

# Enforcement news

## The President's View "Light at the end of the tunnel"

I am three quarters of the way through my Presidency and it's all gone so quickly. Being a Northern girl I thought London was all about Harrods and shopping! I have quickly learned it's actually all about the MOJ at Petty France which feels like my new office, as I seem to spend so much time there. I suppose as offices go it could be worse, it's a very plush building with a Costa Coffee on site, what more could one ask for. I have attended numerous meetings about the Fee Review, about the enforcement qualification, about the SIA and about Skills for Security; my visits to the City no longer mean shopping!



None of my trips have been in vain, at last there does seem to be light at the end of the tunnel. After months of evidence gathering, data verification and data crunching it looks like the MOJ will be ready to publish their Consultation paper shortly, in fact it may be out by the time this goes to print.

The key objective of the review was to ensure that any new fee structure is uniform and transparent and that it adequately and fairly rewards the enforcement agent for the work they do. A detailed request for information was issued to all enforcement agents and many creditors, in an effort to gather as much background information on the sector as possible. The most difficult part of the process was ensuring that the information gathered was evidence based and not anecdotal. Once this data had been gathered and verified, it was necessary to understand and identify the full range of activities that take place during enforcement and then understand the frequency of these activities. The cost

of achieving these activities was then calculated and used as the first building blocks to determine a fair fee level.

It appears that the creditor guaranteed fee is no longer being considered and the new structure will be simplified and completely transparent, incorporating safeguards against malpractice and exploitation. The fee is likely to be set in stages, and each stage will encompass numerous activities. The first stage is likely to be an administration stage which would include a lot of the activities many enforcement agents are compelled to carry out but unable to charge for. A debtor will be able to make payment or set up an instalment plan at this stage or at a later stage if appropriate. The aim is to encourage early compliance without the necessity of a bailiff visit. The next stage would encompass all the activities associated with the attendance of a bailiff with a view to collecting the outstanding balance or removing goods after all avenues of early compliance have been exhausted. A final stage would be actual removal and sale and any fee at this stage could only be charged once goods had been transported to storage.

The next hurdle to clear is the Enforcement Qualification for Licensing. We are now working with the Skills for Security in an effort to set the National Occupational Standards, from which the enforcement qualification will flow. The meetings so far seem to be going well although there are one or two issues the most fundamental being concerns over Government funding for the process of developing the standards.



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### ENFORCEMENT NEWS

This special ESA newsletter has been produced on behalf of the Enforcement Services Association. Statements made and opinions expressed do not necessarily reflect the official views of the Association nor does placement of advertising imply endorsement of any service or product.

Editor - **Mike Shang**

Production Team: Mervyn Pilley  
Julie Green-Jones



**ENFORCEMENT SERVICES  
ASSOCIATION**

Whether or not this process will be completed within my Presidency is anyone's guess, however, I can see a lot more trips to London before it's over.

**Julie Green - Jones**

President of the  
Enforcement Services Association



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# Where Will it End?

When sitting down to write this article I tried very hard to be positive; however in today's climate it is very difficult.

The more I ponder what is happening it seems to me that the system has swung completely 360 degrees in the favour of the debtor.

Creditors now have to go through so many hoops to ensure the debtor has been given every opportunity to seek advice, never mind about paying!

The most recent document to hit the streets is the Office of Fair Trading consultation paper on irresponsible lending. The Civil Court Users Association vice-president Jeremy Sutcliffe has said the requirements of the document add up to nothing less than pure perfection. However the OFT does not only look at lending they are now dipping their toe in the civil court waters.

So now court users not only have to consider the requirements of the Ministry Of Justice, Her Majesty's Courts Service, BERR and the Insolvency Service but also OFT and let's also not forget the Financial Ombudsman and the Solicitors Regulation Authority just to make

things easier. Where will it end? Do these organisations ever speak to each other?

One example of the OFT paper is that they seem to have dismissed the recent practice direction produced by the MOJ on pre action behaviour and have set their own standards. Where will creditors stand when the matter appears before a Judge?

