

<b>Title</b>	<b>Personal Insolvency</b>	
<b>Level</b>	4	
<b>Credit value</b>	7	
<b>Learning outcomes</b>	<b>Assessment criteria</b>	<b>Knowledge, understanding and skills</b>
<b>The learner will:</b>	<b>The learner can:</b>	
<b>1 Understand undefended debt claims</b>	1.1 Analyse debt collection practices	1.1 Definition of debt in a personal insolvency context, including claims for interest; Protection from Harassment Act 1997, Administration of Justice Act 1970; Financial Conduct Authority Consumer Credit Sourcebook (CONC); case law, e.g., <i>Ferguson v British Gas Trading Ltd (2009)</i>
	1.2 Explain how to trace debtors	1.2 Tracing agents and the requirements to comply with the Data Protection Act 1998; Solicitors' Code of Conduct; bankruptcy searches to confirm status of debtor, e.g., bankruptcy status, subject to a debt relief order or Individual Voluntary Arrangement etc.

	1.3 Analyse the processes required to initiate a debt claim	1.3 The parties to a claim; required detail of a letter of claim in both commercial debts and consumer debts; function and details of a statement of case and particulars of claim in contract and simple debt action; claiming interest; issue of proceedings under the Civil Procedure Rules (Part 7); limitation and enforcements; court and method of service of claim; Northampton Bulk Centre
	1.4 Apply the law on undefended debt claims to a given situation	1.4 Application of the law to a complex scenario
<b>2 Understand enforcement of money judgments</b>	2.1 Analyse the processes required for entering judgment against a debtor	2.1 Examination of deadlines for filing acknowledgments of service (CPR Part 10) and defences (CPR Part 15) and applying for default judgment (CPR Part 12); preliminary response to service of defence and referral to internal departments
	2.2 Analyse the processes for the enforcement of money judgments	2.2 The County Court Remedies Regulations, Order To obtain information (CPR 71)
	2.3 Analyse the process of execution against goods and third party debt orders	2.3 Domestic Violence, Crime and Victims Act 2004; Tribunals, Courts and Enforcement Act 2007; High Court and County Courts Jurisdiction Order 1991, Taking Control of Goods Regulations 2013 warrant of control in the County Court, , writ of control in the High Court; transfer from County Court to High Court ;

	2.4 Analyse the process of obtaining a charging order and an attachment of earnings order	2.4 Charging orders, the advantage of pursuing a debt through the court opposed to statutory demand, obtaining judgment and security for creditors by way of an equitable charge, (CPR 73); relevant cases such as <i>Roberts Petroleum Ltd v Bernard Kenny (1983)</i> attachment of earnings order; Attachment of Earnings Act 1971 and Tribunals Courts and Enforcement Act 2007, CCR Order 27 Schedule 2, CPR
	2.5 Apply the appropriate methods of enforcement to a given situation	2.5 Application of the law to a complex scenario
<b>3 Understand Debt Relief Orders</b>	3.1 Analyse the consequences of a debt relief order	3.1 Eligibility for a debt relief order, qualifying debts and exclusion from eligibility, listing on the Individual Insolvency Register, impact on the individual's banking arrangements, home welfare benefits, and pension.
	3.2 Analyse the process for obtaining a debt relief order	3.2 The Insolvency (Amendment) Rules 2009; The Debt Relief Orders (Designation of Competent Authorities) Regulations 2009, the requirements for being a competent authority and for being an intermediary; The Insolvency Proceedings (Fees) (Amendment) Order 2009, The Insolvency Proceedings (Monetary Limits) (Amendment) Order 2015 , and any replacement equivalent orders
	3.3 Apply the law of debt relief orders to a given situation	3.3 Application of the law to a complex scenario
<b>4 Understand Individual Voluntary Arrangements</b>	4.1 Evaluate the nature and advantages and disadvantages of an Individual Voluntary Arrangement (IVA)	4.1 Individual Voluntary Arrangement, a voluntary arrangement between the debtor and creditors; duration; comparative advantage against bankruptcy

	4.2 Explain the mechanism of how to bring an IVA into effect	4.2 How to apply for an interim order and those who may become involved (e.g. creditors, and creditors meetings, supervisors); e.g., <i>Re Julie O'Sullivan (2001)</i> , Insolvency Act 1986 and Insolvency Act 2000; Insolvency Rules 1986; challenging decisions made at a creditors' meeting
	4.3 Apply the law of Individual Voluntary Arrangements to a given situation	4.3 Application of the law to a complex scenario
<b>5 Understand Bankruptcy Order and Bankruptcy Petition</b>	5.1 Analyse the consequences of a Bankruptcy Order	5.1 The impact on the bankrupt's banking arrangements, home and pension (Welfare Reform and Pension Act 1999); income payments order; the role of the Official Receiver, comparison and contrast of bankruptcy and IVA
	5.2 Explain the preliminary steps of a Bankruptcy Order	5.2 The debtor's inability to pay their debts (s268 Insolvency Act 1986); statutory demand (s268 Insolvency Act 1986 and r6 Insolvency Rules 1986); service of demand; setting the demand aside; <i>Re a Debtor (Lancaster No 1 of 1987) (1989)</i>
	5.3 Explain the purpose of a Bankruptcy Petition	5.3 Creditor's Petitions (s267 Insolvency Act 1986 and r6 Insolvency Rules 1986); Insolvency Act 1986 (Amendment) Order 2015; service and extension for service of petitions; notice of oppositions; notices by creditors; list of appearances; the hearing; debtor's petition (s272 Insolvency Act 1986 and r6 Insolvency Rules 1986); compare and contrast the use of a claim form to recover a debt
	5.4 Apply the law of Bankruptcy Orders and Bankruptcy Petitions to a given situation	5.4 Application of the law to a complex scenario

<b>Additional information about the unit</b>	
Unit aim(s)	The learner will understand the underpinning principles of personal insolvency and the different ways that it can legally be addressed.
Details of the relationship between the unit and relevant national occupational standards (if appropriate)	This unit may provide relevant underpinning knowledge and understanding towards units of the Legal Advice standards; specifically: SFJ1B 11: First line money and debt legal advice and SFJ1B 12: Money and debt legal advice and casework.
Details of the relationship between the unit and other standards or curricula (if appropriate)	N/A
Assessment requirements specified by a sector or regulatory body (if appropriate)	N/A
Endorsement of the unit by a sector or other appropriate body (if required)	N/A
Location of the unit within the subject/sector classification	15.5 Law and Legal Services
Name of the organisation submitting the unit	Chartered Institute of Legal Executives (CILEx)
Availability for delivery	1 <sup>st</sup> April 2013