

Statistical Press Release -
**Mortgages: Actions for
Possession**
January - March 2011

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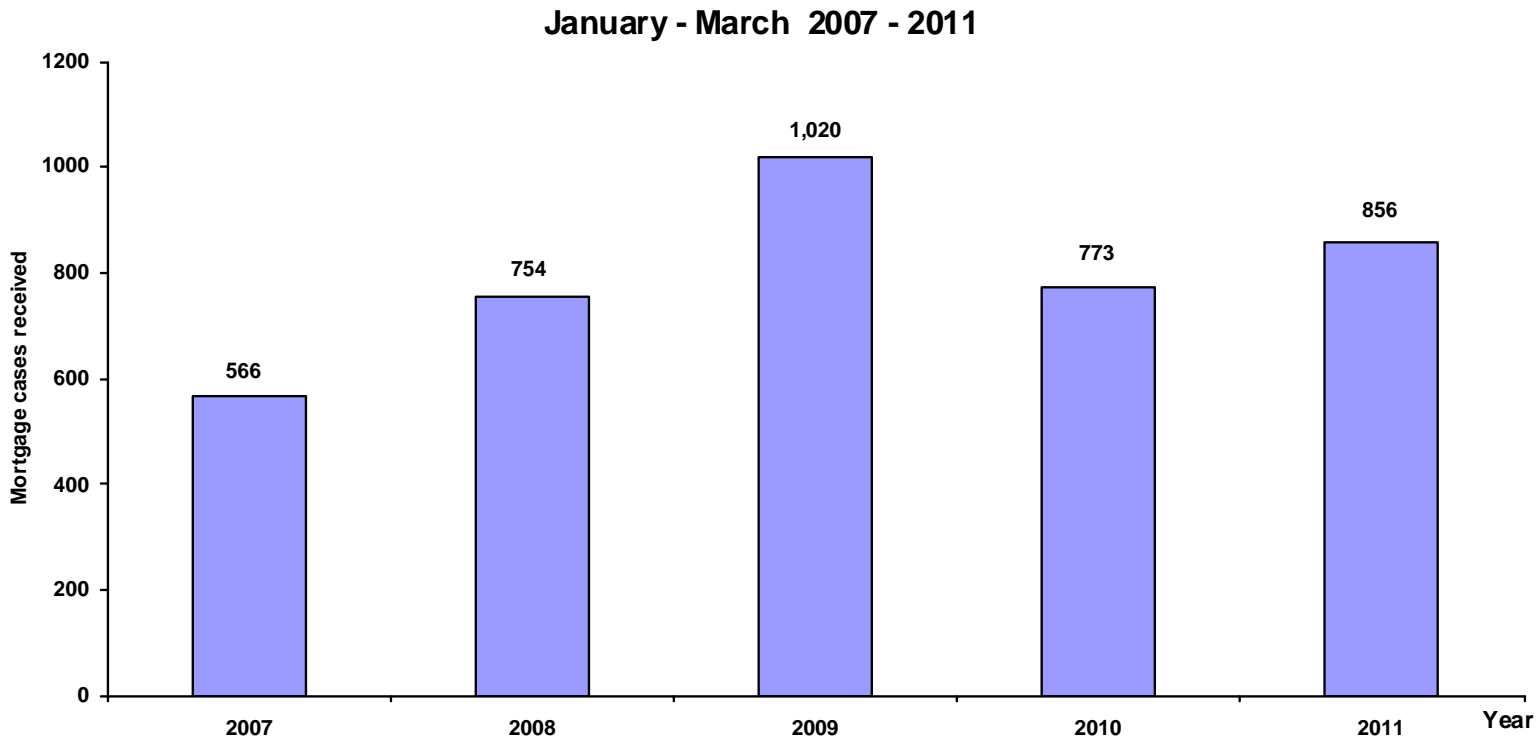
This statistical press release provides statistics for writs and originating summonses issued, cases disposed and orders made in respect of mortgages in the Chancery Division of the Northern Ireland High Court for the first quarter of 2011 (January – March).