Jeremy Sutcliffe has asked the question whether the OFT will be producing a paper setting out the responsibilities for debts but sadly I don't think this will occur.

Where will it end? Really I have no answer other than the CCUA will continue to press for the interests of creditors to be heard. Eventually the penny may drop and the pendulum will swing back; however in the meantime make sure you follow the

procedures because someone out there will be!

**BRIAN HAVERCROFT** F Inst L Ex  
Litigation Manager with  
Geoffrey Parker Bourne, solicitors,  
Stratford-upon-Avon  
and Chairman of  
the Civil Court Users Association



The advertisement features a white blimp with the Phoenix logo and the slogan 'Raising expectations' in green. The blimp is set against a background of a large, modern building with a glass facade and a clock tower. The text 'Effective Bailiff Enforcement & Debt Recovery Solutions' is displayed in a white circle on a green background. Below this, the text describes Phoenix as one of the UK's leading providers of Bailiff Enforcement and Debt Recovery Services. It lists two categories of services: Bailiff Enforcement Services and Additional Services, each with a bulleted list of specific services. The Phoenix logo is also shown in a white circle at the bottom left, and contact information for Andy Cummins is provided at the bottom right.

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# Bailiff News from Around the World

• **Austria.** A cannabis plantation was discovered after a bailiff smelt the scent of drying leaves while walking down a Vienna street. The man was en route to a local flat to execute a court order when he caught the sweet smell of hashish in the air. The bailiff tracked the odour down to a nearby apartment, the door of which happened to be ajar. He looked in and saw a hashish plantation, with some leaves already hanging in the air to dry.

The bailiff reported his find to the police, who went to the apartment and arrested its occupant, a 26-

year-old man from Italy. The Italian said in court he had only wanted to grow enough hashish to meet his own needs as long as he was in Vienna, not to sell it to anyone else. The Italian told Judge Walter Stockhammer he had paid 600 Euros for the plantation's 32 containers and for hashish seedlings. The judge gave the Italian, who did not have a criminal record, a four-month suspended sentence.

• **Bulgaria** now has its first site listing foreclosed properties for sale. 190 properties and about 20 items are

offered for sale on Bulgaria's Chamber of Private Enforcement Agents site, which was launched a couple of days ago. The electronic registry allows interested buyers to check the type of property, its price and location. The Chamber predicts that the foreclosure page will become the most visited property site in the country.

Over 20 private enforcement agents

have already listed properties for sale, but the Law requires all 163 in the country do the same, which is expected to happen by the end of June. The properties are offered for sale at a price which represents 75% of their real market value. In case there is no interested buyer, the price goes down another 20%. The procedure continues until the property is sold. The enforcement agents hope the site will increase the possibility to sell the property at the maximum price to benefit both the bank and the debtor. Before its launch the listings were posted on the property itself, at the City Hall, the Regional Court and in the enforcement agent's office, creating the opportunity for owners or interested buyers to remove them and limit the competition.

2,300 foreclosure sales were executed by private enforcement agents in 2008. There are more foreclosed properties in 2009 with more offers. The most common reason is the inability of the owners to repay their mortgage with an average debt amount of EUR 30 000. People interested in purchasing foreclosed properties have to pay 10% deposit, which will be refunded if they do not win the auction. The winner is the buyer



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offering the highest price. The entire amount is due in a 7-day period after the auction. If the funds are not received by the deadline, the deal goes to the second buyer, who had not yet withdrawn his or her deposit.

- **Cameroon** National Sheriffs Bailiffs Association opens office in Yaounde.

The World Sheriff-Bailiff Day will be commemorated on June 11, 2009.

Ahead of this day, the National Sheriffs Bailiffs Association launched its activities in Yaounde yesterday. Highlight of the launch was the inauguration of the national head office of Sheriff-Bailiffs in Yaounde. The inauguration ceremony was presided over by the Secretary of State for Penitentiary Administration, Emmanuel NGAFFESON. Members of the association during the occasion sensitized the public on the role of Sheriff-Bailiffs in Cameroon.

