



DEBT RECOVERY (CIVIL LITIGATION) ACCREDITED PARALEGAL

The objective of the Status is to recognise the work carried out by accredited paralegals and trainee accredited paralegals and provide a formal accreditation. It will provide an assurance of high quality and standards to employers, other members of the legal profession and clients.

As an accredited paralegal or trainee accredited paralegal you must be aware of the general competencies applicable to all members, which can be found under Schedule D of the Scheme of Operations. These competencies cover the knowledge, skills, values and attitudes you are expected to exhibit as a member of the Accredited Paralegal Status.

Together with these general competencies, each practice area has its own scope of competence, skills, knowledge and understanding as shown below.

SCOPE OF ACCREDITED PARALEGALS COMPETENCE

A paralegal should be able to progress a debt recovery instruction, from taking the client's initial instructions through to conclusion of the case.

Specifically, the paralegal should be competent to

- Interview and correspond with client
- correspond and liaise with debtor or their representative, and with relevant bodies and authorities
- advise client on the different types of court proceedings available and their procedural aspects
- negotiate settlement as an alternative to litigation or in settlement of litigation
- prepare and draft all documentation as may be required to commence court proceedings up to decree (undefended), including the instruction of local agents where appropriate
- sist cases and have sist recalled
- advise on procedure in respect of a time to pay application and draft appropriate documentation
- prepare case for time to pay hearings
- advise client on appropriate enforcement options available including procedure and implement instructions accordingly
- prepare case for diligence hearings

SCOPE OF ACCREDITED PARALEGALS SKILLS, KNOWLEDGE AND UNDERSTANDING

A paralegal eligible to qualify for the Accredited Paralegal Status in this practice area should be able to demonstrate knowledge, understanding and awareness of:

- the necessary information required from the client in order to present a claim
- the rights and obligations of the creditor and debtor
- the law relating to consumer debts
- the Financial Conduct Authority rules and regulations
- the duty to the court and other authorities such as the liquidator and Accountant in Bankruptcy
- the court rules and procedures appropriate to the particular type of debt action
- the rules and procedures in relation to time to pay applications
- the rules and procedures in relation to statutory demands for payment
- the rules and procedures in relation to presenting a petition for sequestration
- the rules and procedure in relation to presenting a petition to wind up a company
- a creditor's pre-decree protective measures
- a debtor's protective measures and debt repayment programmes
- the use of caveats
- the use of diaries in respect of court dates
- the law relating to prescription
- the implications of court judgements and Registry Trust Ltd
- alternative dispute resolution
- the law, rules and procedure relating to consumer debt diligence
- the law, rules and procedure relating to commercial debt diligence
- the rules and procedure in relation to Legal Aid

Demonstrate knowledge, understanding and familiarity with the legislation relevant to this area.

The following is a non-exhaustive list of potential legislation for this practice area:

- Simple Procedure Rules
- Ordinary Cause Rules
- Consumer Credit Acts 1974 and 2006
- Debtors (Scotland) Act 1987
- Bankruptcy and Diligence etc (Scotland) Act 2007
- Debt Arrangement and Attachment (Scotland) Act 2002
- Bankruptcy Scotland Act 2016, Rules and Regulations
- Insolvency Act 1986, Insolvency Scotland Rules and Regulations
- Late Payment of Commercial Debts (Interest) Act 1998
- Civil Jurisdiction and Judgements Act 1982
- Sheriff Court Caveat Rules 2006
- Prescription and Limitation (Scotland) Act 1973
- Sheriff Courts (Scotland) Act 1971
- Data protection Act 1998

The above competencies are based on an accredited paralegal with a minimum of 1 years' experience. If you are applying as a trainee accredited paralegal, then you would be expected to be meeting these competencies after 1 year of training as we are aware you may not yet have had exposure to a full transaction.