Writs and originating summonses issued

During the first quarter of 2011 (January – March), 856 writs and originating summonses were issued.

This is an 11% increase in the number of mortgage cases received in Chancery in the same period in the previous year (773 in 2010) and a 51% increase over the last five years (from 566 in 2007).

The number of mortgage cases received in Chancery during January - March for the last 5 years are shown in the graph below.



Over the last 5 years, the total number of writs and originating summonses relating to mortgages issued (i.e. mortgage cases received) by Chancery Division of the Northern Ireland High Court for the whole year has been:

NORTHERN IRELAND COURTS AND TRIBUNALS SERVICE

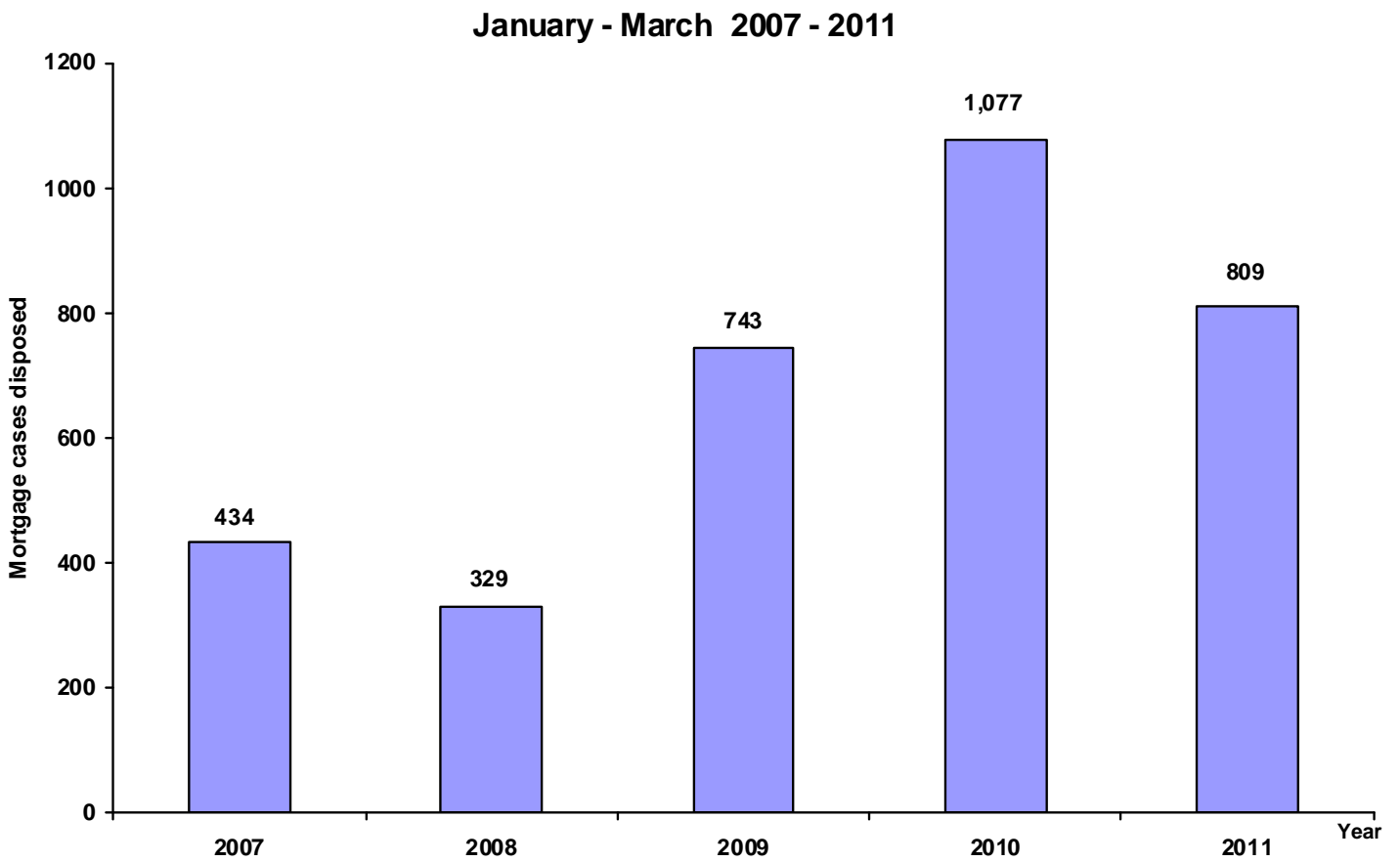
Year	Quarter	Number of applications received	% difference from previous year
2006	Jan – Mar	676	
	Apr – Jun	612	
	Jul – Sep	658	
	Oct – Dec	577	
	Total	2,523	-2%
2007	Jan – Mar	566	
	Apr – Jun	584	
	Jul – Sep	521	
	Oct – Dec	542	
	Total	2,213	-12%
2008	Jan – Mar	754	
	Apr – Jun	929	
	Jul – Sep	1,006	
	Oct – Dec	939	
	Total	3,628	+64%
2009	Jan – Mar	1,020	
	Apr – Jun	954	
	Jul – Sep	1,124	
	Oct – Dec	807	
	Total	3,905	+8%
2010	Jan – Mar	773	
	Apr – Jun	929	
	Jul – Sep	863	
	Oct – Dec	825	
	Total	3,390	-13%