- **Siberia** - Court bailiffs seized three five-month-old calves from a smallholder who had failed to repay his mounting debts, a spokesperson for the Kemerovo District Court in Siberia said on

Tuesday. Many Russians who took out credit during the economic boom in the country are struggling to repay their debts amid rising unemployment, as the financial crisis continues. *"Bailiffs earlier seized the debtor's household appliances. In an attempt to clear the outstanding credit, the debtor himself offered the calves which he had acquired recently,"* Natalia Kinstler said. The 40-year-old man had outstanding debts of around 250,000 rubles (\$7,800) she said. Each calf has an estimated value of 5,600 rubles (\$175). Recently the Kemerovo court bailiff service has been involved in the seizure of some more exotic items as part of their debt collections duties, including a gasoline station, a pedigree cat, patents, a thoroughbred horse, a reinforced concrete fence, and woodland.

- **Israel** - New rules went into effect yesterday giving the Bailiff's Office new ways to collect debts. Delinquent

debtors may now be blocked from renewing their passports and holding driver's licenses. Next week, the Bailiff's Office computer system will be connected to the networks at the National Insurance Institute and the vehicle registration office. In the future, it will also be connected to databases at other government agencies, as well as private corporations including credit card, insurance and cellular companies. Under the new rules, imprisonment is now a last resort.

- **Singapore** - A FIRM that owed its landlord \$29,700 in back rent had



### listening to problems - and how debt collection can have a heart

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Continued . . .

its warehouse of goods seized and auctioned off for \$51,000 to pay off the debt. But South East Enterprises claims that the goods were actually worth \$1.25 million. Unhappy to recover just \$19,500 after the sale and sundry expenses, it is now suing the Subordinate Courts bailiff and warehouse operator Hean Nerng Holdings for the shortfall.

- **Australia** - A BRISBANE couple lost their \$315,000 home over a credit card debt of \$8000, only finding out after the home was sold for \$20,000 at a bailiff's auction. The first they knew about it was when the new owner, who had to pay the couple's outstanding \$220,000 mortgage, phoned them and said: "Get out."

Legal Aid Queensland lawyer Catherine Uhr said the couple were not given notice of the auction in January. *"All this married couple got back from the \$20,000 that was paid for their house was a cheque for less than \$5000, because of costs,"* said Ms Uhr, of the Consumer Protection Unit. Legal Aid Queensland says it is just one of several cases of debt collection companies moving to sell Queenslanders' homes at bailiffs' auctions to recover credit card debts of less than \$10,000. LAQ says debt collection companies buy small credit card debts off lenders, often obtaining judgment for payment of the debt in a New South Wales court, then getting enforcement warrants for bailiffs' auctions in Queensland courts.

Since November, LAQ has handled five such cases, negotiating with creditors and stopping the auctions at the last minute in four of them. In one case a debt collection company tried to sell a home over a debt of only \$850.

- **VLADIVOSTOK** - In the first quarter of 2009 Court Bailiff Service of Primorskiy Krai issued 598 rulings concerning temporary restrictions on the right of debtors to leave territory of the Russian Federation (in the first quarter of 2008 – 147). 85 of 598 rulings are in regard to the men who do not pay alimony (their debt totals 8.39 mln rubles). 336 rulings were issued within the framework of enforcement proceedings, whereby recoverers are legal bodies, 169 - individuals and 88 rulings were issued within the framework of enforcement proceedings where recoverers are state funded organizations. The limitation of a right to leave abroad is very strict measure, though quite effective.

**Barrie Minnie**

Senior Bailiff

Brighton & Hove City Council

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# National Trade Association Recognises Top Private Investigator

Congratulations to Andy Coates, Chief Executive Officer, National Enforcement Services' who has been recognised as one of the top private investigators in Britain after being praised for his service and dedication to the sector.

Andy has received the Frank Martin award from the Association of British Investigators (ABI), Tony Imossi, president of the ABI said, "*The ABI has always been at the forefront of the investigation sector. With the absence of any statutory control of the investigation industry in the UK the ABI recognised the need for self-regulation many years ago, therefore we set very high standards of service.*



*The Frank Martin award recognises those who have continued to show outstanding commitment to not only our organisation and its members but to the sector as a whole."*

The investigation sector is awaiting an announcement on licensing procedure that is due in the next 12 months.

