



WALKER LOVE

Messengers-at-Arms Sheriff Officers

IRRV Scotland Credit Crunch Conference

30th June 2009

Enforcement : The Way Forward

Presented by David Walker

Trust the Experts

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Enforcement – The Way Forward



- Credit Crunch – “unchartered water”
- When will it end ??
- What will the fall out be ??
- What about the winners ??
- Political reaction – won’t help creditors !!
- Strong Debtor Protection lobby

Current Financial Climate

2009 Scottish Government Initiative :

Debt Action Forum

- Appointment panel of experts / stakeholders
- Explore debt relief initiatives
- Review debt advice & financial assistance
- Look at the repossession of properties
- Explore non-legislative measures to tackle issues

Final Report Published 23rd June 2009

New legislation expected autumn 2009

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Credit Services Association Research :

- First quarter 2008 - 33% Paid in full
- First quarter 2009 - 23% Paid in full
- Value of instalments 4th quarter – 27%

“Agencies having to work a lot harder”
(Kurt Obermaier CSA executive director)

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The Sheriff Officers role :

- Now highly specialised service
- Able to react quickly to legislative & market change
- Tremendous change since poindings and sale
- Flexible approach – now collecting more
- Constant Investment – people & systems

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Bad Act Update :

- Change of Government – Different approach
- Charges for Payment – longer cycle
- Fast track Bankruptcy – 1 year discharge
- No Land Attachment
- Protected sum Bank Account + £410
- Information Disclosure – Will it happen ??

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What Next :

- Ongoing refinement / development current process
- Better joint working
- Better access and use of intelligence
- Pragmatic approach to Data Protection
- Find the debtor's “ Achilles heel “
- Three New Golden Rules: **Information, Information, Information...**



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Corporate Debt Policy:

- Start at the beginning
- Ensure correct designation
- Obtain as much information as possible
- DPA Disclaimer on application forms
- Effective escalation procedures
- Effective hand over to Sheriff Officers “ Help us to help you !!! “

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Sharing Information :

- LOCTA Data base – Scotland wide !!
- Third Party Providers – Experian etc;
- Sheriff Officer Access – Creditor’s Agents
- Profile and Target – Manage Resources
- Work together – Realistic expectations !!



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Information Disclosure Orders:

- Part 16 BAD Act 2007
- DPA and HR Compliant
- Controlled access to information via Court
- Could include HMRC AND DWP
- Needs Westminster support ??
- When will it happen ???

YOU CAN HELP !!!

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Conclusion

- Constant refinement / improvement
- More pragmatic approach to DPA
- Better access & management of information
- Better joint working with Sheriff Officer
- Find the debtor's "Achilles heel"

Lobby for Information Disclosure Orders !!



Thank You

EASY QUESTIONS PLEASE!!!

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