



Ministry  
of Justice

# **Including claimant data on the Register of Judgments, Orders and Fines**

A Consultation Response

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## **Including claimant data on the Register of Judgments, Orders and Fines**

A Consultation Response

Response to consultation carried out by the Ministry of Justice.

This information is also available at <https://consult.justice.gov.uk/>

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## Introduction and contact details

This document is the response to the consultation paper on including claimant data on the Register of Judgments, Orders and Fines.

It provides:

- the executive summary
- the background to the report
- a general summary of the responses to the consultation
- a detailed summary of responses to the specific questions raised in the consultation
- the Government's proposed way forward; and
- the next steps following this consultation.

Further copies of this report and the consultation paper can be obtained by contacting the Ministry of Justice at the address below:

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This report is also available at <https://consult.justice.gov.uk/>

Alternative format versions of this publication can be requested from [claimantdataconsultation@justice.gov.uk](mailto:claimantdataconsultation@justice.gov.uk)

## Complaints or comments

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

## Executive summary

1. This consultation response considers the responses received to the consultation held under the Sunak Government on the 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 the Registry Trust Ltd (RTL), 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 different ways. For example, banks and lenders can use data from the Register when deciding whether to lend money.
3. Currently, the name of the claimant is not included on the Register. The Government considers that the inclusion of the name of the claimant could be beneficial. It could, as set out in the consultation:
  - 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. Having taken into account all of the consultation responses, the Government intends to implement the proposal and to legislate on this matter. By way of next steps, we plan to lay Regulations in Parliament, when parliamentary time allows, to allow His Majesty's Courts and Tribunal Service (HMCTS) to provide RTL with the names of claimants, to be included on the Register.

## Background

5. On 21 November 2023, the Ministry of Justice published a consultation paper inviting comments on a proposal to include the names of claimants on the Register. The Register is maintained by RTL, a not-for-profit company, on behalf of the Ministry of Justice, in accordance with the Register of Judgments, Orders and Fines Regulations 2005 ('the Regulations'). This consultation was held under the previous Sunak Government. The new Government has carefully considered the responses and the appropriate way forward.
6. The Regulations currently require, *inter alia*, the following information about County Court judgments to be held on the Register: the defendant's name, address and postcode; the name of the court and case number; the date and amount of the judgment, and whether the debt has been satisfied. This data is sent to RTL by HMCTS. This information can be accessed by anybody and is used, for example, by credit reference agencies to help to assess an individual's credit ratings.
7. The consultation set out a proposal to amend the Regulations to allow for the names of claimants of money judgment in the County Court and High Court to be published on the Register in England and Wales. Claimant data is already included in the Registers for Scotland and Northern Ireland (which are also kept by RTL), where data on the claimant's name is held.
8. As set out above, the consultation asked whether respondents agreed with the proposal, whether they thought it posed any risks to court users, and whether they agreed it would have any of the following benefits:
  - a. helping consumers who have had a default County Court judgment made against them, but do not know who the claimant is.
  - b. helping regulators to monitor how regulated firms use the courts to enforce debts, and;
  - c. helping lenders to make more informed credit decisions.
9. The consultation period closed on 16 January 2024. We received 151 individual responses to the consultation. All but one of the respondents said that they agreed in principle with the proposal to include the name of the claimant on the Register; one respondent neither agreed nor disagreed with the proposal. This consultation response summarises the responses we received and the Government's next steps.

## Summary of responses

10. There were 151 responses to the consultation. A table outlining which respondents were from different sectors is below. As set out above, the vast majority of respondents were broadly supportive of the proposal, with only one respondent neither agreeing nor disagreeing that the proposal could be beneficial. A full list of the respondents is at Annex A.

<u>Respondent Type</u>	<u>Number of Responses</u>
Debt Advice Sector	84
Companies	13
Private Individuals	7
Local Authorities	7
Legal Profession	3
Judiciary	1
Insurance Sector	1
Credit Reference Agencies	6
Regulatory/Oversight Bodies	4
Trade Associations	4
Financial Advisors	2
Debt Collection/Enforcement Sector	3
Think-tanks/not for profit organisations	13
Academia	3