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# The Long and Winding Road

So does the title refer to my own journey or ESA's? Probably both to be honest. I wanted to use this edition of Enforcement News to introduce



myself to members. Some of you have already met me and others I hope to meet in the not too distant future. I am proud to be taking over as the Executive Director of such a well established and respected membership body. 103 years of history is something to be proud of, and is a solid foundation for taking the organisation forward to meet the ever increasing challenges of the 21st Century.

So to start, a bit of introduction about me. I regard myself as a membership professional – someone who has a passion for everything to do with membership organisations. Not my first profession. After qualifying as an accountant and working in the accountancy profession for some twenty eight years – including a fifteen year spell of running my own practice – I found myself leaving the profession to start, at the age of 46, what was effectively a second career – running a Trade Association. As an accountant I always focused on business development work, not just number crunching. This was lucky because in many ways running a trade association was much of the same type of support

work, just with a much larger number of clients.

I have always enjoyed networking and face to face meetings with business owners and managers. This was one of the key reasons for my initial career choice and I have continued this approach throughout my working life. Six years of running a Trade Association in the funeral sector (interestingly another long established, much misunderstood by the public, sector) was followed by a brief spell running a Trade Association in the property sector. Regrettably both the sector and my job were effectively credit crunched out of existence.

And so, now onto the next curve in that road. What are my core beliefs as a membership professional? Diplomacy, communication, flexibility and value are top of the list. Diplomacy, because keeping a diverse group of members happy for as much of the time as possible is never going to be easy. Communication, correction, regular communication, because members need to know what is going on- not just in the organisation, but in the sector as a whole and indeed the whole wide world. Flexibility, because day on day you never quite know what is going to come your way. Value, because like all 'not for profits' we are spending members money. The accountant in me, prides myself on always seeking best value for every £1 of subscription

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income that we spend. Cost cutting for cost cutting sakes – no. Using resources to the very best for our members benefit – yes.

The communication and diplomacy will also come in handy when it comes to communication with the outside world. In my short time at ESA so far it has become clear that as a result of the sheer hostility of a small minority against the bailiff profession, often supported by purely anecdotal evidence from the advice centre, members have understandably tended to keep a low profile, not wanting to be seen to be active on the public stage. A good trade association needs to provide an effective interface between member and public, putting strong evidence based facts out there to counteract the many myths and misstatements being made. ESA under my predecessor Vernon Phillips has done a good job of building strong relationships with Government, consumer groups and other like minded organisations in the enforcement sector. In an age where the consumer is 'king' we are never all going to be singing from the same hymn sheet, but engagement and dialogue is very important. Not engaging with others, and that includes the public, will often ensure that others will take charge of the agenda and push us in directions that won't be right for the future of the profession.

I would like to pay tribute to Vernon. It is clear from the vast pile of records that he has sent me, that in the last eight years he has been the consummate professional and administrator. I promise members that I will be aiming to carry out the role with the same degree of professionalism, at the same time bringing my own personal approach and style to the job. I believe that my commercial and membership experience can help move ESA forward and I am looking forward to the challenge. I have a steep learning curve about the sector itself but I have hit the ground running!

One thing I do believe totally in is the need to have as much interaction with the members as possible. Without the members, an organisation, whether it is 100 years or 1 year old, is nothing. I am happy with members who have strong opinions even if they differ from

mine. Having said that I do hate negative/negative people. If you think I/we are doing something wrong by all means tell me about it, but at the same time please tell me how you would do it. I need everyone's help to understand your needs, concerns and issues. I promise you a willing ear and a lot of enthusiasm for the job of keeping ESA as the key Trade Association operating in Enforcement.

Get in touch with me – I look forward to hearing from you.

