

Competences for specialist debt advisers

To do this you need to be able to:	Before doing this you need to:
<ol style="list-style-type: none"> 1. Assist the client in defending money claims in the county court 2. Explain the grounds for and assist the client in challenging and setting aside county court judgments and orders 3. Assist the client in challenging creditors who charge interest after judgment 4. Explain the law relating to charging orders and orders for sale and assist the client in responding to applications made by creditors in the county court 5. Deal with any objections made by creditors and other problems arising from an application for an Administration Order, including reviews 6. Identify the grounds for and assist the client in applying to set aside a statutory demand in bankruptcy, and for opposing a creditor's petition 7. Explain the "unfair relationships" in the Consumer Credit Act 2006 and use them appropriately in county court proceedings 8. Explain and apply case law and provisions of the Consumer credit act relating to unenforceable credit agreements and challenge a creditor when a credit agreement does not comply with the Act. 9. Identify appropriate defences to, and strategies for dealing with, 	<ol style="list-style-type: none"> a) Be aware of potential liability issues and know where to refer them, if necessary b) Know the county court procedures for responding, defending, reviewing and challenging money debts including: <ul style="list-style-type: none"> • Setting aside a statutory demand • Opposing a creditor's petition for bankruptcy • Know the procedure for challenging an unfair or "grossly exorbitant" credit bargain • Applying for a time order • Obtaining a stay of execution • Obtaining an appeal • Obtaining and reviewing an administration order c) Know the types of defences to mortgage possession d) Be aware of bureau policy and NACAB guidance on good practice when dealing with business debts

<p>mortgage possession action, and recognise when referral is necessary</p> <p>10. Advise and assist individuals in dealing with business debts when they have ceased trading. Make appropriate referrals for those still trading.</p> <p>11. Advise and assist the client in responding to enforcement of debts under the child maintenance service</p> <p>12. Advise and assist the client in making an application for a time order</p> <p>13. Explain the rules and procedure relating to High Court execution and the options available for responding to such an action. Make an application for a stay of execution in the High Court where appropriate</p> <p>14. Explain the issues and problems relating to the termination of HP and the position regarding any subsequent agreements. Challenge creditors who apply the Act incorrectly</p> <p>15. Identify and apply appropriate tactical uses for ss77/78 Consumer credit Act in money advice casework</p> <p>16. Explain the provisions of the Limitations Act and its effect on a creditor's ability to enforce a debt and challenge a creditor where it appears that a debt is statute barred</p> <p>17. Explain the criteria for deciding whether a contractual term can be considered unfair within the provisions of the Unfair Relationships provisions of the</p>	<p>e) Know the procedures in the Magistrates Court for enforcement of debts under the Child maintenance order Act</p> <p>f) Be aware of the time limits on the collection of debts</p> <p>g) Be aware of common contractual terms that are considered unfair</p> <p>h) Be able to speak on behalf on clients in the County Court in straightforward or non-contentious cases</p> <p>i) Know how to access training and learning opportunities and relevant publications to read</p> <p>j) Know who to refer to and the procedures for referral</p> <p>k) Know how to structure and present written information for a variety of readers</p>
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<p>Consumer credit act and use them in county court proceeding.</p> <ol style="list-style-type: none">18. Outline the grounds and procedures for judicial review relevant to money advice and identify its possible use in challenging enforceability of debt19. Advocate on behalf of a client, either by personal or written representation in court20. Maintain an up to date knowledge of, and interpret and apply, legislation, case law, codes of practice, policy statements and statutory guidance relating to all areas of money advice21. In all cases, identify the need for a referral to an external source of information or help and make appropriate referrals22. Give feedback on the bureau systems for specialist debt advice and casework management23. Write reports for the bureau manager, the trustee board, funders and other agencies	
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