

2005 No. 3595

SUPREME COURT OF ENGLAND AND WALES
COUNTY COURTS, ENGLAND AND WALES
MAGISTRATES' COURTS, ENGLAND AND WALES

The Register of Judgments, Orders and Fines Regulations 2005

Made - - - - - *29th December 2005*
Laid before Parliament *16th January 2006*
Coming into force in accordance with regulation 2

The Lord Chancellor makes the following Regulations in exercise of the powers conferred upon him by section 98(1), (2) and (3) and section 108(6) of the Courts Act 2003(a):

Citation, commencement and duration

1. These Regulations may be cited as the Register of Judgments, Orders and Fines Regulations 2005.
2. These Regulations shall come into force—
 - (a) for the purposes of this regulation and regulations 1 and 4, on the day after the day on which these Regulations are made; and
 - (b) for all other purposes, on 6th April 2006.

Interpretation

3. In these Regulations—
 - “the 1998 Rules” means the Civil Procedure Rules 1998(b);
 - “the Act” means the Courts Act 2003;
 - “Administrative Court” has the same meaning as in Part 54 of the 1998 Rules;
 - “amendment notice” means the notice given to the Registrar in accordance with regulation 21;
 - “applicable charge” means the charge fixed by the Lord Chancellor in accordance with section 98(4) of the Act, or in accordance with section 98(4) as applied by section 98(7)(b) of the Act;
 - “appropriate officer” means—
 - (a) in the case of the High Court or a county court, an officer of the court in which the judgment is entered;

(a) 2003 c.39.
(b) S.I. 1998/3132, frequently amended.

- (b) in the case of a registration under paragraph 38(1)(b) of Schedule 5 to the Act—
 - (i) where a fines officer exercises the power to register following service of a notice under paragraph 37(6)(b) of that Schedule, that officer; or
 - (ii) where a court exercises the power to register by virtue of paragraph 39(3) or (4) of that Schedule, an officer of that court;
- (c) in respect of a liability order designated for the purposes of section 33(5) of the Child Support Act 1991(a), the Secretary of State;

“appropriate fee” means the fee prescribed under section 92(1) of the Act;

“certificate of satisfaction” means the certificate applied for under regulation 17;

“data protection principles” means the principles set out in Part 1 of Schedule 1 to the Data Protection Act 1998(b), as read subject to Part 2 of that Schedule and section 27(1) of that Act;

“debt” means the sum of money owed by virtue of a judgment, administration order or fine, and “debtor” means the individual, incorporated or unincorporated body liable to pay that sum;

“family proceedings” has the same meaning as in section 63 (interpretation) of the Family Law Act 1996(c);

“judgment” means any judgment or order of the court for a sum of money and, in respect of a county court, includes a liability order designated by the Secretary of State for the purposes of section 33(5) of the Child Support Act 1991;

“Local Justice Area” means the area specified in an order made under section 8(2) of the Act;

“Registrar” means—

- (a) where the Register is kept by a body corporate in accordance with section 98(6) of the Act, that body corporate; or
- (b) otherwise, the Lord Chancellor;

“the Register” means the register kept in accordance with section 98(1) of the Act;

“satisfied”, in relation to a debt, means that the debt has been paid in full, and “satisfaction” is to be construed accordingly;

“Technology and Construction Court” has the same meaning as in Part 60 of the 1998 Rules.

Amendment to the Register of Fines Regulations 2003

4. In regulation 1(2) of the Register of Fines Regulations 2003(d), for “31st March 2006” substitute “6th April 2006”.

Performance of steps under these Regulations

5. Any step to be taken under these Regulations by the appropriate officer or the Registrar shall be taken—

- (a) in respect of—
 - (i) the registration of judgments to which regulation 8(1)(a) applies; and
 - (ii) the registration of administration orders to which regulation 8(1)(b) applies, within one working day;
- (b) in respect of the registration of sums to which regulation 8(1)(c) applies, as soon as may be reasonably practicable.

(a) 1991 c.48.

(b) 1998 c.29.

(c) 1996 c.27.

(d) S.I. 2003/3184, amended by S.I. 2005/485.

Manner, etc, in which the Register is to be kept

6.—(1) Where the Registrar is a body corporate, the Register shall be kept in accordance with the terms of the agreement between the Lord Chancellor and that body.