Mortgage cases disposed

There were 809 mortgage cases disposed of during January – March 2011.

This is a 24% decrease from the same period in the previous year (1,077 in 2010) and an 88% increase over the last five years (from 434 in 2007).

The number of mortgage cases disposed of in Chancery during January - March for the last 5 years are shown in the graph below.



Orders made

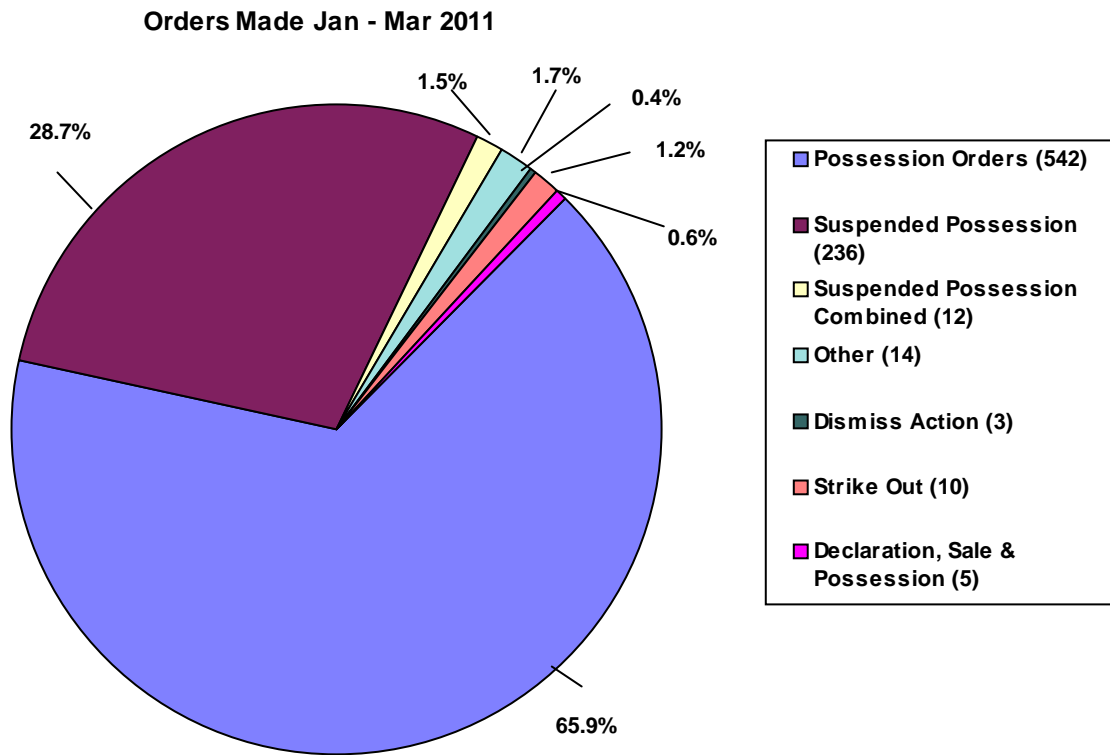
In the period January - March 2011, there were 822 orders made.

