



**LAW REFORM**  
COMMISSION/COIMISIÚN UM  
ATHCHÓIRIÚ AN DLÍ

ANNUAL CONFERENCE 2010

# REFORMING THE LAW ON PERSONAL DEBT

**THURSDAY 16 DECEMBER 2010**

MAIN CONFERENCE HALL,  
DUBLIN CASTLE, DUBLIN 2

## PROGRAMME

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8.30 – 9.30 Registration

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9.30 – 9.40 Chairperson's Address  
Mrs Justice Catherine McGuinness  
President of the Law Reform Commission

9.40 – 10.00 Launch of Final Report on Personal Debt  
Management and Debt Enforcement  
Paul Gallagher SC  
Attorney General

10.00 – 10.45 Personal Debt Management and Debt Enforcement  
Law Reform Commission's Recommendations  
Patricia T Rickard-Clarke  
Commissioner, Law Reform Commission

10.45 – 11.20 Response to Commission's Recommendation  
on Role of MABS  
Michael Culloty  
Social Policy and Communications Officer  
MABS (Money Advice & Budgeting Services)

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11.20 – 11.50 Coffee

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11.50 – 12.25 The Future of Debt Enforcement  
Paul Joyce  
Senior Policy Researcher  
FLAC (Free Legal Advice Centres Limited)

12.25 – 13.00 Recent and Planned Developments  
on Financial Regulation  
Bernard Sheridan  
Assistant Director General  
Consumer Protection Central Bank of Ireland

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13.00 – 13.15 Panel discussion

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13.15 – 13.30 Concluding remarks by President of the  
Law Reform Commission

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## BIOGRAPHIES

### **Catherine McGuinness**

Mrs Justice Catherine McGuinness is the President of the Law Reform Commission and has been a judge of the Circuit Court (1994-1996), of the High Court (1996-2000) and of the Supreme Court (2000-2006). She was called to the Irish Bar in 1977 and to the Inner Bar in 1989. Her main practice as a barrister was in the family law area. In addition to her legal and judicial career, she has served on An Bord Uchtála (the Adoption Board), the Voluntary Health Insurance Board, the National Economic and Social Council, the Second Commission on the Status of Women, and has chaired the National Social Services Board, the Board of the National College of Art and Design, the Employment Equality Agency, the Kilkenny Incest Investigation and the Forum for Peace and Reconciliation.

### **Paul Gallagher**

Paul Gallagher is the Attorney General of Ireland. He was called to the Bar in 1979 and to the Inner Bar in 1991. He is a Bencher of the King's Inns and was formerly Vice Chairman of the Bar Council. He was a nominee of Ireland to the Arbitration and Conciliation Panels of the International Centre for Settlement of Investment Disputes and was Chairman of the Irish Sports Council Anti-Doping Disciplinary Tribunal. He served as the representative of the UK, Ireland, Cyprus and Malta as observer on the High-Level Advisory Group on the Future of EU Justice Policy between 2007 and 2008. He is an Adjunct Professor of Law at University College Dublin (UCD) and a Fellow of the International Academy of Trial Lawyers and holds degrees in Law from UCD and Cambridge University and in History and Economics from UCD.

### **Patricia Rickard-Clarke**

Patricia Rickard-Clarke is a Commissioner with the Law Reform Commission. Formerly, she was a partner in McCann FitzGerald Solicitors specialising in taxation and trusts. She is a member of STEP (Society of Trust and Estate Practitioners) and a member of NUI Maynooth Law Council. She is Chair of the Law Society's Mental Health and Capacity Task Force. Earlier this year she was appointed by the Minister for Finance to the Expert Group on Mortgage Arrears and Personal Debt. She is a member of the HSE's National Financial Abuse of Older People Working Group.

### **Michael Culloty**

Michael Culloty is the Social Policy and Communications Officer in the Money Advice and Budgeting Service (MABS). He has been involved for many years in the voluntary and community sector in the UK and Ireland. He has worked for over eight years in front line money advice in Dublin both as a money adviser and service manager. Since 2004 he has national responsibility in MABS for social policy. He is also responsible for media management for MABS. He is a frequent contributor to national press, radio and TV discussing issues of interest to the MABS service particularly in relation to people on low incomes and welfare and their access to affordable credit.

