

News Release
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HELP ON THE WAY FOR PEOPLE FACING REPOSSESSION

Statistics released this morning by the Northern Ireland Court Service show a 93% rise in mortgage repossession actions over the same period last year.

The Court Service is actively supporting initiatives that will provide help to people who face having their homes repossessed. It is working with the Housing Rights Service to set up an advice facility which will come into operation in January for those coming to court without their own legal representation.

Confirming the plans today the Director of the Court Service, David Lavery, said:

“The Court Service has been aware of the rising trend of repossession actions in Northern Ireland and has agreed with Housing Rights Service on the need to provide advice facilities at the Royal Courts of Justice and at Laganside Courts. We expect that this will be available to the public from early January 2009.

“This initiative will ensure that advice is available free of charge for people involved in repossession proceedings who do not have their own legal representation.

“A link will also be provided on our website to the HRS website when the new service is launched and their leaflet will also be available from us online.”

Meanwhile, the Lord Chief Justice is considering the need for a special protocol governing actions for housing repossession in Northern Ireland.

The general principles are already being applied by the courts and consultation on a draft protocol has begun. Under it, a judge hearing a repossession case will expect parties to take all reasonable steps to resolve matters before starting proceedings, so that a repossession claim is a measure of last resort.

Before coming to court, parties will be encouraged to have discussions about the reasons for the mortgage falling into arrears and the borrower's financial circumstances to see if a proposal for repayment can be agreed.

Commenting today, a spokeswoman for the Lord Chief Justice said:

“Judges in Northern Ireland see repossession proceedings as a last resort. The steps in this draft protocol are very similar to the steps many mortgage lenders already take before coming to court. A protocol will seek to ensure that all lenders adhere to best practice and will help make sure that no-one loses their home in Northern Ireland unless there is no reasonable alternative.

“It is also important for people who may be the subject of proceedings to seek advice as early as possible from a solicitor or an advice centre. In many situations something can be done to save their home.”

NOTES FOR EDITORS

1. The consultation period on the new protocol ends on **23rd January 2009** and the document may be downloaded from the Court Service website at www.courtsni.gov.uk where details of how to respond may also be found.
2. The protocol will be similar to one made last month by the Civil Justice Council in England and Wales. The English protocol can be found at http://www.civiljusticecouncil.gov.uk/files/Mortgage_Pre-Action_protocol_21_Oct.pdf
3. The Housing Rights Service is sponsored by the Department for Social Development. Further information about the plans for the new advice service can be accessed at: www.housingadviceNI.org

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

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