

Possession Claims Online – White Paper

IT Developments from Government Initiatives

Over the years many exciting software developments from legal software suppliers have been prompted by initiatives from central government. The incidence of this has increased significantly since the launch of the e-Government initiative.

The e-Government Unit (eGU) is the largest unit in the Cabinet Office and is responsible for:

- formulating information technology (IT) strategy and policy
- developing common IT components for use across government
- promoting best practice across government
- delivering citizen-centred online services

The idea, first promulgated by Tony Blair, centres on ensuring that IT supports the business of Government itself so that they provide better, more efficient, public services.

One such e-development is a new online service that provides computer users with a direct link to the Court's new **Possession Claims Online** service (**PCOL**).

PCOL is Her Majesty's Courts Service's new Internet based service for claimants and defendants, designed to be a simple, convenient and secure way of making, responding and monitoring certain types of possession claim on the Internet.

It is a central repository for all the data involved in the claim thereby making the whole emotionally difficult process of possession claims much easier and cheaper.

This unique **PCOL** service (*Linetime is one of the few legal software suppliers to offer this online link currently*) provides those firms involved in the very lucrative area of mortgage possession with significant benefits. Not only do they not have to complete any paperwork in order to issue possession proceedings – something that is currently the bane of many fee earners due to its complex and labour intensive nature – all the case data is validated intensively by the software, prior to it being packaged and automatically passed to the **PCOL** service.

The Council of Mortgage Lenders' (CML) whose members are the banks, building societies and other lenders who together undertake around 98% of all the 11.8 million residential mortgages in the UK, with loans worth over £1.1 trillion, reported that in 2007 they undertook **27,100** claims for possession, up from 8,200 in 2004.

At the moment a manual claim for possession comes with a mandatory Court Fee of **£150**. The **PCOL** service fee has been set at **£100** saving £50 or 33.3%. If all claims in 2007 had been able to use **PCOL** the total saving to the clients would have been **£1,355,000**. It is therefore easy to understand why lenders are beginning to insist that all legal teams involved in such possession claims become **PCOL** compliant.

Apart from saving money PCOL improves the efficiency and overall accuracy of the process. At the moment the issuing of Possession Claims require the fee earner to produce multiple copies of documents for each defendant and if there are multiple defendants per matter, this needs to be done for each of them. Due to the sensitive nature of mortgage possession, if these complex forms are not completed correctly and if the court clerks do not check them - which many of them don't - there is a significant chance that when the case goes to court the judge will refuse to hear it until the forms are redone. The effect of this is not just the time delay but significant costs can be incurred that cannot be recharged.

The new direct online PCOL link eliminates this problem as it ensures that the court receives accurate information.

With the new online link to PCOL the user can monitor the status of the Claim, Judgment and / or Warrant. All fees to issue Claims and Warrants can be paid online by Debit or Credit Card, with regular users being able to register to pay by Direct Debit. In addition, court diaries for claims issued within PCOL are also viewable online.

There are many tangible benefits to accrue from firms investing in this new technology, not least of which is the ability to save time and money, however another important fact is that many Lenders are starting to insist that they will only deal with firms that have the capability to use the PCOL service.

One of the many features of PCOL is the ability to request a forthcoming hearing adjournment online, providing it's not within 5 working days or your application does not rely upon a separate witness statement.

PCOL is just one of the growing number of online e-Government initiated systems to have been developed by software developers like ourselves who are heavily involved within the whole credit management and recovery market.

Note: The whole Government sponsored PCOL initiative involved a number of organisations in its initial development including: Lenders, Citizen's Advice, the Courts, the Sheriff's Office and the Legal Software Suppliers Association (of which I was the representative).

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