### **Paul Joyce**

Paul Joyce is a graduate of the National University of Ireland (NUI) and the King's Inns and works as Senior Policy Researcher with Free Legal Advice Centres Ltd (FLAC). In the areas of debt and credit, he is the author of two detailed reports on the law relating to debt enforcement in Ireland. *'An End based on Means?'* (2003) and *'To No One's Credit'* (2009) and numerous submissions and publications including 'Money Lending and the Law' (republished 2008). He was a member of the Council of the Ombudsman for Financial Services from 2004 to 2008 and acts on FLAC's behalf as a specialist advisor and trainer to the Money Advice Budgeting Service. He has recently served as a member of the Expert Group set up to make recommendations to the Minister for Finance on options for improving the current situation for families with mortgage arrears and personal debt

### **Bernard Sheridan**

Bernard joined the Central Bank of Ireland in 1985 and has held senior positions across a range of departments during this period. From 2003-2006 he was head of the Consumer Information Department. Subsequently as Head of the Consumer Protection Codes Department he set up a framework for monitoring and enforcing the Consumer Protection Code. In 2009 he was appointed Head of a new department Domestic Credit Institutions, which oversaw the supervision of domestic banks covered by the Government Guarantee. In 2010 Bernard was appointed Assistant Director General for the Consumer Protection Department. The Consumer Protection Department is responsible for imposing consumer protection requirements on regulated financial services firms, primarily through the Consumer Protection Code.

Bernard holds a Bcomm from UCD and an MSc in Investment and Treasury.



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## ABOUT THE CONFERENCE

**Reforming the Law on Debt** is the seventh Annual Conference of the Law Reform Commission. At the Conference, the Commission will launch its *Report on Personal Debt Management and Debt Enforcement*, which will contain its final recommendations for the reform of the law on personal debt, which is an area of high importance at this time. The Commission published a Consultation Paper on this topic in September 2009 which made 122 provisional recommendations for reform. Because of the urgency of the problems in this area, the Commission established a Working Group in January 2010 to bring forward solutions that could be put in place in the short term. This led to the Commission's May 2010 *Interim Report on Personal Debt Management and Debt Enforcement*, which contained a detailed 14 Point Action Plan. These 14 points included reform of financial regulation law relevant to debt, review of existing codes of practice, the development of a Standard Financial Statement to assess personal indebtedness and reducing the discharge period under the Bankruptcy Act 1988. Most of the 14 Point Action Plan has either been implemented or is in train. Significant reforms of financial services law has already been enacted and further changes are planned, a new Consumer Code of Practice has been published, the IBF and MABS have developed a revised Standard Financial Statement and the Oireachtas is currently considering the reduction of the bankruptcy discharge period from 12 to 6 years in the *Civil Law (Miscellaneous Provisions) Bill 2010*.

The Commission's final *Report on Personal Debt Management and Debt Enforcement* which will be launched at the December Conference will, therefore, concentrate on the medium to long term reforms that need to be put in place in this key area of our law. These include the need to reform and modernise our debt management and enforcement mechanisms, in particular the creation of a non-judicial debt settlement system in which personal insolvency issues can be resolved, as far as possible, without the need for court hearings. It will also deal with the establishment of a national Debt Enforcement Office, which will act as a clearing house for debt enforcement proceedings. The Report will also deal with more wide-ranging reform of the *Bankruptcy Act 1988*, including priority debts and restrictions on the person in the course of bankruptcy. The Conference will also highlight the financial regulatory initiatives that have already taken place since the publication of the Commission's Consultation Paper in 2009. It will also discuss the other provisions that are currently being developed for forthcoming legislation, including the regulation of debt advisers and the establishment of a credit register.

## REGISTRATION

Registration may be made by email to [events@lawreform.ie](mailto:events@lawreform.ie) or by telephone to 01-6377600. Places are strictly limited so reservation is essential.

Any queries in relation to the Conference may be made to [events@lawreform.ie](mailto:events@lawreform.ie) or by calling 01-6377600.

## SUBSTITUTE ATTENDANCE

If you are unable to attend, a substitute can attend in your place. Notification of any substitution should be made in advance of the Conference.

## UNAVOIDABLE CHANGES

It may be necessary to make changes to the content and timing of the Conference Programme or to substitute speakers.

## VENUE

The Main Conference Hall is in the Upper Yard of Dublin Castle.

## CAR PARKING

There are a number of public car parks nearby. The nearest is that of Jury's Inn Christchurch, which is located in Werburg Street: Tel. 00353 1 454 0000, Fax 00353 1 454 0012.

A map of Dublin Castle indicating the location of public car parks is available on the Dublin Castle website [www.dublincastle.ie](http://www.dublincastle.ie)

Further information is also available on our website [www.lawreform.ie](http://www.lawreform.ie)