## Responses to specific questions

### **Analysis of responses to Question 1: 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?**

11. All but one of the respondents broadly agreed with the proposal to include the names of claimants of money judgments in the County Court and High Court on the Register. The main reason given by respondents for supporting the proposal was that it could help people or businesses who find out that they have had a judgment made against them to identify the claimant more quickly. Various respondents, including those from the debt advice sector and credit reference agencies, said that this would save both time and money for people and businesses, which could have various benefits. The Government received a large number of responses from debt advisors, who reported that the proposal would also save them time in trying to identify claimants on behalf of their clients. There was a general consensus that publishing claimant data would be beneficial, as (i) it would enable debts to be dealt with in a timelier manner and (ii) it would help individuals get a clear view of their individual financial situation in order to inform debt solutions. Some respondents from the debt advice sector referred to the potential negative impacts on individuals and businesses of being unable to resolve a debt on the Register; for example, by applying to have it set aside or paying it, in cases where delays are experienced in finding out who the creditor is.
12. Respondents from the debt advice sector raised concerns about the time it takes to get claimant information from HMCTS. It was suggested that the proposal would reduce pressure on HMCTS, by reducing the number of queries they receive asking for claimant data. Respondents agreed that increased transparency about who uses the courts (and issues money judgments) would be helpful for regulators and policy makers. There was, however, less consensus about whether the information would help creditors to make more informed lending decisions.
13. Although all but one respondent stated that they agreed with the proposal in principle, as set out above, some of those respondents raised concerns. This included concerns that publishing claimant data might discourage individuals from using the courts to recover money, in order to avoid having their individual details being published. Some respondents suggested, therefore, that the proposal should not apply to claimants who are individuals.

### **Analysis of responses to Question 2: Do you agree that the proposal would have the benefits that are set out in this paper at paragraph 18 a (set out below)?**

14. This question was split into different sub-categories, and asked respondents about the potential benefits that could be derived from including the names of claimants on the

Register. The first part of the question referred to benefits the proposal could yield, set out at paragraph 18a, included here for completion:

- 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.

#### Helping judgment debtors to identify claimants

15. A large number of respondents agreed that the proposal would be very beneficial to consumers and businesses who find out that they have had a money judgment made against them in default of a defence, but do not know who made the claim. We received 84 responses from debt advisors across the country. These respondents all reported frequently having clients who had found out that judgments had been made against them, but did not know who had made the claim. Some advisors reported that the majority of their clients did not know who had brought claims against them. Some said this was because their clients had not opened post or kept a track of their finances, however, it was reported that some sectors and companies seem to make claims without the debtor knowing about it (which can be due, in part, to outdated or incorrect addresses being used). Debt advisors reported that they and their clients often experience delays obtaining information from HMCTS about who the claimant is.
16. Other respondents, such as businesses, also reported experiencing similar delays in hearing back from HMCTS. These respondents included business who had found out that they had had default judgments made against them, without them having received the claim forms. Some said that claims to them had either been wrongly addressed or had "slipped through the net". Respondents reported that the delays they are currently experiencing getting claimant information from HMCTS can have negative impacts on consumers and businesses, who have judgments registered against them on the Register.



17. The factor of potential adverse impacts on the credit ratings of individuals and businesses was also noted by respondents. In particular, delays in identifying the claimant prevents consumers from being able to take timely action to either have the judgment removed from the Register, or marked as satisfied. Judgments can be removed from the Register either by paying it within 30 days or making a successful application to the court to have it set aside, if, for example, they would have disputed the claim had they been aware of it. Some respondents from the debt advice sector noted that delays in finding the claimant's details were particularly harmful, because consumers often find out about judgments when they are trying to complete time sensitive transactions such as obtaining a mortgage.
18. Potential delays in accessing debt relief solutions were also raised. Debt advisers reported that delays in obtaining claimant data can cause subsequent delays in advisers being able to protect their clients from creditor action under the Debt Respite Scheme (also known as 'breathing space'). It was also reported that it caused delays in arranging debt solutions for clients such as Debt Relief Orders, debt management plans, Individual Voluntary Arrangements, and bankruptcy. Debt advisors reported that this can be distressing for their clients in vulnerable circumstances who face delays, whilst further information and evidence is sought to enable their applications to proceed. This can result in extra interest and charges, and creditor action in the meantime.
19. In respect of Question 2, it was also noted that – currently, and without implementing the proposal – there is a risk that unpaid judgments proceed to enforcement, which leads to debtors incurring further fees and potentially facing enforcement action, such as an enforcement agent (bailiff) visit.

#### Reducing administrative pressure on HMCTS, RTL and the advice sector

20. In respect of Question 2 and the question of potential benefits, a number of respondents agreed that the proposal would reduce administrative costs to HMCTS and RTL, as they both currently receive a number of enquiries asking for claimant data. It was suggested that reducing the number of queries that HMCTS receives about claimant data could free-up the time of court staff to do other work.
21. Further to this, respondents from RTL suggested that the proposal would increase the credibility of its data and lead to improvements in data matching and ensure more accuracy in the credit information sector.
22. Some credit reference agencies suggested that the proposal in the consultation would reduce the number of requests made to RTL about entries made against them. They explained that many people first become aware that a judgment has been made against them by a credit reference agency, who received that information from RTL. It was suggested that some people then pay RTL to access information about judgments

made against them in the expectation that it will include information about the claimant. If this proposal is implemented, it was suggested, credit reference agencies would be able to provide the claimant's name to the debtor, negating the need for them also to request any further information from RTL (and thereby reduce pressure on RTL).

