EXPLANATORY MEMORANDUM TO

THE REGISTER OF JUDGMENTS, ORDERS AND FINES (AMENDMENT AND TRANSITIONAL PROVISION) REGULATIONS 2026

2026 No. 697

1. Introduction

1.1 This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Sarah Sackman MP, Minister of State, at the Ministry of Justice confirms that this Explanatory Memorandum meets the required standard.

2.2 Steven Jarman, Deputy Director for Civil Justice and Law at the Ministry of Justice, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 The Civil Enforcement Policy team at the Ministry of Justice email: Civil_Justice_Poli@Justice.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends the Register of Judgments, Orders and Fines Regulations 2005 (S.I. 2005/3595, "the 2005 Regulations") and is made under the powers conferred by sections 98(1), (2) and (3) and 108(6) of the Courts Act 2003. The purpose of this instrument is to allow His Majesty's Courts and Tribunals Services (HMCTS) to provide Registry Trust Limited (RTL) with the names of claimants for publication on the Register of Judgments, Orders and Fines (the Register). Registry Trust Limited (RTL) is a not-for-profit company who maintain the official statutory Register on behalf of the Ministry of Justice in accordance with the 2005 Regulations.

4.2 The legislation will come into force on 20 July 2026. A three-month transitional period will apply, during which claimant name data will be received by RTL but will not be recorded in the Register. This transitional period will allow RTL to test their processes for ingesting and publishing the data before they start to publish it.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdictions which the instrument forms part of the law of) is England and Wales.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales.

5. Policy Context

What is being done and why?

5.1 The 2005 Regulations provide a regulatory framework for the keeping of the public register of County Court judgments, High Court judgments, Magistrates' Court fines, County Court administration orders and Child Support Agency liability orders. The 2005 Regulations were amended by the Register of Judgments, Orders and Fines (Amendment) Regulations 2009 (S.I. 2009/474), which provided for registration, in addition, of tribunal decisions i.e., decisions 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.

5.2 The Register can be searched by anyone to see if an individual or business has had a judgment registered against them. Organisations or individuals can purchase a bulk volume of the raw data appearing on the Register (bulk data files). Typically, bulk data customers use the data to produce credit reports for themselves or their customers.

5.3 The 2005 Regulations as amended specify the data that HMCTS is required to share with RTL. This does not include data concerning claimant names. This instrument requires HMCTS to provide RTL with claimant names for inclusion on the Register in certain circumstances (see section 5.8 for further details).

5.4 RTL report receiving a large number of enquiries from individuals or businesses asking for information about who has brought a registered judgment against them. A civil money judgment can be made against a party without their knowledge because the Civil Procedure Rules (CPR 6.9[1]) allow for claim forms to be served at the debtor's last known address. If the claimant has not been provided with a new address, they may serve the claim to a previous address. The Rules also allow for a judgment to be made in default of a defence (CPR 12[2]). Currently RTL have to re-direct enquiries for claimant names to HMCTS. This reform, once implemented, will remove the need for recipients of judgments to request the claimant's name from HMCTS. This should help them to respond to judgments more quickly. It will also reduce administrative pressure on HMCTS by reducing the number of queries they receive asking for claimant names.

5.5 The reform could also help regulators to monitor how regulated firms use the courts to enforce debts. Claimant data could also be used to help lenders to make more informed credit decisions.

5.6 As mentioned, the reform will come into force on 20 July 2026. From that date, claimant names will be included in returns sent to the Registrar (Registry Trust Ltd). The reform will apply in respect of judgments for which returns are received by the Registrar on or after commencement. However, a three month transitional period will apply, during which claimant name data will be received by the Registrar but will not be recorded in the Register. Claimant data will be shared on the Register from 20 October 2026.

What was the previous policy, how is this different?

5.7 Regulation 10 of the 2005 Regulations requires HMCTS to provide RTL with the following information about specified judgments, orders and fines for publication on the Register:

[1] https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part06#6.9
[2] https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part12#12.1

i. The full name and address of the debtor;

ii. If the debtor is an individual, that individual's date of birth (where known);

iii. The amount of the debt;

iv. The case number;

v. In respect of child support agency liability orders, the date of the judgment; and

vi. In respect of other High Court and County Court judgments as well as of Magistrates' Court fines, County Court Administration orders and orders of the First-tier Tribunal, the Upper Tribunal, employment tribunals and the Employment Appeal Tribunal, the name of the court that issued the decision and the date of the judgment or order.

5.8 The 2005 Regulations did not allow HMCTS to provide RTL with any data about the claimant for inclusion on the Register. This Instrument provides for the inclusion of claimant names in the Register in certain circumstances (see section 5.8 for further details). This Instrument also prohibits HMCTS from sharing claimant names with RTL, for inclusion on the Register, in cases where the claimant has been granted anonymity by the court or by statute.

5.9 The claimant's name will not be added to the Register in respect of all types of orders that appear on it. It will be limited to County Court and High Court judgments, subject to the exceptions set out below. Claimant data will not be provided in respect of the following types of orders: Administration orders, because judgment debtors themselves apply to the court to make the orders in relation to their own debts. Decisions made by the First-tier Tribunal or Upper Tribunal, employment tribunal, or the Employment Appeal Tribunal. This is because tribunals generally consider disputes brought by individuals against decisions made by government agencies or local authorities; or against employers to enforce employment rights. It would not be justified or helpful to publish the identity of those individuals on the Register. As mentioned, all judgments where the claimant is granted an anonymity order will not be added to the Register. And lastly all Magistrates' court fines as they are payable to the court rather than to a claimant.

6. Legislative and Legal Context

How has the law changed?