(2) The terms of the agreement between the Lord Chancellor and the body corporate shall specify—

- (a) the manner in which the Register is to be kept;
- (b) the form of the Register; and
- (c) the place at which the Register is to be kept.

7. Where the Registrar is not a body corporate, the Register shall be kept by the Lord Chancellor in such a manner and at such a place as he shall determine.

Registration of judgments, administration orders and fines

8.—(1) The appropriate officer shall send to the Registrar a return of—

- (a) subject to regulation 9, every judgment entered in—
 - (i) the High Court; and
 - (ii) a county court;
- (b) every administration order made under section 112 of the County Courts Act 1984^(a) (power of county courts to make administration orders);
- (c) every sum to be registered by virtue of paragraph 38(1)(b) of Schedule 5 to the Act (further steps available against defaulters).

(2) Following receipt of a return sent in accordance with paragraph (1), the Registrar shall record the details of the return as an entry in the Register.

Exempt judgments – High Court and county courts

9. Regulation 8(1)(a) does not apply to—

- (a) any judgment made—
 - (i) in family proceedings;
 - (ii) by the Administrative Court; or
 - (iii) by the Technology and Construction Court;
- (b) any judgment made in proceedings which are the subject of an appeal under Part 52 of the 1998 Rules, until that appeal has been determined;
- (c) any judgment, other than a liability order designated under section 33(5) of the Child Support Act 1991, where the hearing was contested, until—
 - (i) an order is made for payment by instalments following an application by the judgment creditor;
 - (ii) an application is made for payment by instalments by the judgment debtor;
 - (iii) the judgment creditor takes any step to enforce the judgment under Part 70 of the 1998 Rules (general rules about enforcement of judgments and orders);
 - (iv) the judgment creditor applies for an order under Part 71 of the 1998 Rules (orders to obtain information from judgment debtors);
 - (v) the judgment creditor applies for a certificate of judgment under rule 8 of CCR Order 22 in Schedule 2 to the 1998 Rules;

(a) 1984 c.28.

- (d) an order for the payment of money arising from an action for the recovery of land (whether for costs, payments due under a mortgage, arrears of rent, or otherwise), until the creditor takes any step to enforce the order under Part 70 of the 1998 Rules;
- (e) an order of a county court under—
 - (i) section 73(15) of the Road Traffic Act 1991(a) (order for the recovery of an amount which is payable under an adjudication of a parking adjudicator); or
 - (ii) paragraph 7 of Schedule 6 to that Act (order for the recovery of an increased penalty charge).

Information contained in the appropriate officer’s return

- 10.** The return sent by virtue of regulation 8(1) shall contain details of—
- (a) the full name and address of the debtor in respect of whom the entry in the Register is to be made;
 - (b) if the entry is to be in respect of an individual, that individual’s date of birth (where known);
 - (c) the amount of the debt;
 - (d) the case number;
 - (e) in respect of a return sent by virtue of regulation 8(1)(a) regarding a liability order designated under section 33(5) of the Child Support Act 1991, the date of the judgment;
 - (f) in respect of all other returns sent by virtue of regulation 8(1)(a)—
 - (i) the name of the court which made the judgment; and
 - (ii) the date of the judgment;
 - (g) in respect of a return sent by virtue of regulation 8(1)(b)—
 - (i) the name of the court which made the administration order; and
 - (ii) the date of the order;
 - (h) in respect of a return sent by virtue of regulation 8(1)(c)—
 - (i) the Local Justice Area which imposed the fine; and
 - (ii) the date of conviction.

Cancellation or endorsement of entries relating to judgments of the High Court or a county court

11.—(1) This regulation applies where an entry in the Register is one to which regulation 8(1)(a) applies (judgments entered in the High Court or a county court).

- (2) Where it comes to the attention of the appropriate officer that—
- (a) the debt to which the entry relates has been satisfied one month or less from the date of the judgment; or
 - (b) the judgment to which the entry relates has been set aside or reversed,

that officer shall send a request to the Registrar to cancel the entry.

(3) Where it comes to the attention of the appropriate officer that the debt has been satisfied more than one month from the date of the judgment, that officer shall send a request to the Registrar to endorse the entry as to the satisfaction of the debt.