23. Respondents from the debt advice sector indicated that the proposal would save them time and money in trying to find out the claimants' details from HMCTS. This category of respondents typically reported two problems with having to contact HMCTS. First, they reported delays with the court's process for obtaining authority to request information on behalf of their clients, and then they experience delays in obtaining the information. In addition to the problems that this causes to those in debt, as set out in the previous section at paragraphs 15-19, it creates a burden on debt advisors who could be spending that time supporting their clients.

**Analysis of responses to Question 2: Do you agree that the proposal would have the benefits that are set out in this paper at paragraph 18 b (set out below)?**

24. This section of Question 2 asked respondents if they agreed that the proposal would have the benefits that are set out in the consultation at paragraph 18 b, which reads as follows:
- Provide regulators, policy makers, academics and debt advisors with information about claimant behaviour which may inform their regulatory activity or policy decisions.
25. The majority of respondents agreed that including claimant names on the Register would provide regulators, policy makers, academics and debt advisors with information which may help to inform their work.
26. One respondent from a financial thinktank said that this small change could have a big impact by improving public data on the nature of debt, enhancing regulatory effectiveness, improving corporate accountability, and protecting vulnerable consumers and small businesses.

**Improving regulatory activity**

27. Respondents from RTL said the change of including claimant data on the Register could provide a positive impact, helping with better analysis of trends of bulk data users and that it could also improve performance, compliance, and best practice across financial services.
28. Ofgem, in particular, said that they would welcome the proposal because it would help them to further their monitoring of energy suppliers' use of County Court and High Court money judgments and help to inform potential regulatory interventions. They

also noted it could improve efficiencies by saving time associated with requests for information for Ofgem and suppliers.

29. Ofgem and the FCA said this would allow regulators to assess whether their sectors are using a high number of County Court and High Court money judgments which would enable transparency and help facilitate cross-sector regulation of debt enforcement.
30. A respondent from the charity sector said that the proposal would help inform regulatory activity, by identifying companies that are making disproportionate use of the courts to recover debts, which could indicate that they are breaching their license conditions in respect of debt management. The Enforcement Conduct Board (ECB), whose mission statement is to ensure that people facing enforcement action are treated fairly, said that the proposal could help to improve their understanding of claimant behaviour, including where some appear to be making relatively high use of the courts. They reported that this should help the ECB to improve its work with creditors to make the overall process and use of enforcement fairer.
31. A regulatory body said that the proposal would help its teams to understand better money judgments made and taken against suspects and victims, when considering whether to take action against people or businesses.
32. One respondent, who acts as an independent consumer representative, said that an additional benefit for regulated firms could be that it may reduce the administration costs of responding to data requests from regulators, as regulators will be able to obtain information about their use of the courts from RTL.
33. It was also suggested by various trade associations that the proposal would provide a clearer picture of the economy, which could help to identify what is influencing the number of money judgments. Another individual respondent said that the proposal would allow consumer groups to identify whether any companies were abusing the court system. It was further suggested that the proposal might incentivise some claimants to act more considerately to avoid bad publicity about their use of the courts.
34. It was suggested that a wide variety of organisations, involved in making policy and representing consumers, would benefit from having data about who is enforcing debts in the courts.
35. Some claimants and groups representing claimants raised concerns, however, about how claimant data would be interpreted and used. They said that the courts should be a safe place for potential litigants to raise their legitimate rights without fear of criticism. They pointed out that data about claimant use of the courts would be meaningless without further context about the total number of consumers that they work with and the types of products and services that they provide. They said that the proposal could,

potentially, be detrimental to consumers because some companies might stop offering certain products to higher risk consumers.

36. Some respondents suggested that it would be also necessary to include on the Register the name of the original debtor, in cases where the debt had been brought and was being enforced by a debt purchasing company. It was noted that just including the name of the claimant would not help regulators to identify which regulated companies had sold their debts to debt purchasing companies. There were also concerns raised that company names alone would not always be enough to identify the correct company and that the Companies House number should also be included. Some respondents suggested that it would be helpful to include the address of claimants who are businesses. It was reported that sometimes the incorrect company name is recorded, and having an address could mitigate the problems this causes.
37. A response from an academic noted that the availability of claimant names would help to improve understanding of the different types of financial burdens on people/households in different parts of the country, which could aid understanding of the drivers of indebtedness and inequality in different regions.
38. A respondent from the debt advice sector said that they would expect the data to be used by HMCTS and RTL to publish trends in both types of judgments and types of creditors. It was suggested that that data would help inform policy interventions to protect consumers from unmerited action from specific types of creditors, if it were felt they were using the courts disproportionately.

