

PRESS RELEASE



NORTHERN IRELAND

**COURT
SERVICE**

Wednesday 28 January 2004

MORTGAGES: ACTIONS FOR POSSESSION

The Northern Ireland Court Service today published statistics for writs and originating summonses issued in respect of mortgages in the Chancery Division of the Northern Ireland High Court. The statistics cover both Northern Ireland Housing Executive and private (e.g. banks and building societies) mortgages.

During the fourth quarter of 2003, 535 writs and originating summonses were issued. The comparable figure for 2002 was 324.

Figures on mortgage possession actions are published on a quarterly basis. The publication date for the figures covering the first quarter of 2004 will be 28th April 2004.

If you have any further queries in this or other court related matters please contact:

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A NATIONAL STATISTICS PUBLICATION

National Statistics are produced to high professional standards set out in the National statistics Code of Practice. They undergo regular quality assurance reviews to ensure that they meet customer needs. They are produced free of any political interference.

PRESS RELEASE 28 January 2004

A GOVERNMENT STATISTICAL RELEASE

NOTES FOR EDITORS

1. Northern Ireland Court Service collects information on writs and originating summonses issued in respect of mortgages in Chancery Division of the Northern Ireland High Court. This covers both Northern Ireland Housing Executive and private mortgages, and relates to both domestic and commercial properties. Information is collected on a Province-wide basis and it is not possible to provide a more detailed geographical breakdown of the data.

2. This information is collected and published quarterly.

3. Not all writs and originating summonses lead to eviction. A plaintiff begins an action for an order for possession of property. The court, following a judicial hearing, may grant an order for possession. This entitles the plaintiff to apply for an order to have the defendant evicted. However, even where an order for eviction is issued the parties can still negotiate a compromise to prevent eviction.

4. Over the last 9 years the number of writs and originating summonses relating to mortgages issued by Chancery Division of the Northern Ireland High Court has been:

1995	1,220 (- 11%)
1996	1,151 (- 6%)
1997	1,158 (+<1%)
1998	1,551 (+34%)
1999	1,867 (+20%)
2000	1,708 (- 9%)
2001	1,622 (- 6%)
2002	1,601 (- 1%)
2003	1,972 (+23%)

5. Quarterly figures for the last 8 years are as follows:

	Q1	Q2	Q3	Q4
1996	387	273	289	202
1997	277	266	276	339
1998	327	381	463	380
1999	552	523	453	339
2000	477	441	438	352
2001	510	401	378	333
2002	428	447	402	324
2003	482	451	504	535
Quarterly Change	(+13%)	(+0.9%)	(+25.4%)	(+65%)

PRESS RELEASE 28 January 2004

6. Orders Made:

	<u>2003</u>	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>
Possession		156	167	90	191
Suspended Possession		80	71	46	106
Sale & Possession		4	8	3	9
Non Possession		332	268	234	350
Total		572	514	373	656

(Due to computerization figures on possession orders made are only available from 1999)

Note: proportion of non-possession cases are partially estimated due to incomplete data

7. The percentage changes from year to year should be treated with caution due to the small numbers of cases involved and changing seasonal trends.
8. Possession. The court orders the defendant to deliver possession of the property to the plaintiff within a specified time. If the defendant fails to comply with the court order the plaintiff may proceed to apply to the Enforcement of Judgements Office for an order to have the defendant evicted.
9. Suspended Possession. The court may postpone the date for delivery of possession if it is satisfied that the defendant is likely to be able, within a reasonable period, to pay any sums due under the mortgage, or to remedy any other breach of the obligations under the mortgage. A suspended possession order cannot be enforced by the plaintiff without the permission of the court, which will only be granted after a further hearing.
10. Sale and Possession. If the plaintiff seeks possession of property which is subject to an 'equitable mortgage' (ie normally one created informally by the deposit of deeds rather than the execution of a mortgage deed) the court may order a sale of the property to enable enforcement of the equitable mortgage and that the defendant give up possession for that purpose. The sale price is subject to approval by the court.

11. For further information please contact:

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