

Statistical Press Release - Mortgages: Actions for Possession July - September 2011

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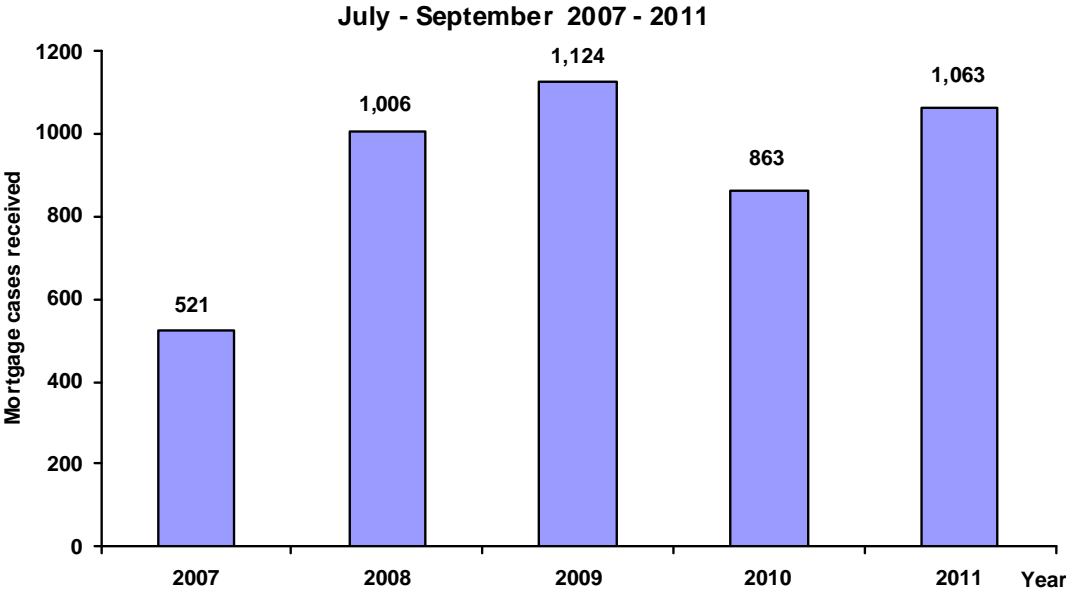
This statistical press release provides statistics for writs and originating summonses issued, cases disposed and orders made in respect of mortgages in the Chancery Division of the Northern Ireland High Court for the second quarter of 2011 (July – September).

KEY POINTS

- There were 1,063 writs and originating summonses issued between July – September 2011, a 23% increase from the same period in 2010.
- There were 387 mortgage cases disposed of between July – September 2011, a 2% increase from the same period in 2010.
- There were 388 orders made between July – September 2011, a 2% increase from the same period in 2010.

Writs and originating summonses issued

- During the third quarter of 2011 (July – September), 1,063 writs and originating summonses were issued.
- This is a 23% increase in the number of mortgage cases received in Chancery in the same period in the previous year (863 in 2010) and a 104% increase over the last five years (from 521 in 2007).
- The number of mortgage cases received in Chancery during July – September for the last 5 years are shown in the graph below.



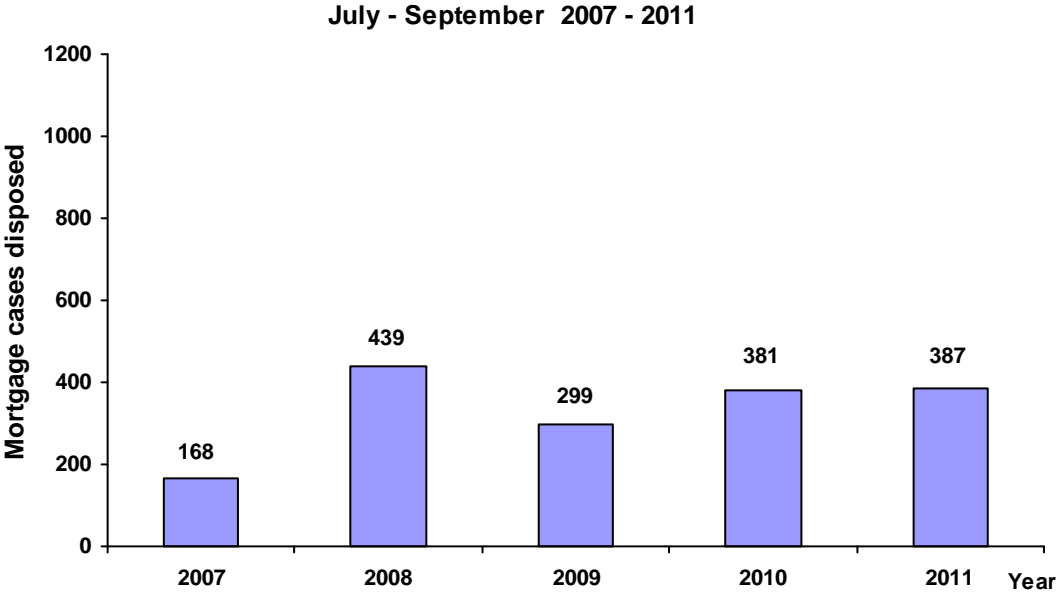
- Over the last 5 years, the total number of writs and originating summonses relating to mortgages issued (i.e. mortgage cases received) by Chancery Division of the Northern Ireland High Court for the whole year has been:

<i>Year</i>	<i>Quarter</i>	<i>Number of applications received</i>	% difference from previous year
2006	Jan – Mar	677	
	Apr – Jun	612	
	Jul – Sep	658	
	Oct – Dec	576	
	Total	2,523	-2%
2007	Jan – Mar	565	
	Apr – Jun	584	
	Jul – Sep	521	
	Oct – Dec	542	
	Total	2,212	-12%
2008	Jan – Mar	757	
	Apr – Jun	929	
	Jul – Sep	1,006	
	Oct – Dec	938	
	Total	3,630	+64%
2009	Jan – Mar	1,021	
	Apr – Jun	954	
	Jul – Sep	1,124	
	Oct – Dec	807	
	Total	3,906	+8%
2010	Jan – Mar	773	
	Apr – Jun	929	
	Jul – Sep	863	
	Oct – Dec	825	
	Total	3,390	-13%
2011	Jan – Mar	856	
	Apr – Jun	939	
	Jul – Sep	1,063	

NB. 2011 figures are provisional

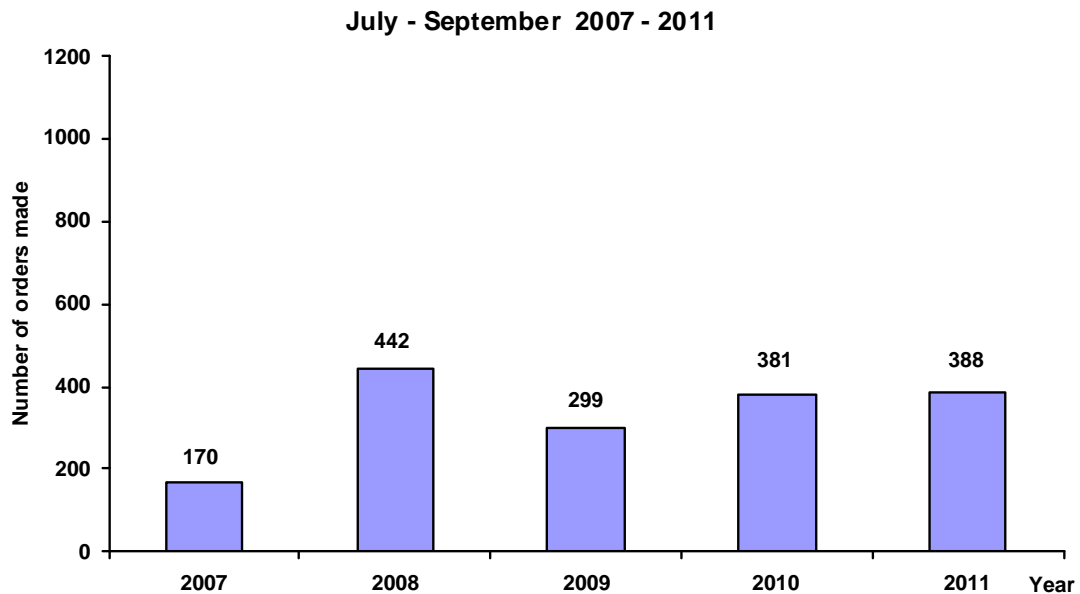
Mortgage cases disposed

- There were 387 mortgage cases disposed of during July – September 2011.
- This is a 2% increase from the same period in the previous year (381 in 2010) and a 130% increase over the last five years (from 168 in 2007).
- The number of mortgage cases disposed of in Chancery during July – September for the last 5 years are shown in the graph below.