**Analysis of responses to Question 2a: Do you think that the proposal would help creditors to make more informed lending decisions?**

39. In response to this subsection of Question 2, the majority of respondents agreed that the proposal would help creditors make more informed lending decisions.
40. Some respondents from the debt advice sector, credit reference agencies and trade associations said that the proposals would help creditors to make more informed lending decisions, by helping to determine what type of debt the judgment relates to, for example, whether it was a consumer credit debt or a debt arising from a private dispute.
41. Credit reference agencies, in particular, raised concern that the inclusion of company names alone would not help identify the correct company in all cases, and that Companies House numbers should also be published on the Register to ensure the identification of the correct claimant.
42. A minority of respondents to this question did not agree that the proposal would help creditors make more informed lending decisions. Some respondents from the debt

advice sector, credit reference agencies and trade associations noted that registered judgments do not always reflect a consumer or business' ability to pay, because judgments can be registered without the defendant having any knowledge of the claim.

43. One respondent (from the enforcement sector), who agreed that the proposal could influence lending decisions, queried whether that would be a positive outcome for claimants. They flagged concern that if lenders were seen to give less weight to certain types of debt, a judgment debtor may be less inclined to pay those types of judgments.

### **Analysis of responses to Question 2b: Do you think the proposal would have any additional benefits?**

44. Respondents to this subsection of Question 2 raised the following additional points.

#### **Mental Health/additional needs/vulnerable adults**

45. Responses from the debt advice sector said that that the proposal could be particularly beneficial to people with mental health needs and other vulnerable people. They reported that it would remove the added stress of the unknown on vulnerable individuals who do not know who has obtained a judgment against them. Respondents commented that a delay in obtaining creditor details can have a negative impact on people's mental health. It was reported that individuals with mental health needs can experience additional barriers when navigating systems, therefore, making access to claimant information easier could help people deal with their debts in a more accessible way, as well as helping vulnerable adults who cannot access information themselves and require support to do so.

#### **Understanding finances**

46. Respondents from the debt advice sector said that the proposal could save their sector time and money, by significantly speeding up the time it takes to provide comprehensive debt advice, which in turn will speed up access to debt solutions. It was noted that often complete advice cannot be given, and debt solutions (including debt relief orders) cannot be agreed, until details of all creditors are known.
47. It was noted by some respondents, including those who use the courts to recover debts, that the proposal would be beneficial to creditors because it would help facilitate quicker communication with them, which would save creditors time and resources in enforcing debts.
48. A respondent from the debt advice sector noted that the proposal could help to identify financial abuse and coercive control. It was reported that, often, the reason why a

defendant does not know who the creditor is, is because their abuser has brought a fraudulent claim against them without their knowledge.

49. A respondent from RTL said that the proposal would increase the credibility of, and trust in, the Register.

**Analysis of responses to 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?**

50. In responding to Question 3 (including its subsections (a) and (b)), some respondents had concerns that the publication of data could pose either disadvantages and/or risks to either the claimant or the defendant. The key points noted were as follows.

**Safeguards for individuals**

51. It was suggested by various respondents, including debt advisors, that the names of vulnerable people who had made court claims, for example people fleeing domestic violence, should not be included on the Register, as it might expose them to further harm. It was suggested that vulnerable individuals might decide not to pursue their claim, to avoid their names being published. It was suggested that further safeguards would need to be put in place to prevent vulnerable individuals' names being put on the public Register.

52. It was noted that the consultation did not mention what would happen in a situation where a claimants' details are subject to an anonymity order and that any reform must ensure that the details of such claimants are not recorded and made available on the Register.

53. There was also a concern, amongst some respondents (including an individual High Court Enforcement Officer), that a public list of claimant data could increase fraudulent behaviour including fake letters/websites and spurious bailiffs visiting homes. The concern being that claimant data would be used by criminals to try to extort money out of debtors on the Register, by pretending to act on the claimant's behalf.

54. There were also concerns raised from the debt advice sector that claimant data could be used by companies for direct marketing purposes. For example, by debt collection companies, who might cold call claimants on the Register to offer their services.

55. Some respondents raised concern that publication of claimant names might cause embarrassment and distress to consumers in some cases, for example, if the debt related to gambling.

### GDPR

56. In response to this question, some respondents said that they expected that the appropriate GDPR risk assessments would be carried out, including the completion of a Data Protection Impact Assessment, if necessary, which would identify all risks and mitigations.

57. It was also suggested that HMCTS would need to inform claimants (i) that their names would be recorded on the Register and (ii) how that data may be used. In addition, it was suggested that changes would need to be made to lenders' Privacy Policies and the Credit Reference Agencies Information Notice.