**Mervyn Pilley**

Executive Director,

Enforcement Services Association

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# Heading off some of those complaints

When Vernon first met with me to discuss the work that I would be doing as the Executive Director of ESA, dealing with complaints was clearly going to be a fairly big part of the day to day administration. I had previously dealt with complaints from the public during my time working in the funeral sector, and had therefore been used to dealing with some often highly emotional members of the public who blamed the funeral director for everything that could possibly go wrong, including the vicar who turned up drunk, the mourner who slipped and fell on top of a coffin and the gust of wind that blew some flowers off down the road. All of these were very serious issues to the complainant but generally were outside of the control of the member.

So why have a complaints system at all? Aren't we just making a rod for our own backs? Aren't we in existence to

serve our members? Well in reality, although it is often very hard to sell this aspect to members, having an efficient, robust and broadly sympathetic complaints system, both at member level and then at Association level, can actually be of positive benefit to members. In a highly competitive world where many are chasing after a smaller and smaller pot of work, having a quality driven unique selling point (USP) can help get work. Your membership of ESA with our level of standards and complaints procedure can be this USP. This is especially important when you are seeking work from the public sector/local government, as those of you with this type of contracts will already know. We live in a world, and have done increasingly since 1997, where the consumer in the eyes of the Government is 'king of the castle'. The OFT, with an agenda driven by the Government, have continued to 'bash'

business over the head, whilst wrapping more and more cotton wool around the 'poor done by' consumer.

Of course this has been a major issue for a sector such as ours where those who encounter a bailiff in the course of their lives rarely have a positive thing to say about them. Rather than accepting any responsibility for paying what they owe, the bailiff is an easy target for a complaint and someone to blame for their troubles.

Having looked at the background, I am conscious that many members already have dedicated complaint teams/managers and I promise you that I am not trying to teach anyone to suck eggs by writing this article. What this article is, is a plea for you to help me to do everything I can to help you. If you don't already do so now, please try and respond as quickly as you can to an initial letter from a member of public who is threatening to, or indeed is actually making a complaint. I have often heard of a complaint as being likened to a wasp's sting. I believe that much of the 'sting' can often be drawn from a complaint if the member listens to what the complainant is saying, does everything that they can to see the other side's point of view and, if any error has been made and an apology is due, accepts responsibility straight away and makes the apology. In the past I have found that it is when a belligerent – 'we couldn't possibly have done anything wrong' approach

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is taken and the steel shutters are brought down at the first sign of a complaint that things can get much worse, much more quickly. Looking at the complaints I have had through so far it is clear that usually the biggest part of anyone making a complaint is for that person to get a hearing for their moans, whoever it is they may feel like moaning about.

I know that for the larger companies dealing with the most cases and therefore by deduction the most complaints a number of standard letter responses to complaints may be used. In view of what I have said before I would be tempted to tailor letter responses more often, especially the first response. Even though this may take more time initially I personally feel that it could reduce the time taken on that complaint.

Just as Vernon did so well for eight years I plan to deal with complaints as quickly as possible and where delays are unavoidable, as sometimes they will be, ensure that I advise all parties of the reason for the delay. I would ask that all members respond to me as soon as possible once I have written to them.

#### **Looking at a few basics:**

I can assure you that I will be looking to filter out all of the vexatious complaints as far as I possibly can. If it is a case of your word against theirs with no third party/independently verifiable

evidence then I would seek to err on the side of the member. I will only deal with a compliant when all attempts have been made by the complainant to resolve the issue direct with the member. If the complaint is about fees and so far many of them have indeed been so, I would confirm that like any good trade association, I/We will not be seeking to interfere in the setting of fees by the member – a purely commercial decision for that member. If possible please let me have copies of any required evidence I may request from you. I understand that technology used by some larger members may make this not possible, but sometimes an actual copy of a letter/document as opposed to a computer generated activity log is more helpful. I will be honest in my communications with both parties. If I think something is wrong I will say so. This may upset some, but I trust that you will appreciate the ‘tightrope walking’ aspect of this part of my job at ESA. If we have a complaints system it needs to be seen as robust and fair by all parties.