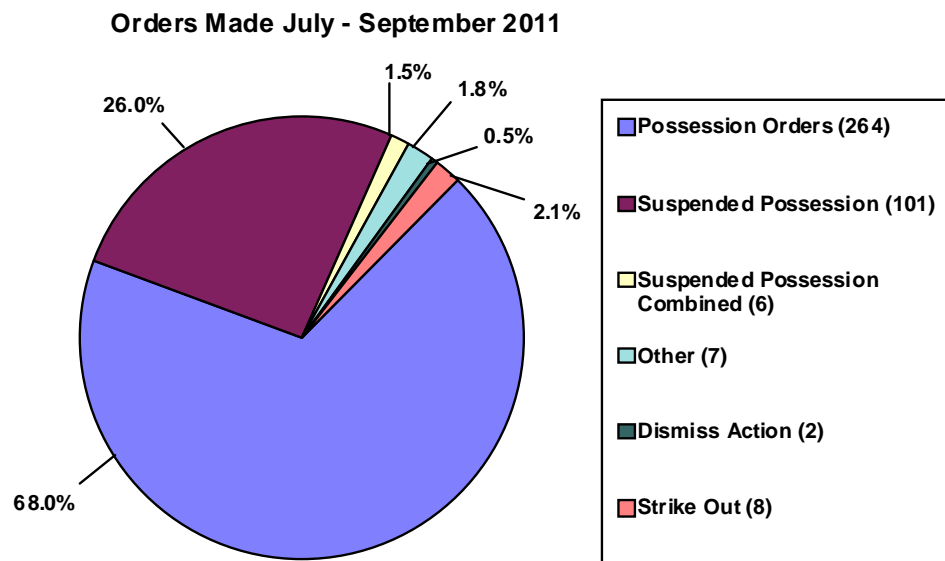


Orders made

- In the period July – September 2011, there were 388 orders made. More than one order can be made per case so this figure does not necessarily equal the number of cases disposed of.
- This is a 2% increase from the same period in the previous year (381 in 2010) and a 128% increase over the last five years (from 170 in 2007).
- The number of orders made during July – September for the last 5 years are shown in the graph below.



- A breakdown of the 388 orders made during July – September 2011 is shown in the pie chart below.



GLOSSARY

Writs and originating summonses

1. Writs and originating summonses - document used by the plaintiff, which commences the legal process for an order of possession for property.

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.

Orders

Writs and originating summonses are disposed of by a number of different order types. The main ones are:

2. **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.
3. **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.
4. **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.
5. **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.
6. **Dismiss action** - The mortgage action is dismissed by the courts.
7. **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.

When a case is disposed of it may have more than one final order made.

NOTES FOR EDITORS

1. Data - 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 Source - 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 regular basis.
3. Data Downloads - When downloads are made from ICOS, the statistics team checks the following validations: (i) consistency over time and between variables; (ii) reliability of data using logic checks; (iii) checking that variables fall within accepted ranges; and (iv) checking with the ICOS Support Team in the event of any major discrepancies that have occurred since the last download.
4. Data Validations - This information is downloaded via SPSS and validations are produced from this system to ensure that the data are reliable and robust for use. This is done on a monthly basis. 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. These validations include inaccuracies such as missing information or data that have been keyed incorrectly and general queries which are then reported back to individual court offices. The court clerks within the court offices check the information provided by the statistics team to see whether or not any errors have been made and if required, any necessary amendments are made to the data. As all entries on the ICOS system are checked by the line managers of court clerks, and then confirmed on the system, there are few errors to be found here. Any errors or required amendments are made on the ICOS system. After this, the statistics team check that the amendments have been made and that the data fall into acceptable ranges. The level of errors that occur from court clerk inputting is very small and is typically less than 1%. Computer programming is then used to produce the tables in this bulletin. This is checked prior to the publication of each bulletin to ensure that it takes account of all information that is held on our databases. In the event of the addition of new orders, the information here would be updated before running the programme.
5. Data Extract - The statistics in this bulletin are taken from the latest available data and are provisional. In order to check that all information is recorded, validated and to ensure that the information is as accurate as possible, this publication is scheduled for publication approximately six weeks after the period that this bulletin relates to.
6. Quality Assurance - The statistics team in 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. 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 were published in

June 2011. From the July - September 2011 bulletin these final year figures for 2006 to 2010 have been reflected in the general trends table for mortgage cases received. Further information on Quality Strategy, Principles and Processes can be found by viewing the following web link:

http://www.courtsni.gov.uk/en-GB/Publications/Policy_and_Policy_Development/Documents/Quality%20Strategy,%20Principles%20and%20Processes/p_pd_stats_QualityStrategyPrinciplesandProcesses.pdf

7. User Needs - All the information that is presented in this publication is relevant to the needs of users. The majority of users are NICTS staff, the Department for Social Development in Northern Ireland (DSD), Northern Ireland Neighbourhood Information Service (NINIS) and the some academics. We correspond regularly with this group of customers in order to determine their exact needs and requirements.
8. Accessibility - In order that the information provided in the bulletin is accessible to all groups of people the bulletins are available on the NICTS website in a number of formats; pdf; Excel and html. This publication also complies with the NICTS's Internet Accessibility policy. Requests for the information in different formats can be made by contacting the communicationsgroup@courtsni.gov.uk . A charge may apply for formats not routinely used and individuals will be made aware of any changes and asked to confirm their willingness to pay prior to commencement of the work.
9. Comparability - The time series of data in this bulletin are coherent and are directly comparable over time as the methods of collecting the data has not changed since the implantation of the ICOS system into the civil courts in 2005.
10. Revisions - Any revisions to data will be applied in light of the NICTS Statistical Notice 'Policy Statement on Revisions'. Incorrect figures or any changes to the bulletin will be published on the web in a formal Statistical Notice.
11. Frequency of Publication - Figures on mortgage possession actions are published on a quarterly basis. The publication date for the figures covering the fourth quarter of 2011 will be 17th February 2012.
12. General Data Trends - It is not possible to make specific comments on the data that are published in this bulletin. While general increases and decreases are provided in relation to data trends it is not possible to determine why any of these increases and decreases occurred.

Further Information

1. Information on mortgages received and disposed for Councils, Assembly Constituency and Westminster Constituency is available at the Crime and Justice section of:
2. <http://www.ninis.nisra.gov.uk/mapxtreme/datacatalogue.asp>
3. 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
4. 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>
5. 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>

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