### Types of data (including bulk data)

58. Respondents, such as RTL, noted that they did not foresee any significant disadvantages to the publication of claimant data. They did suggest, however, that consideration would also be needed about the coordination and responsible use of aggregated claimant data, versus the provision of individual claimant details on the Register. There would need to be further engagement on how the data would be used, in respect of both individual and bulk data, so as not to cause further disadvantage or risks for claimants or defendants.

59. One respondent, an individual and regular court user, agreed that the data would be beneficial to judgment debtors, but had concerns about how it would (potentially) be used by others. They suggested that, instead, HMCTS could create an online portal that judgment debtors could access to contact claimants.

### **Analysis of responses to Question 4: 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?**

60. The majority of respondents to this consultation agreed that the data published about claimants should be limited to the name of the creditor on court claim forms.

61. Some respondents, including some from the debt advice sector and credit reference agencies, did not agree that the data to be published should be limited to the names of creditors listed on the claim form. They thought that it would be helpful for more

information to be provided about the creditor's contact details, including their address, phone number, and email address. It was also suggested that businesses' Companies House numbers should be put on the Register, because it was reported that it can be difficult to identify some companies from their name alone. Some respondents said that it would be helpful to explain what type of debt it was, as sometimes the claimant is a debt collecting agency and knowing where the debt originated from could be useful.

62. RTL suggested that there would be value in claimants who make a number of applications (bulk claimants) providing additional contact information to the Register (customer helpdesk details, how to query a judgment, and the information required), to support a timely resolution of any issues. They added that this would be beneficial to both the defendant and the claimant, and would relieve pressure on HMCTS and/or RTL, who they suggest are otherwise likely to still receive enquiries from judgment debtors asking for contact information.
63. It was also suggested that information be included on the Register about the original creditor, in cases where the claim has been made by a debt purchasing agency. Some debt advisors noted that it would be helpful for their clients to know where debts on the Register originated from. Other respondents suggested that there was a public interest in including this information, and that failure to include it could potentially allow large creditors to avoid scrutiny through the use of debt purchasers.
64. One respondent, an individual respondent from the legal profession, did not agree that it was justified for tribunal decisions to be out of scope of the proposal. It was suggested that information about who had brought tribunal claims against a public body might be relevant to individuals who are interested in pursuing claims against the same public body.

**Analysis of responses to Question 5: 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.**

65. The majority of respondents agreed with the suggestion in Question 5 that the data should only be published in respect of money judgments made in the County Court and High Court and not all judgments, orders and fines.
66. By contrast, some respondents suggested that claimant data should be published in respect of all judgments, orders and fines. Some respondents from the debt advice



sector suggested that information about judgments relating to rent or mortgage arrears and orders made by the Traffic Enforcement Centre should be included on the Register. They noted that, often, people did not know that these types of judgments or orders had been made against them, and that this lack of awareness caused problems in providing them with debt advice. It was also noted that their inclusion could benefit potential creditors when carrying out credit checks.

67. Some debt advisors and academics questioned the reason for the different policy that some private parking firms enforce unpaid fines via the money claims procedure in the County Court and, therefore, will fall within the scope of this proposal. One respondent queried why claims made by local authorities via the Traffic Enforcement Centre, in respect of similar charging schemes, were not put on the Register. It was suggested that it would be in the public interest to publish data about local authority enforcement activity.

**Analysis of responses to Question 6: 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.**

68. The majority of respondents agreed with the assessment of the proposal's impact contained in the original consultation.
69. In general, respondents from the debt advice sector reported that the proposal would save them a lot of time and cost in identifying who their clients owe money to, in order to provide them with debt advice.
70. One respondent queried exactly how much time it would save HMCTS in responding to enquiries, as they anticipated that judgment debtors who make enquiries about the claimant's name are also likely to have a number of other questions, too. RTL said that further engagement will be required to understand the end-to-end data journey, not just the data passed from HMCTS to the Registry Trust, to ensure meaningful data can be processed, published, and then ingested by relevant organisations to realise the stated benefits.
71. Credit reference agencies said that they would incur additional costs in order to ingest the data. One large agency said that they would need to do a cost-benefit analysis before deciding whether it would be proportionate for them to use the data. It was also noted that lenders would need to update their IT systems and processes in order to receive and use the data.

72. A trade association, representing claimants, said that the proposal could lead to adverse impacts upon claimants, defendants, and consumers unless adequate protections were put in place. They are concerned that the proposal might deter creditors from making court claims, which might lead them to remove some goods and services from the market.

**Analysis of responses to Question 7: Do you think there are any equality impacts of the proposal?**

73. The Government asked Question 7 and Question 8 in the consultation paper on including claimant data on the Register, as part of discharging its duties under the Equality Act 2010 and considering the Public Sector Equality Duty (PSED). This is a matter to which we gave some thought in issuing the consultation: our initial assessment was that the proposals are not directly discriminatory. We stated that the proposal would apply to all users of the civil courts, and would not result in people being treated less favourably because of any individual protected characteristics. We added that we do not believe individuals with protected characteristics would be particularly disadvantaged by these plans.

