

Ed Boyce
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25 April 2022

Dear Ed Boyce

Freedom of Information Act (FOIA) Request – 220320013 - FOI

Thank you for your request received on 20 March 2022 in which you asked for the following information from the Ministry of Justice (MoJ):

“Thank you for confirming that the Chancery Issue Team for Insolvency and Bankruptcy have not received a request to open up a Dummy File and do not create dummy files. And that you hold no records of any writs dated 24 October 2018 for approval or court sealed that day.

1. How many CE File system cases were created on the 23 October 2018.

a. And how many were created on this date to obtain a Writ 66 (combined writ of possession and control).

2. You have confirmed that four Writ 66 were dealt with out of a total of 13 Writs by the Chancery Issue Team and that none went before a judge on the 29 November 2018 but were put before a court officer instead and sealed the same day and that none were made out to Court Enforcement Services Limited and altered to Equita.

a. Please clarify if you are saying that none of the four Writ 66 were sealed by court officers on 30 November 2018 and all four writs were sealed by a court officer on 29 November 2018.

b. And confirm if any of the four Writ 66 were made out to Court Enforcement Services Limited.

c. And confirm if any of the four Writ 66 were made out to Equita.

d. Or are you saying that the four Writ 66 were all made out to a named High Court Enforcement Officer.

e. Why have 13 writs been reduced to only four issued from the Chancery Chambers by the High Court Chancery Division.

3. Your answer to question 9 does not seem to make sense when you have confirmed that four Writ 66 were sealed and issued, please clarify in which period they were issued.

a. And under what authority a court officer has to seal a Writ 66 without it being put before a judge.

b. Are you saying that neither a Writ 66 or Writ 66a is required to be put before a judge.

4. When are you saying that the cost for a Writ 66a (combined writ of possession and control costs of action) increased from £51.75 to £66.”

Your request has been handled under the FOIA.

I can confirm that the MoJ holds some of the information that you have requested, and I have provided our response to each of your requests below.

1. How many CE File system cases were created on the 23 October 2018.

The number of CE File system cases created on 23 October 2019 was 23 cases, please note, this number only concerns the Chancery Division, Business and Property Court (Rolls Building)

a. And how many were created on this date to obtain a Writ 66 (combined writ of possession and control).

No cases would be created to specifically obtain a Writ 66.

2. You have confirmed that four Writ 66 were dealt with out of a total of 13 Writs by the Chancery Issue Team and that none went before a judge on the 29 November 2018 but were put before a court officer instead and sealed the same day and that none were made out to Court Enforcement Services Limited and altered to Equita.

a. Please clarify if you are saying that none of the four Writ 66 were sealed by court officers on 30 November 2018 and all four writs were sealed by a court officer on 29 November 2018.

Please note this is not a request for recorded information, but a clarification. We are not obliged under the FOIA to respond to this request. Please direct any business-as-usual questions to the court directly on Chancery.Issue@justice.gov.uk

b. And confirm if any of the four Writ 66 were made out to Court Enforcement Services Limited.

None were made out to Court Enforcement Services Limited.

c. And confirm if any of the four Writ 66 were made out to Equita.

None were made out to Equita.

- d. Or are you saying that the four Writ 66 were all made out to a named High Court Enforcement Officer.**

Yes.

- e. Why have 13 writs been reduced to only four issued from the Chancery Chambers by the High Court Chancery Division.**

Please note this is not a request for recorded information, but a clarification/explanation. We are not obliged under the FOIA to respond to this request. Please direct any business-as-usual questions to the court directly on Chancery.Issue@justice.gov.uk

- 3. Your answer to question 9 does not seem to make sense when you have confirmed that four Writ 66 were sealed and issued, please clarify in which period they were issued.**

Question 9 asked about writs that were issued on 29th November 2018. Yet the information previously asked about concerned the number of writs issued between October and November 2018. To reiterate no writs were issued on the 29th November.

- a. And under what authority a court officer has to seal a Writ 66 without it being put before a judge.**

This is covered in the Civil Procedure Rules. See following link

<https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part-83-writs-and-warrants-general-provisions>

- b. Are you saying that neither a Writ 66 or Writ 66a is required to be put before a judge.**

Yes.

- 4. When are you saying that the cost for a Writ 66a (combined writ of possession and control costs of action) increased from £51.75 to £66.**

The court fee (that being the fee payable to HMCTS by the Judgment creditor to issue the Writ) increased from £60.00 to £66.00 on the 25 July 2016. This fee is added to the judgment debt.

The fixed costs for legal representatives are defined in the Civil Procedure Rules. These are costs that are incurred by legal representatives in preparing and

submitting the request for a writ and can also be added to the judgment debt. These costs are separate to the court fee and are currently £51.75.

Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gov.uk

Disclosure Team, Ministry of Justice

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

Knowledge and Information Liaison Officer

London Regional Support Unit | HM Courts & Tribunals Service