(a) 1991 c.40.

Endorsement of entries relating to county court administration orders

12.—(1) This regulation applies where an entry in the Register is one to which regulation 8(1)(b) applies (administration orders of a county court).

(2) Where it comes to the attention of the appropriate officer that—

- (a) an administration order has been varied;
- (b) an administration order has been revoked; or
- (c) the debt has been satisfied,

that officer shall send a request to the Registrar to endorse the entry accordingly.

Cancellation or endorsement of entries relating to fines

13.—(1) This regulation applies where an entry in the Register is one to which regulation 8(1)(c) applies (fines subject to registration under Schedule 5 to the Act).

(2) Where it comes to the attention of the appropriate officer that—

- (a) the debt to which the entry relates has been satisfied one month or less from the date on which the fine was registered;
- (b) the conviction for which the fine was imposed has been set aside or reversed; or
- (c) the fine has been remitted in full,

that officer shall send a request to the Registrar to cancel the entry.

(3) Where it comes to the attention of the appropriate officer that the debt has been satisfied more than one month from the date on which the fine was registered, that officer shall send a request to the Registrar to endorse the entry as to the satisfaction of the debt.

Cancellation of entries in the Register – additional provisions

14. Where an entry in the Register is endorsed in accordance with regulations 11(3) or 13(3) and the appropriate officer is later of the opinion that the debt was satisfied one month or less from—

- (a) the date of the judgment or administration order; or
- (b) the date on which the fine was registered,

that officer shall send a request to the Registrar to cancel the relevant entry.

15. Where—

- (a) it comes to the attention of the appropriate officer that an administrative error has been made; and
- (b) he is of the opinion that the error is such to require the cancellation of an entry in the Register,

that officer shall send a request to the Registrar to cancel the relevant entry.

Cancellation and endorsement of entries in the Register by the Registrar

16. Following receipt of a request under—

- (a) regulation 11(2), 13(2), 14 or 15 (debt due satisfied in one month or less, etc), the Registrar shall cancel the relevant entry;
- (b) regulation 11(3) or 13(3) (debt due satisfied in more than one month), the Registrar shall endorse the relevant entry as to the satisfaction of the debt;
- (c) regulation 12(2) (administration order has been varied, revoked or debt has been satisfied), the Registrar shall endorse the relevant entry accordingly.

Application for, and issue of, a certificate of satisfaction

17.—(1) A registered debtor may apply to the appropriate officer for a certificate (“certificate of satisfaction”) as to the satisfaction of the debt.

(2) An application under paragraph (1) shall be—

- (a) made in writing; and
- (b) accompanied by the appropriate fee.

18.—(1) In the case of an application for a certificate of satisfaction in respect of an entry in the Register to which regulation 8(1)(a) applies (judgments entered in the High Court or a county court), the application under regulation 17(1) shall be accompanied by—

- (a) sufficient evidence that the debt has been satisfied;
- (b) a statement that the registered debtor has taken reasonable steps to obtain such evidence, but has been unable to do so; or
- (c) a statement that the registered debtor believes such evidence is already in the possession of the appropriate officer.

(2) For the purposes of paragraph (1)(a), sufficient evidence that the debt has been satisfied includes a signed statement by the creditor to that effect.

(3) Where paragraph (1)(b) applies, the appropriate officer shall send notice of the registered debtor’s application under regulation 17(1) to the creditor together with a request that the creditor confirms within one month of the date of the notice whether the debt has been satisfied.

(4) For the purposes of paragraph (1)(c), evidence which is already in the possession of the appropriate officer includes where—

- (a) the debt has been paid as the result of court enforcement proceedings taken under Part 70 of the 1998 Rules;
- (b) payment of the debt has otherwise been made to the court.

19. Where an application has been made under regulation 17(1) and—

- (a) the appropriate officer is of the opinion that the debt has been satisfied; or
- (b) a notice has been sent in accordance with regulation 18(3) and the creditor has not responded within the time limit provided,

the appropriate officer shall issue a certificate of satisfaction to the registered debtor.