74. Section 149 of the Equality Act 2010 requires Ministers and the Department, when exercising their functions, to have 'due regard' to the need to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- Advance equality of opportunity between different groups (those who share a relevant protected characteristic and those who do not); and
- Foster good relations between different groups (those who share a relevant protected characteristic and those who do not).

75. In carrying out this duty, Ministers and the Department must pay 'due regard' to the nine 'protected characteristics' set out under the Act, namely: race, sex, disability, sexual orientation, religion or belief, age, marriage and civil partnership, gender reassignment, pregnancy, and maternity. The MoJ has a legal duty to consider how the proposed policy proposal is likely to affect those people with protected characteristics and, in particular, take proportionate steps to mitigate or justify the most negative effects and advance the most positive ones.

76. In the consultation responses to Question 7, the vast majority of respondents did not consider that there were any specific equality impacts of the proposal that the Government needed to consider. Indeed, where any comment was made at all, it was

stated that this would positively impact on defendants (including vulnerable defendants), who may find it harder to navigate court services (due to disabilities, learning difficulties, mental health issues, and wider). It was stressed that what is being proposed is just the naming of who the original creditor of a judgment is, and this is a fairly minor change which should generally help those facing judgments (as stated above in the detailed summary of responses), who disproportionately come from marginalised groups. It was stated that, if there were to be any impact at all, it would be positive. As such, the broad consensus in the responses to Question 7 was that the proposal would have a positive equality impact, and positive impacts on people with protected characteristics.

77. The Government is mindful of its duties under the Equality Act 2010, and has carefully considered the equalities impacts of including claimant data on the Register on all court users. Following consideration of the responses, in light of the original proposal, it remains our assessment that the proposals are not directly discriminatory, and will not result in any unlawful discrimination for civil court users. It also remains our assessment that people will not be treated less favourably because of any individual protected characteristic, and that individuals with any specific protected characteristic will not be particularly disadvantaged. Additionally, the Government considers it likely that the proposal may, in fact, be of general benefit in advancing equality of opportunity, given that – according to a HMCTS survey in 2022 on users of reformed services – the following groups with protected characteristics are more likely to be in debt compared to the general populations and could be positively impacted by any change in legislation: 25-34 year olds; people from Black, Asian, and other ethnic groups; and lone parents (the majority of whom are women). Per the above, this was a view shared by various respondents. The Government therefore makes the following updated equalities assessments:

- **Direct discrimination:** Our assessment is that the inclusion of claimant data on the Register is not directly discriminatory within the meaning of the Act, as it will not apply to anyone differently regardless of their protected characteristics. We do not consider that the proposals will result in people being treated less favourably because of any protected characteristic.
- **Indirect discrimination:** Indirect discrimination occurs when a policy applies equally to all individuals but would put those sharing a protected characteristic at a particular disadvantage compared to those who do not. In regard to the nine protected characteristics, the Government does not think that any users of the courts possessing any of the protected characteristics will suffer a particular disadvantage as a consequence of the proposal. In fact, given that certain groups with protected characteristics are more likely to be in problem debt (see above paragraph 77), we consider that the proposal is likely to be *beneficial* to

vulnerable users of the courts who possess certain protected characteristics. We do not consider that there will be any negative impacts.

- **Discrimination arising from disability and duty to make reasonable adjustments:** We do not consider that any negative impacts arise from this proposal for users of the civil courts who may possess a disability. Indeed, as also covered below in our summary of responses to Question 8, we consider that the proposals will have beneficial impacts for certain disabilities (such as learning difficulties), who may find it harder to navigate court services, and this proposal could make this easier.
- **Harassment and victimisation:** There is no risk of harassment and victimisation as a result of these proposals.
- **Advancing equality of opportunity:** Given that this proposal will apply to all civil court users, regardless of their possession of a particular protected characteristic, it is the Government's assessment that the proposal will be of general benefit to all court users. In fact, it is likely to advance equality of opportunity for some groups, who may be disproportionately affected by problem debt.
- **Fostering good relations:** Consideration has been given to this objective, and we do not consider that there is scope within this policy measure to promote measures that foster good relations. For this reason, we do not consider our proposals to be relevant to this objective.

