

# A DEBT ENFORCEMENT OFFICE?

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# *Nationwide v Wright*

- Judgment £10k 7/4/06.
- Interim CO 5/5/06.
- Bankruptcy petition 17/5/06.
- Final CO 26/6/06.
- Adjudication bankruptcy 12/7/06.
- *Final CO stood!* *Insolvency Act 1986* s.346 – execution complete.
- How would NI system deal with case?

# More Holistic Approach

- Bilateral perspective does not 'get it'.
- Enforcement issues.
- Reality of over-indebtedness.
- Create DEO or equip Courts with more info'?

# What Debt Enforcement System Must Do

- Distinguish 'can't pay' from 'won't pay' & recognise broad spectrum.
- Connect with alternatives/preliminaries to enforcement.
- Respect creditors' rights.
- Respect debtors' rights.
- Take a/c interests of society.
- Information is key!
- Balance/proportionate.

# Why Debt Enforcement Office?

- Separate Establishment of right & Enforcement!
- Expertise. *Sweden & Northern Ireland.*
- Even handedness.
- Sub-contracting to court officials?
- Enforcement of non-consumer debt?

# Conclusion

- LRC has produced excellent paper.
- Demonstrates multiple debt feature.
- Need for more holistic approach.
- Need to take Enforcement seriously!
- Debt Enforcement Office more transparently does so.