposal could have.

21. We are also seeking views about whether there are any disadvantages to the proposal and/or whether it would pose any risks to either claimants or debtors. For example, whether publishing claimant data would increase the risk that the data on the Register could be used for fraudulent or inappropriate purposes.

Scope of the proposal

Claimant data

22. We are proposing to publish the name of the claimant on the Register. We have considered whether publication of the claimant's address and in the case of individuals, their date of birth, would be justified to achieve the benefits to consumers that are outlined above at paragraphs 18 and 19. Whilst data about the claimant's address, and date of birth (if known) is held by HMCTS, we do not think that publishing that data would be justified as the benefit of including claimant's address or date of birth would be low and does not appear to outweigh

the right to privacy. In most cases, we would expect the debtor to be able to identify the claimant from their name alone. If they cannot, then they will still be able to contact HMCTS to request further data. Likewise, we would expect regulators, businesses and organisations with an interest in the data to be able to identify companies from their names alone.

23. We propose that the name of the claimant will be the name of the creditor that is owed the money and not the name of any representative, for example a lawyer, that has made the claim on their behalf. Whilst the name of the claimant's lawyer would help the defendant to respond to the judgment, the name of the creditor is of more use for the other purposes of publishing the data, as listed above.

24. In the cases of debts that have been sold from the original creditor to a debt purchasing company, the claimant name that HMCTS would provide RTL would be the name of the debt purchasing company. This is because the debt is now owed to the debt purchasing company, and any communications about the judgment debt should be directed to them.

Types of Judgments

25. The proposal to publish the claimant's name would apply to the registration of judgments or orders of the High Court or County Court for a sum of money.⁵ In the vast majority of cases this will be default County Court judgments.

26. The Regulations exempt some High Court and county judgments and orders from registration⁶. This proposal, therefore, will **not apply** to:

- any judgment made:
 - in family proceedings;
 - by the Administrative Court; or
 - by the Technology and Construction Court.
- any judgment made in proceedings which are subject to an appeal,⁷ until that appeal has been determined.
- any judgment where the claim was contested. However, such judgments may then be registered following an application by either the creditor or debtor to pay the judgment in instalments or to enforce it.⁸

⁵ Regulation 8 (1) of the Register of Judgments, Orders and Fines Regulations 2005

⁶ Regulation 9 of the Register of Judgments, Orders and Fines Regulations 2005

⁷ Under Part 52 of the Civil Procedure Rules

⁸ This exemption is set out in full at Regulation 9 of the Register of Judgments, Orders and Fines Regulations 2005

- where the money order relates to the recovery of mortgage or rent arrears. However, such orders may then be registered if the creditor takes any steps to enforce.
- An order of a County Court:
 - for the recovery of money following the adjudication of a parking adjudicator⁹, or
 - an order for the recovery of an increased traffic penalty charge by the Traffic Enforcement Centre.¹⁰

27. We do not propose to publish claimant data in respect of any of the other types of judgments, orders and fines that are specified in in the Regulations. We have set out reasons for exempting these types of cases from the proposal below:

- Administration orders – the proposal is not applicable to these orders, because judgment debtors apply to the court to make the orders against themselves.
- Tribunal decisions made by the First-tier Tribunal or Upper Tribunal, employment tribunal, or the Employment Appeal Tribunal. This is because tribunals generally consider disputes brought by individuals against decisions made by government agencies or local authorities; or against employers to enforce employment rights. We do not think it would be justified or helpful to publish the identity of those individuals on the Register.

28. Finally, this proposal will not amend the Register of Fines Regulations 2003, which relates to fines that are payable to HMCTS.

29. We are seeking answers to the following specific questions.

Q1: Do you agree that the names of claimants of County Court and High Court money judgments should be included on the Register of Judgments Orders and Fines in England and Wales? Yes/No

a) If not, what are your reasons?

Q.2: Do you agree that the proposal would have the benefits that are set out in this paper at paragraph 18 a and b?

a) Do you think that the proposal would help creditors to make more informed lending decisions (as set out at paragraph 19)?

b) Do you think the proposal would have any additional benefits?

Q3: Do you have any concerns that the publication of this data poses any disadvantages and/or risks to either the claimant or the defendant? Yes/No

⁹ Section 73(15) of the Road Traffic Act 1991

¹⁰ Paragraph 7 of Schedule 6 to that Act

- a) If so, what are the disadvantages and/or risks?
- b) What steps do you think could be taken to mitigate these concerns?

Q4. Do you agree that the data to be published about claimants should be limited to the name of the creditor listed on court claim form (as set out at paragraphs 20, 21, 22 and 23)?

- a) If not, please set out what further data about the claimant you think it would be helpful to publish on the Register and explain why?