**Analysis of responses to Question 8: Do you have any evidence that people with protected characteristics would be impacted by the proposal?**

78. In responding to Question 8, which formed a further part of the Government's consideration of the PSED, several respondents thought that the proposal would have a positive impact on households with protected characteristics (and therefore assist the Government in its duty in discharging the PSED). This is referenced above in the responses to Question 7. It was noted, in particular, that people with disabilities and learning difficulties, mental health issues, and people who speak limited English can find it harder to access and navigate court services. The positive impacts of the proposal on those groups of people include making it easier for them to access data to allow them to manage their debts and to improve their credit status and financial inclusion.
79. In their response, the Money and Mental Health Institute reported that people with mental health problems are more likely than the general population to be in problem debt. Therefore, they would expect people with mental health problems to be

disproportionately impacted by the benefits, and also any unintended consequences of the data being made available for purchase in bulk, such as a potential increased risk of scam calls and letters being sent by people pretending to be enforcing the debts on the Register.

80. Some respondents noted that it is necessary to consider the equalities impact of the proposal on vulnerable individuals, including those who have experienced domestic violence (given that the majority of perpetrators of domestic violence are male).

## The Government's proposed way forward

81. The Government thanks stakeholders for contributing to this consultation exercise. Having carefully considered all 151 responses to this consultation, as summarised in detail in the above section of this response, the Government considers that the inclusion of claimant names on the Register would be beneficial to consumers and should be implemented. The Government intends to make amendments to legislation to allow claimant names to be published on the Register.
82. As evidenced in the detailed summary of responses, the majority of respondents to the consultation agreed that including claimant names on the Register could have some, or all, of the following benefits:
- 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.
83. On the first two points above, helping consumers to identify who has made a default County Court judgment against them, and improving regulation, there was clear consensus that the proposal would be beneficial. On the third point, helping lenders to make more informed credit decisions, there was less general consensus – with some respondents agreeing with the point, some disagreeing (for example, on the basis that if lenders were seen to give less weight to certain types of debt, a judgment debtor may be less inclined to pay those types of judgments). Overall, however, the Government considers that the benefits of implementing the proposal far outweigh the drawbacks, which was reflected in the responses.
84. As indicated above in the detailed summary of responses, and in the equalities assessment particularly, a number of respondents commented on the potentially beneficial impact that the proposal could have on vulnerable people (and on those with certain protected characteristics that make it more difficult for them to access court services). Some respondents suggested that it could have additional benefits for vulnerable people, particularly people with mental health problems. It was noted that this category of people is disproportionately more likely to be in problem debt than the general population, and find it more difficult to access claimant data.
85. Some respondents, however, raised concern about putting the names of vulnerable individuals, for example people fleeing domestic violence, on the Register. It was suggested, therefore, that there should be an option for individuals to be able to apply to opt out of having their name published. One respondent in particular, the Civil Justice Council, said that any reform must ensure that claimant details are not shared with RTL in cases where the claimant has obtained an 'anonymity order' (a court order

not to disclose the identity of a person in order to secure the proper administration of justice and to protect the interests of that person). The Government acknowledges these concerns, and considers that the risk to vulnerable individuals is partly mitigated by the fact that the only information about the claimant that would be available would be their name. Further to this, any remaining risk can be mitigated by the fact that vulnerable individuals who do not wish their identity to be disclosed in court proceedings, and under our proposal, to be published on the Register, can apply to the court for an anonymity order. HMCTS will not share claimant details with RTL if an anonymity order has been granted.

86. Some respondents also raised concerns that claimant data could be used by companies for direct marketing purposes. For example, by debt collection companies, who might cold call claimants on the Register to offer their services.
87. There have been some concerns raised around the risks that including claimant data on the Register may lead to an increased risk of the data on the Register being used for fraudulent purposes. The Government does not consider, however, that the inclusion of claimant names will substantially increase the risk that are already posed by having a public register of judgments. Additionally, the Government is considering, with RTL, the controls that they have in place about access to bulk data and the contracts in place with those who purchase bulk data from RTL.
88. The Government recognises that some respondents thought that it was necessary to include details about the name of the original debtor, in order to know who brought the original claim. We acknowledge that this information would be helpful, but HMCTS do not hold the data centrally and changes would be required to legislation and digital systems to permit this to happen. The Government does not propose to provide such information but will keep the matter under consideration.
89. Further to the above, in relation to the point raised by respondents about including more detail on the Register to help identify companies correctly (such as Companies House numbers), the Government can confirm that there are currently no plans to include further provided on judgments on the Register. As in the above paragraph, we acknowledge that this information would be helpful, but changes would be required to legislation and digital systems to permit this to happen. We do not propose to provide such information, but will keep the matter under consideration.

## Next steps following this consultation

90. The Government intends to legislate to include claimant names on the Register.

91. We will proceed to amend the relevant legislation: the Register of Judgments Orders and Fines Regulations (2005).:

- The amendments will allow claimant names to be published on the Register in England and Wales.
- The amendments to legislation will apply in England and Wales.
- The changes will apply to money judgments in the County Court and High Court to be published on the Register.

