



Emma Alfieri, Debt Recovery Manager at Steeles Law, comments as the long awaited Enforcement Act gets closer to implementation.

Enforcement proceedings have in the past been described as the weak link in an otherwise robust and effective civil court process. The Tribunals, Courts and Enforcement Act 2007 is intended to address this by creating an improved and more effective enforcement framework which aims to simplify and modernise existing practices. The Act received Royal Assent on 19th July 2007 and will be implemented in stages following consultation. A timetable for further consultation and target implementation dates is expected to be announced soon.

Key points as follows:

Enforcement Agents

Enforcement agents (county court bailiffs and officers of the Crown excluded) now require certification, and it is expected that the government will introduce an Enforcement agent licensing scheme within the near future. Further to this, the processes which enforcement agents have to follow when seizing and selling goods are also set to be tightened.

Enforcement of Judgment and Orders

The Act addresses the existing procedural weakness in identifying accurate and up to date information about a debtor when it comes to enforcing Judgment and includes a new "Information Request" system. The Act makes long overdue changes to both Attachment of Earnings Orders and Charging Orders.

Debt Management

Changes to insolvency practice have been made to provide low cost protection for debtors who have previously been excluded owing to their small debts and lack of assets. At first glance it looks like the Act will address the current weaknesses in the civil court enforcement process. The results will become clear as the Act is implemented - further updates will follow.

For further information in respect of debt matters please contact our Debt Recovery Team who provide specialist bulk debt collection services to the public sector - debt@steeleslaw.co.uk.

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