Q5. Do you agree that claimant data should only be published in respect of money judgments made in the County Court and High Court, and not to the judgments, orders and fines (as set out at paragraphs 24 and 25)?

- a) if you do not agree, please set out what categories of judgments, orders and fines should include claimant data on the Register and explain why this would be justified.

Impact Assessment

- 30. As set out above, we believe that this proposal would be beneficial to consumers. We do not expect consumers to be negatively impacted by the proposed changes. The impact on creditors has also been considered. There is no cost or IT impact for creditors, as the changes will not require creditors to change their processes or to include additional procedures.
- 31. There will be a one-off cost associated with updating HMCTS's IT systems in order to provide RTL with claimant data. There is, however, expected to be an ongoing saving in terms of a reduction in the number of individual queries to HMCTS asking for claimant data.
- 32. There are expected to be one-off costs in terms of updating RTL's IT systems to process the new data field. However, as with HMCTS, it is expected to lead to ongoing savings because it should reduce the number of individual queries RTL gets asking for claimant data. RTL could also benefit financially from the proposal because it would increase the amount of data that they hold and can sell to interested parties.
- 33. Given the minimal expected costs of the proposal, we have not produced an Impact Assessment alongside this consultation.

Q6. Do you agree with this assessment of the proposal's impact?

- a) If not, please set out why, including what additional costs and/or savings it might lead to.

Data Protection Impact Assessment

34. This proposal will be reviewed by the Ministry of Justice's Data Protection Team through a Data Protection Impact Assessment to understand and mitigate any risks to the personal data of the data subjects affected. The Information Commissioner's Office (ICO) may be consulted as part of their role to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

Equality Impact Assessment

35. The protected characteristics under the Equality Act are: race; sex; disability; sexual orientation; religion and belief; age; marriage and civil partnership; gender reassignment; pregnancy and maternity.

36. Our assessment is that the proposals to include claimant data on the Register of Fines, Orders and Judgments are not directly discriminatory. The proposals would apply to all and would not result in people being treated less favourably because of their protected characteristics. We do not believe individuals with protected characteristics would be particularly disadvantaged by these plans.

Q7: Do you think there are any equality impacts of the proposal?

Q8: Do you have any evidence that people with protected characteristics would be impacted by the proposal?

Questionnaire

[Instructions: for the web version, include an on-line questionnaire, which can be completed and returned on-line]

We would welcome responses by 16/01/24 date to the following questions set out in this consultation paper.

Q1: Do you agree that the names of claimants of County Court and High Court money judgments should be included on the Register of Judgments Orders and Fines in England and Wales? Yes/No

a) If not, what are your reasons?

Q.2: Do you agree that the proposal would have the benefits that are set out in this paper at paragraph 18 a and b.

a) Do you think that the proposal would help creditors to make more informed lending decisions (as set out at paragraph 19)?

b) Do you think the proposal would have any additional benefits?

Q3: Do you have any concerns that the publication of this data poses any disadvantages and/or risks to either the claimant or the defendant? Yes/No

a) If so, what are the disadvantages and/or risks?

b) What steps do you think could be taken to mitigate these concerns?

Q4. Do you agree that the data to be published about claimants should be limited to the name of the creditor listed on court claim form (as set out at paragraphs 20, 21, 22 and 23)?

a) If not, please set out what further data about the claimant you think it would be helpful to publish on the Register and explain why?

Q5. Do you agree that claimant data should only be published in respect of money judgments made in the County Court and High Court, and not to the judgments, orders and fines (as set out at paragraphs 24 and 25)?

a) if you do not agree, please set out what categories of judgments, orders and fines should include claimant data on the Register and explain why this would be justified.

Q6. Do you agree with this assessment of the proposal's impact?

a) if not, please set out why, including what additional costs and/or savings it might lead to.

Q7: Do you think there are any equality impacts of the proposal?

Q8: Do you have any evidence that people with protected characteristics would be impacted by the proposal?

Thank you for participating in this consultation exercise.

About you

Please use this section to tell us about yourself.

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details/How to respond

Please send your response by 16/01/24 to:

Ministry of Justice
Enforcement Team, Civil Law and Justice Division
102 Petty France
London SW1H 9AJ

Email: claimantdataconsultation @justice.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Ministry of Justice at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at <https://consult.justice.gov.uk/>.

Alternative format versions of this publication can be requested from [email/telephone number of sponsoring policy division].

Publication of response

A paper summarising the responses to this consultation will be published within three months of the closing date of the consultation. The response paper will be available on-line at <https://consult.justice.gov.uk/>.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation (GDPR) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the Cabinet Office Consultation Principles 2018 that can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1_.pdf