

**EXPLANATORY MEMORANDUM TO
THE REGISTER OF JUDGMENTS, ORDERS AND FINES (AMENDMENT)
REGULATIONS 2009**

2009 No. 474

1. This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 This Statutory Instrument makes provision for decisions and awards made by the First-tier Tribunal, the Upper Tribunal, employment tribunals and the Employment Appeal Tribunal to be registered in the register of judgments, orders, fines, and tribunal decisions and awards once filed with the High Court or a county court for enforcement.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Background**
 - 4.1 Section 98 of the Courts Act 2003 requires a register to be kept of judgments entered in the High Court or a county court, and certain categories of orders and fines (“the Register”).
 - 4.2 Decisions and awards made by the First-tier Tribunal, the Upper Tribunal, employment tribunals and the Employment Appeal Tribunal in pursuance of which sums of money are payable (“tribunal decisions”) are now also to be included in the Register by virtue of amendments to section 98 of the Courts Act 2003 made by the Tribunals, Courts and Enforcement Act 2007 (section 48(1) and Schedule 8, paragraph 55).
 - 4.3 The Register of Judgments, Orders and Fines Regulations 2005 make provision for the inclusion, cancellation, amendment and removal of entries in the Register, and other matters relating to the keeping of the Register. This Statutory Instrument amends those Regulations to provide for registration of tribunal decisions in the Register, and for other related matters.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 This Statutory Instrument provides for registration of tribunal decisions once copies of the decisions are lodged with the High Court or a county court for enforcement. It also provides for related matters, such as cancellation, amendment and removal of entries relating to tribunal decisions from the Register.

7.2 Evidence suggests that payment of sums due pursuant to tribunal decisions are not always promptly made, which necessitates creditors taking action in the courts to enforce tribunal decisions. This can be a costly and time-consuming process. The intention for requiring registration of tribunal decisions is to promote compliance with tribunal decisions at an early stage.

7.3. The Register contains details of individuals and companies who owe debts by virtue of judgments, orders, fines, and so on. The Register can be searched by members of the public for a fee, and is often consulted by financial institutions when considering applications for credit. In addition the data is also purchased by credit reference agencies from Registry Trust Ltd as holders of the Register. It is believed that inclusion of the details of debts due pursuant to tribunal decisions in the Register may make it more difficult for debtors to obtain credit, and may thus provide an incentive for debtors to pay sums due.

7.4 At present there are no plans within the Ministry of Justice to consolidate this Statutory Instrument with the Register of Judgments, Orders and Fines Regulations 2005.

8. Consultation outcome

8.1 Registration of tribunal decisions is part of a package of measures contained in the Tribunals, Courts and Enforcement Act 2007 aimed at improving compliance with tribunal decisions. In preparation for implementation of these measures representatives from Citizens Advice and the Trade Union Congress have been consulted on the operation of the registration of tribunal decisions. Both agencies agree that the act of registration of the tribunal decision on the Register of Judgments, Orders and Fines is a small but potentially significant step in improving early compliance with tribunal decisions.

9. Guidance

9.1 Internal court guidance, such as Operational Manuals, Desktop Guides and Job Cards, are being redrafted by the Ministry of Justice to reflect the changes introduced by this Statutory Instrument.

10. Impact

10.1 There is no foreseen impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is very limited. The process that will be used to register these tribunal decisions on the Register is already widely used to register other court judgments and orders. This process is automated and not dissimilar to the one currently used to file tribunal decisions with courts for enforcement. Court staff under the new process will have to simply say yes to registration when asked if the case is to be registered on the Register, instead of no as they currently do for tribunal decisions.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 These changes form part of a wider package of measures being introduced to improve compliance with tribunal decisions. The process for the registration of individual cases will be included in the quarterly review meetings currently held between the Ministry of Justice and the keeper of the Register (Registry Trust Ltd). The operation of the process from the court aspect will be monitored in line with other processes and reviewed as necessary.

13. Contact

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