It may well be that when the fees issue is resolved by Government, that the

number of complaints will reduce. The fees issue may of course be replaced by some other issue that will push the numbers of complaints back up. Whatever happens I feel that the very nature of what we do will mean that we will always have a number of complaints to deal with. There may well come a time when the sector as a whole will need to have an overall complaints system. Until that time comes, I can assure you that I will do everything I can to help you as a member, deal with complaints effectively and efficiently.

#### **Mervyn Pilley**

Executive Director,  
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# Understanding Standards

Members of the ESA are working with Skills for Security, the Sector Skills Body, to produce a functional map and National Occupational Standards relating to the work of bailiffs; but what are National Occupational Standards and what use will they be to bailiffs? National Occupational Standards (NOS) are defined as descriptions of the skills, knowledge and understanding that a person needs to perform a job of work to a nationally agreed level of competence. They are used primarily to design training programmes and qualifications, but the NOS can also be a very useful tool for employers.

Start with a skills gap analysis: using the standards as the national benchmark, list which competencies are required to meet all of your customers' requirements, both now and in the near future (the 'demand'). Then look at what skills and knowledge is already available in-house (the 'supply'). The difference between the supply and the demand is the skills gap.

Using this information you can identify what the training needs are and begin to explore options for addressing those needs and closing the skills gap. The NOS can help you decide what needs to be covered by the training.

But training is not the only area in which NOS can be of help. Some companies use them when conducting staff appraisals, using the standards as a benchmark against which to measure performance, recognise improvement, and set goals.

They can also be useful in compiling job descriptions and job/person specifications, and in describing requirements when placing recruitment advertisements. Or you can use them as a crib-sheet during recruitment interviews, particularly if the interviewer does not have a detailed knowledge of the role under discussion.

In short, the standards are a benchmark produced by your peers against which to measure the skills, knowledge and understanding of your staff, and help you to judge the competitiveness of your operation. For further information about Skills for Security and the National Occupational Standards please visit [www.skillsforsecurity.org.uk](http://www.skillsforsecurity.org.uk). For a copy of the standards when they are available, or to look at other NOS, please visit [www.ukstandards.org.uk](http://www.ukstandards.org.uk) and search for security systems.


## Bob Doyle

Director of Commercial Service,  
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# A Rare Opportunity

I can count on one hand the times where as an advisor to Government I have been given the opportunity to influence the shape and content of Government enabling legislation and the subsequent draft regulations. Such an opportunity has been placed before the enforcement industry. The Ministry of Justice (MOJ) have opened a dialogue with the key stakeholders which is in my memory is unique.

Everyone would agree that reform is long overdue and the enabling powers of Act need to be implemented as soon as possible. The situation is somewhat complicated by the possible change of Government next year and the uncertainty of policy direction. Notwithstanding this difficulty the MOJ began the tortuous path of agreeing the three key enforcement issues:

- The structure and level of fees and charges
- The arrangements for licensing and the associated educational requirements, and
- The formulation of the new rules for taking control of goods.

Each of these areas of policy formulation is a challenge in themselves. The structure and level of fees has been as a thorn in the side of the enforcement practitioner for a number of years. The problems in this area have been accentuated around the debate on the “up front fee”. The practical application of such an instrument is fraught with difficulty particularly the impact on the budgets of the public sector and the damage it could do to the private sector enforcement industry. Both of these

issues are of equal importance and raise major issues for the effective day to day operation of enforcement. Let us be under no illusion our society needs a “fit for purpose” private sector enforcement service. This service needs to be properly funded with a certainty of relationship between the client and the contractor. The fixing of costs and fees was a major potential source of conflict and disagreement between Government and the industry. However, after the delivery of a very constructive paper from the two professional bodies and a response from the MOJ peace has broken out! Both parties are now working together to formulate an acceptable structure which will hopefully satisfy both the public and private sectors.

The second issue concerning licensing and the associated educational requirements is also beginning to look like a model for consultation and cooperation. The Security Industry Authority (SIA) is certain to be the licensing body and in partnership with the MOJ they have created a stakeholder group. The educational attainment is in the hands of the appropriate sector skills body and they are working with the industry to develop the National Occupational Standards.