This is a 24% decrease from the same period in the previous year (1,088 in 2010) and an 89% increase over the last five years (from 436 in 2007).

The number of orders made during January - March for the last 5 years are shown in the graph below.



A breakdown of the 822 orders made during January - March 2011 is shown in the pie chart below.



GLOSSARY

1. **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 Judgments Office to repossess the property and give possession of it to the plaintiff.
2. **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.
3. **Sale and Possession** - If the plaintiff seeks possession of property which is subject to an 'equitable mortgage' (i.e. 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.
4. **Strike out** - This occurs when the moving party does not wish to proceed any further, or when the court rules that there is no reasonable ground for bringing or defending the mortgage action.
5. **Dismiss action** - The mortgage action is dismissed by the courts.
6. **Other orders** - These include: (a) Declaration of possession coupled with an order for sale in lieu of partition and (b) Stay of Eviction – after a Possession Order is granted but prior to actual repossession, the Defendant may apply to Court to seek a stay of eviction which, if granted, prevents repossession for a certain defined period.

NOTES FOR EDITORS

1. Northern Ireland Courts and Tribunals Service collects information on writs and originating summonses issued in respect of mortgages in Chancery Division of the Northern Ireland High Court. This relates to both domestic and commercial properties.
2. Data from the Integrated Courts Operations System (ICOS) are used for this publication. This system has been chosen as it is the main system within the Northern Ireland Courts and Tribunals Service (NICTS). The data are input to this system on a daily basis. A download from this system is supplied to the Statistics and Research team on a weekly basis on flat files. This information is downloaded via SPSS and validations are produced from this system to ensure that the data are reliable and robust for use. Any inconsistencies are reported back to individual court offices and if required, any necessary amendments are made to the data. Once these amendments have been checked, computer syntax is then used to produce the tables in the bulletin. The aggregated total figures in the bulletin are produced from the computer syntax. The data are broken down by court location as this is the established way of producing and presenting these data.
3. The statistics in this bulletin are taken from the latest available data and are provisional. The NICTS check all data that are to be published carefully in order to provide a high level of quality assurance in relation to the data. However, NICTS does acknowledge that some errors may occur due to the inputting of incorrect data. Most of these errors are detected and corrected by the validations that are computed by the statistics and research team before publication. Nonetheless, as the figures are extracted from a live database on a particular date, figures may change due to late returns and further validations. Final yearly figures are published in Judicial Statistics. Data for 2010 are due to be published on 24 June 2011.
4. **Not all writs and originating summonses lead to eviction or re/possession.** 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 to have the defendant evicted. However, even where an order for eviction is issued the parties can still negotiate a compromise to prevent eviction.
5. When a case is disposed of it may have more than one final order made.
6. Figures on mortgage possession actions are published on a quarterly basis. The publication date for the figures covering the second quarter of 2011 will be 19th August 2011.

7. Further information on the housing statistics in Northern Ireland is available from the Department for Social Development at:
http://www.dsdni.gov.uk/index/stats_and_research/housing_publications.htm
8. Further information in relation to mortgage and landlord possession statistics in England and Wales is available from:
<http://webarchive.nationalarchives.gov.uk/+http://www.justice.gov.uk/publications/mortgatelandlordpossession.htm>
9. Statistical information on the UK housing and mortgage markets is also available from the Council of Mortgage Lenders at: <http://www.cml.org.uk/cml/statistics>
10. For further information on this publication please contact:

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