6.1 The 2005 Regulations, as amended, set out the information that HMCTS must provide to the Register for publication. Currently, those Regulations do not permit the disclosure of information identifying the claimant in proceedings.

6.2 This Instrument amends the 2005 Regulations to require HMCTS to provide the name of the claimant, in addition to the information already prescribed, in respect of specified County Court and High Court judgments. The effect of this amendment is to expand the categories of personal data that may be lawfully disclosed by HMCTS to the Register for publication. This Instrument also provides that claimant names are not to be disclosed in certain circumstances, including where an anonymity order has been made by the court, thereby ensuring consistency with existing procedural protections governing anonymity in civil proceeding.

6.3 The inclusion of claimant names on the Register gives rise to data protection considerations, as the Instrument enables the disclosure of additional personal data by a public authority. Processing is carried out in accordance with applicable data

protection legislation. HMCTS has undertaken and approved a data protection impact assessment (DPIA) to assess and mitigate risks associated with the publication of the additional data. The Information Commissioner's Office was consulted about the proposal. It reviewed the proposals and confirmed that it was satisfied with the approach taken.

Why was this approach taken to change the law?

6.4 This is the appropriate approach to amending the 2005 Regulations and is consistent with the terms of the enabling provisions in sections 98(1), (2) and (3) and 108(6) of the Courts Act 2003.

7. Consultation

Summary of consultation outcome and methodology

7.1 A public consultation on this reform was held for 6 weeks and closed in January 2024[3].

7.2 The consultation asked whether people agreed with the proposal that adding claimant names to the Register would have the following benefits: help consumers who have had a default County Court judgment made against them and do not know who the claimant is; help regulators to monitor how regulated firms use the courts to enforce debts; and help lenders to make more informed credit decisions. The consultation also asked whether the proposal posed any risks and about what impacts it would have.

7.3 About 100 responses were received from a wide range of stakeholders including court users; the debt advice sector; trade associations; credit reference agencies; individuals and companies; academics; think-tanks; local authorities; legal profession; regulators; RTL; and the Civil Justice Council. The government responded to the consultation on 9 December 2024. It has taken longer than anticipated to bring this Statutory Instrument due to engagement with HMCTS to identify the required IT changes to the secure data transfer. A summary of responses is provided in the consultation response document available on GOV.UK[4]. The proposal was broadly welcomed by stakeholders.

7.4 Some respondents to the consultation raised concerns that the inclusion of claimant names on the Register might increase the risk of the data being used for fraudulent purposes, for example by criminals impersonating bailiffs. There were also concerns that claimant data could be used by companies for direct marketing purposes who might cold call claimants on the Register to offer their services. In response to these concerns RTL and HMCTS have reviewed the contract and licence conditions that RTL impose on companies that apply to buy information from them in bulk. They will be implementing some additional checks and safeguards on companies that apply to buy claimant data in bulk, to minimise the risk of data being used for fraudulent purposes.

7.5 Concern was also raised by some consultation respondents about the risks of putting the names of vulnerable claimants on the Register. The Civil Procedure Rules (Rule

[3] https://consult.justice.gov.uk/digital-communications/claimant-data-register-judgments-orders-fines/
[4] https://www.gov.uk/government/consultations/including-claimant-data-on-the-register-of-judgments-orders-and-fines/including-claimant-data-on-the-register-of-judgments-orders-and-fines
https://www.gov.uk/government/consultations/including-claimant-data-on-the-register-of-judgments-orders-and-fines/outcome/including-claimant-data-on-the-register-of-judgments-orders-and-fines-a-consultation-response

39.2 (4))5 allow for anonymity orders to protect an individual's identity when necessary to ensure the proper administration of justice and to protect the interests of that person. This Instrument reflects this position and also recognises that certain cases are subject to statutory anonymity requirements. Where a claimant's identity is protected by an order of the court or by statute, the requirement to include the claimant's name in the Register does not apply. In such cases, appropriate steps will be taken to ensure compliance with those requirements.

8. Applicable Guidance

8.1 HMCTS will be updating their guidance to claimants to make them aware that their names will be included on the Register. This guidance will be made available on GOV.UK . In addition, targeted communications through existing stakeholder channels will be sent to claimants informing them of the change

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 An Impact Assessment has not been prepared for this instrument because of the minimal costs associated with the reform. There will be no additional costs or IT impacts for claimants as they will not be required to change their processes or include new processes as a consequence of the changes. There will be a small one-off cost, to RTL, associated with updating HMCTS and RTL's IT systems in order to make changes to allow them to share and ingest the data.

Impact on businesses, charities and voluntary bodies

9.2 Some respondents to our consultation from the debt advice sector reported that the reform would have a positive impact on their organisations, because it would reduce the amount of time that they spend obtaining claimant data from HMCTS, on behalf of their clients.

9.3 The legislation is likely to have a positive impact on small or micro businesses who were unaware that they had had judgments made against them, by allowing them to respond to those judgments more quickly, without having to obtain the claimant's name from HMCTS.

9.4 There is likely to be a positive impact on the public sector as allowing access to claimant information at the same time as other information about a judgment will save HMCTS staff time in responding to individual enquiries for claimant data.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 We will monitor the implementation of this legislation via the ongoing engagement that MoJ and HMCTS have with RTL as per the contractual arrangement with them.

10.2 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015 Minister Sackman has made the following statement:

[5] https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part39#39.2

10.3 I have concluded that a statutory review clause is not needed for this instrument. This instrument makes a targeted change to include claimant names on the Register of Judgments Orders and Fines. It does not introduce new regulatory obligations on businesses. The Register is kept under review through existing governance and oversight arrangements and therefore a statutory review provision is not required.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

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

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").