The final matter is the formulation of the secondary legislation; again we have seen the creation of a working group to start the difficult process of creating a set of regulations that meet the requirement of the enabling act. Let us not underestimate this task. We have four hundred years of custom, practice and case law to consider and we cannot fail. We need to have in place a set of regulations that are robust and capable of withstanding intense scrutiny by those it serves.

Work is underway in these three areas. We have a unique model in place that will ultimately deliver powers that are truly “fit for purpose”. This is a rare opportunity; those in the industry must grasp it with both hands.

**David Magor**  
Chief Executive, IRRV



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# 'Fairness'

*"Fairness", it has been the word of the moment for so long that, very soon, one suspects it will go out of fashion: "yesterday's word" or "the word that time forgot" or any other hackneyed journalistic phrase.*

The thought struck me as I was watching yet another horrendously biased "documentary" which purported to uncover the "scandal" of the collections industry by basically showing the kind of behaviour that goes on in different kinds of offices up and down the land every day, as well as some very old complaints by the OFT. I have no idea how long the reporter was undercover, but if that was all he found then the industry must be in pretty good shape.

The serious point here is that, amid all this devalued talk of fairness, what is really fair and what is really best for the vast majority of consumers and for our still fragile economic recovery is being lost. The collections industry is particularly under fire.

It is time then, to make a stand and state what should be commonsense: no the credit and collections industry is not perfect, but in terms of fairness it is as good, if not better, than the majority of sectors of the UK economy.

Collectors work very hard to support those customers who have genuine difficulties in paying and who will work with them, but all customers should also understand that they have a

morale duty to pay back what they owe.

There is no victimless crime here: if they do not pay back what they owe, then just like insurance premiums having to go up for bad drivers, everyone has to pay through higher interest rates or charges. The morally "fair" thing to do is to pay what you owe, in the quickest time that you reasonably can.

It is not morally fair to "forget" to mention to your credit card company when you move home; indeed in some EU countries it is illegal. It is not morally fair to make up untrue excuses as to why you supposedly "cannot" pay that month. It is not morally fair to go to a consumer action website or a claims management company to try and find a legal loophole to get out of paying back a loan that you entirely understood and wanted when you took it out.

The collections industry demands and deserves genuine fairness of its own and that does not mean the biased consumer-focused fairness so beloved of the local and national media and the government, but real fairness.


It is hard for individual collectors or collections agencies to stick their head above the parapet for fear of unleashing a wave of attacks on themselves. But here at CCR, we can.

So this month we have taken the issue right to the heart of government, putting a petition on the Number 10 website, calling on debtors to show genuine fairness and responsibility and to pay what they owe.




You can sign the petition without having your name or company displayed, so I would encourage readers to make the bold decision to make a stand.

**Stephen Kiely**  
Editor,  
Credit Collections and Risk




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### ***ABOUT THE BOOK***

The Tribunals Courts & Enforcement Act 2007 will, for many debts, sweep away the old procedures and principles of enforcement and introduce a new code of law. However, some debts have been deliberately excluded from these changes. Among the liabilities in question are a wide range of shipping liabilities including harbour dues and fines, market tolls and stallages, distress damage feasant for trespassing chattels and powers of seizure of trespassing animals under the Animals Act 1971, arrests of aircraft and ecclesiastical executions. For them, the old common law procedures and principles will continue to operate unaltered.

In a single volume this timely book offers a detailed examination of arrears which have in many respects been neglected and which thereby have been allowed to become obscure and poorly understood. The new Act may cause further difficulties by creating two parallel systems of enforcement- one for the most common debts and one for the remainder. This text aims to restore some balance to this dichotomy by, for the first time, uniting these less common forms of recovery in a clear and structured work. It provides a thorough analysis of the case law developed over the centuries along with discussion of the relevant statutory provisions. Published in June 2009, price £49

### ***ABOUT THE AUTHOR***

Working within the field of social welfare, John Kruse has specialised in the law of enforcement for the last twenty years, and has written numerous books and articles on the subject. He has also acted as a consultant inter alia to the Ministry of Justice and the Council of Europe.

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