

Lord Chief Justice's Office

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PRE-ACTION PROTOCOL ON POSSESSION PROCEEDINGS TO COME INTO EFFECT FROM 5 OCTOBER 2009

The Lord Chief Justice's Office today announced that the Pre-Action Protocol on Possession Proceedings for the courts in mortgage repossession cases will come into effect for all mortgage repossession cases in Northern Ireland commenced after 5 October 2009.

The Lord Chief Justice's protocol sets out the steps that lenders are expected to take before bringing a claim in the courts to ensure that repossessions are a last resort. Lenders will now be expected to demonstrate that they have tried to discuss and agree alternatives to repossession when borrowers get into trouble with their mortgage repayments. If a case reaches court, lenders will be required to tell the court precisely what they have done to comply with the protocol. The protocol will come into effect from 5 October to allow lenders to put into place any necessary procedures in order to comply.

The Lord Chief Justice, Sir Declan Morgan said:

"Judges in Northern Ireland see repossession proceedings as a last resort. While the steps set out in the protocol are already implemented as best practice by many lenders, the introduction of the protocol setting out the standards expected by the court will help ensure that best practice is adhered to in all cases. This will help make sure that no-one loses their home in Northern Ireland unless there is no reasonable alternative."

NOTES FOR EDITORS

1. The protocol is available on the Court Service website (www.courtsni.gov.uk).

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2. The Lord Chief Justice's Office issued the protocol for public consultation in November 2008. It has been revised to take account of the comments received. A copy of the analysis and response to views received on the consultation can also be found on the Court Service website.
3. There is a wider package of measures by Government departments and agencies which are aimed at providing the best possible support to debtors and vulnerable borrowers. In May 2009 the Department for Social Development provided funding to the Housing Rights Service to enable it to provide specialist advice and support for people in mortgage difficulties. In January 2009 the Housing Rights Service, working with the Court Service, set up an advice facility at the Royal Courts of Justice and at Laganside Courts for people involved in repossession proceedings who do not have their own legal representation.

ENDS

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