

Appendix B

Saving court time

A1. We make two recommendations that have a specific benefit of saving court time:

- 1) reforming the procedure for a general enforcement application; and
- 2) streamlining the procedure for making a charging order.

A2. Here we set out how we have calculated the savings.

General enforcement application

A3. Under the current rules, the first hearing on a general enforcement application is often used to make directions that we recommend should now be made and complied with in advance of the first hearing. In a number of cases therefore, under our recommended changes, the first hearing will be able to be used substantively rather than just for the making of directions. We assume, for illustrative purposes, that the first hearing is used only to make directions in 2/3 or 66% of cases.

A4. From data collected from the Central Family Court in the period of twelve months between August 2015 and August 2016, we know that 63% of all applications for enforcement were general enforcement applications.

A5. We assume there are around 4,200 applications made every year to enforce family financial orders.¹ If 63% of those are for the general enforcement application, that means 2,646 general enforcement applications.

A6. If a first hearing is listed for 30 minutes and in 66% of cases (1,746 cases) that 30 minutes is used only for making directions that equates to 873 hours of wasted court time every year that our recommendations would save.

Charging orders

A7. Under the current rules, there must be a final hearing on every application for a charging order. We recommend that there should only be a final hearing in circumstances where the debtor or a third party objects to the order being made.

A8. From data collected from the Central Family Court in the period of twelve months between August 2015 and August 2016, we know that 17% of all applications for enforcement were applications for a charging order.

A9. We assume there are around 4,200 applications made every year to enforce family financial orders. If 17% of those are for the general enforcement application, that means 714 applications for a charging order.

A10. If 50% of those applications did not require a final hearing because there is no objection to the order being made, that would save a final hearing in 357 cases.

A11. We understand that where there is no objection, final hearings are short and administrative in nature. So, assuming they are listed for 15 minutes, that results in 89 hours of wasted court time every year that our recommendations would save.

¹ See Appendix A, paras A6 to A8.