

Notice of important changes from April 2006 (*Bulletin 2*)

On 6 April 2006 important changes affecting High Court judgments come into force. This notice explains what the changes are and how they will affect you.

Q. What are the changes?

A. From 6 April 2006, High Court judgments will be registered in a public register, the Register of Judgments, Orders and Fines.

Q. What is the effect of inclusion in the Register?

A. As with registered county court judgments, the information in the register is passed to credit reference agencies and others who will supply details of the judgments to credit grantors seeking information on the financial standing of the registered debtor. **Inclusion in the register may make it difficult for the registered debtor to get credit.** The information also helps those wanting to make a claim or enforce a judgment against a particular debtor assess their prospects for success.

Q. What legislation provides for this?

A. Section 98(1)(a) of the Courts Act 2003 and The Register of Judgments, Orders and Fines Regulations 2005 (SI No. 2005/3595).

Q. Why are High Court judgments being registered?

A. Making High Court judgments available for public search will assist enforcement and responsible lending. While details of registered county court judgments (or 'CCJs') have become widely accessible, there is no central repository of High Court judgments. As such a person with a High Court judgment might be advanced credit while a person with a CCJ may not. This inequity needed to be removed.

Q. When is a High Court judgment entered in the Register?

A. (i) As with county court judgments, **only judgments for payment of money will be registered.**

(ii) Judgments will be automatically entered in the Register on entry of a judgment in default.

(iii) Where the hearing of a case is contested, the judgment will not be registered until-

- An order is made for payment of the outstanding judgment by instalments, following an application by either the judgment creditor or judgment debtor, or
- The judgment creditor takes steps to enforce the judgment, or
- The judgment creditor applies for an order under Part 71 of the Civil Procedure Rules for an order to obtain information from the judgment debtor

(iv) Judgments transferred from a county court to the High Court for enforcement will be registered by the county court on transfer, if not already registered.

(v) Orders for possession of land containing a money judgment will be registered on enforcement or on transfer from a county court to the High Court for enforcement (*regulation 9(c) The Register of Judgments Orders and Fines Regulations 2005*).

Q. How are judgments registered?

A. The court staff will send a return to the Registrar. However, if you are asking the court to enforce a judgment where the hearing was contested by issue of a writ of fieri facias, possession or delivery, you will need to inform the court that the judgment requires registration on the request Form PF86A.

Q. Are all claims in the High Court included?

A. No. Judgments entered-

- in Family proceedings,
- by the Administrative Court,
- by the Technology and Construction Court,

are **exempt** from registration (*regulation 9(a)*).

Q. What details will be entered in the Register?

A. The Register includes the-

- debtor's name
- debtor's date of birth (if an individual and where this is known)
- debtor's address at the date of judgment
- name of the High Court Division or district registry
- amount of the judgment
- date of judgment
- The claim number

(*Regulation 10*)

Q. How long does the judgment remain in the Register?

A. Normally six calendar years from the date of judgment (*regulation 26(a)*). However, if the judgment is paid within one month of the date of judgment the court can be asked to cancel (delete) the entry in the Register. If the judgment is paid after one month from the date of judgment, the court may be asked to mark the entry as 'satisfied' if the debtor can provide proof of payment in full. However, entries marked 'satisfied' will remain on the Register for six years (*regulation 11*).

If a judgment is set aside or reversed, the court will cancel the registration.

Q. Where is the Register kept and who keeps it?

A. The Register is kept for the Lord Chancellor by Registry Trust Ltd (the Registrar), whose address is 173/175 Cleveland Street, London, W1T 6QR. Registry Trust can be contacted on Tel. 020 7380 0133.

Q. How can I find out how to search the Register?

A. Searches can be made by post or via the web at www.registry-trust.org.uk. There is a fee payable to carry out a search.

Q. Where can I obtain further information about this?

A. Further information can be found on the HMCS website at -

www.hmcourts-service.gov.uk/judgments.htm

The Courts Act 2003 and the regulations are available from www.opsi.gov.uk.

For other queries you may contact the court.