Amendment of the Register in respect of the amount registered

20.—(1) Where it comes to the attention of the appropriate officer that the amount liable to be paid differs from the amount entered in the Register, due to—

- (a) the issue of a final costs certificate; or
- (b) an increase in the amount of the debt,

the appropriate officer shall send a return to the Registrar to amend the Register to reflect the revised amount.

(2) The return sent in accordance with paragraph (1) shall contain the same information as prescribed by regulation 10 in respect of the return sent in accordance with regulation 8(1).

(3) Following receipt of a return sent in accordance with this regulation, the Registrar shall amend the Register accordingly.

Correction of registered details of the judgment, administration order or fine

21.—(1) Where it comes to the attention of a registered debtor that the entry in the Register relating to his debt is inaccurate with respect to the details of the judgment, administration order or fine, that debtor may give notice to the Registrar requiring an amendment to be made (“amendment notice”).

- (2) The amendment notice shall—
 - (a) identify the entry which is alleged to be inaccurate; and
 - (b) state the amendment which is required.

22. Following receipt of an amendment notice in respect of an entry in the Register, the Registrar shall request that the appropriate officer verify the details of that entry.

23. Following receipt of a request for verification under regulation 22, the appropriate officer shall—

- (a) check the information contained in the entry against the official records; and
- (b) reply to the request, where applicable stating any necessary amendment.

24.—(1) Where the appropriate officer informs the Registrar that the entry is inaccurate and requests an amendment, the Registrar shall amend the Register to rectify the inaccuracy.

(2) Following an amendment to the Register in accordance with paragraph (1), the Registrar shall inform the registered debtor of the action taken and the reasons for having taken that action.

25. Where the appropriate officer informs the Registrar that the entry is accurate, the Registrar shall inform the registered debtor that no action is to be taken and the reasons for not taking any action.

Removal of entries in the Register

26. The Registrar shall remove any entry in the Register registered—

- (a) by virtue of regulation 8(1)(a) or (b), six years from the date of the judgment;
- (b) by virtue of regulation 8(1)(c), five years from the date of conviction.

Searches of the Register

27.—(1) Subject to regulation 29, searches of a section of the Register may be carried out on payment of the applicable charge relevant to the type and method of search.

(2) The types of search which may be carried out are—

- (a) at a stated address, against a named individual or unincorporated body;
- (b) against a named incorporated body;
- (c) a periodical search—
 - (i) relating to a named court;
 - (ii) within a named county; or
 - (iii) with the agreement of the Registrar, against such other criteria as may be requested.

Certified copies

28. On receipt of—

- (a) a written request for a certified copy of an entry in the Register; and
- (b) the applicable charge for such a request,

the Registrar shall provide a copy of that entry, certified by him as a true and complete copy of the entry in the Register.

Refusal of access to the Register and appeals

29.—(1) The Registrar may—

- (a) refuse a person access to the Register, or to a part of the Register; and
- (b) refuse to carry out a search of the Register,

if he believes that the purpose for which access has been requested or for which the results of the search will be used contravenes—

- (i) any of the data protection principles; or
- (ii) the provisions of any other enactment.

(2) Where a refusal is made under paragraph (1), the person who has been denied access to, or has been denied a search of, the Register may appeal to a county court against the decision of the Registrar.

Signed by authority of the Lord Chancellor

Catherine M. Ashton
Parliamentary Under Secretary of State
Department for Constitutional Affairs

Dated 29th December 2005

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under section 98 of the Courts Act 2003 (c.39), make provision in respect of the register to be kept of—

- (a) judgments entered in the High Court;
- (b) judgments entered in county courts;
- (c) administration orders made under section 112 of the County Courts Act 1984 (c.28); and
- (d) sums registered by virtue of paragraph 38(1)(b) of Schedule 5 to the Courts Act 2003.

In particular, these Regulations provide for—

- (a) judgments, administration orders and fines to be registered (regulations 8 and 9);
- (b) cancellation of entries in the register and endorsement of notices against entries (regulations 11 to 16);
- (c) certification as to the payment in full of a debt owed under a judgment or administration order and as to the payment in full of a fine (regulations 17 to 19);
- (d) amendment of entries in the register (regulations 20 to 25);
- (e) removal of an entry in the register (regulation 26);
- (f) searches of the register and provision of certified copies (regulations 27 and 28);
- (g) refusal of access to the register and appeals against that refusal (regulation 29).

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