92. We intend to implement the change via a Statutory Instrument when Parliamentary time allows.



## Impact Assessment and Equalities

### Impact Assessment

93. The Government considers that the proposals in the consultation would be beneficial to consumers, and that there are no negative impacts arising from the proposals.
94. Further to this, the Government considers that the proposals will have no additional costs or IT impacts for creditors, as creditors will not be required to change their processes or include new processes as a consequence of the changes.
95. There will be a one-off cost associated with updating HMCTS's IT systems, in order to provide RTL with claimant data.
96. Given the minimal expected costs of the proposal, an Impact Assessment has not been produced alongside this consultation response.

### Equalities

97. We have considered the Public Sector Equality Duty (PSED) in our policy development, and will continue to do so as we take forward this proposal.
98. A data protection impact assessment has been completed to understand and mitigate risks to the personal data of the data subjects affected.
99. We have consulted the Information Commissioner's Office about the proposal. They have reviewed the proposals and reported that they are satisfied and do not see a need for further engagement, and that the Government's obligations are fulfilled on this issue.

## 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:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/691383/Consultation\\_Principles\\_\\_1\\_\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1__.pdf)

## Annex A – List of respondents

The Government received responses to this consultation from the following stakeholders.

These groups could be broadly split into: Trade Associations; Companies; Credit Reference Agencies; Debt Advice Providers; Regulatory and/or Oversight Bodies; Local Authorities; the Legal Profession; the Judiciary; the Insurance Sector; Financial Advisors; the Debt Collection and Enforcement Sector; Think Tanks, Not-for-Profit Organisations, and Charities; Academia; and Other.

The respondents, per different category, were as follows:

### Trade Associations:

- Finance & Leasing Association
- Business Information Provides Association (BIPA)
- High Court Enforcement Officers Association
- Civil Court Users Association
- UK Finance
- Consumer Credit Trade Association

### Companies:

- Lowells
- Debt Managers Standards Association (DEMSA)
- Anglian Water Services Ltd
- Simply Funded
- Qualitymark Protection (Insurance Broker)

### Credit Reference Agencies:

- Experian
- TransUnion
- Creditsafe
- Company Watch Limited

### Debt Advice Providers:

- Aurum Gold Limited
- Auriga Services Ltd
- Changing Lives, Charity
- Citizens Advice
- Clear Consultancy Services Ltd
- Money Advice Service
- Money Advice Trust
- Money Advice Plus
- Step Change Charity
- Money and Pension Service

- The Debt Advice Service
- Stockport MBC Debt Advice
- Money Lifeline
- Rethink (Mental Health and Money Advice Service)
- Rethink Mental Illness
- Huntingdon Area Money Advice
- Talking Money
- Debt Justice
- Community Money Advice
- Money Saving Expert
- Uttlesford Citizen Advice
- Citizen Advice Somerset
- Citizen Advice Leeds
- Wiltshire Citizens Advice
- Citizen Advice Exeter
- Citizen Advice Derbyshire District
- Citizen Advice Dacorum
- Citizens Advice Telford & Wrekin
- Citizens Advice Esher & District
- Citizens Advice Manchester
- Citizens Advice - Charnwood. Loughborough
- Citizens Advice Test Valley
- Stockton Citizens Advice
- North Tyneside Citizens Advice
- Kirklees citizens advice and law centre
- Citizens Advice County Durham
- Citizens Advice Stroud and Cotswold
- Citizens Advice Portsmouth
- Citizens Advice Flintshire
- Citizens Advice Surrey Heath
- Citizens Advice Wyre Forest
- Citizens Advice Stevenage
- Citizens Advice Watford
- Citizens Advice Central Dorset
- Citizens Advice Havant
- Citizens Advice Rural Cambs
- Citizens Advice Cornwall
- Citizens Advice Stockport Oldham Rochdale and Trafford
- Salford City Council
- Citizens Advice Fareham

## Regulatory and/or oversight bodies:

- Serious Fraud Office
- Enforcement Conduct Board
- General Pharmaceutical Society Consumer Forum

## Local Authorities:

- Derby Homes
- Salford City Council
- Rotherham Local Authority

## Legal Profession:

- Forum of Insurance Lawyers
- South West London Law Centre

## Judiciary:

- Civil Justice Council

## Insurance Sector:

- Marketstudy Insurance Services Ltd

## Financial Advisors:

- Promethean finance limited
- United Insolvency

## Debt collection and enforcement sector:

- PRA Group (UK) Limited
- Legal Recoveries & Collections Ltd

## Think-tanks / not-for profit organisations / charities:

- Centre for Responsible Credit
- Fair4All Finance
- The Fairbanking Foundation
  
- The Financial Inclusion Centre
- The Genesis Initiative Limited
- Money and Mental Health Policy Institute

## Academia:

- Law School, London School of Economics
- University of Liverpool

## Other:

- K M Group

- CACD
- Registry Trust



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