



REPOSSESSION 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 standard Scottish repossession from Calling Up Notice to Ejection

Specifically, the paralegal should be competent to

- Demonstrates ability to interpret instructions from clients regarding enforcement of their security
- Can interpret descriptions of standard securities and title plans and identify issues/concerns arising from same
- Undertake background ownership checks including Registered Security and Insolvency Reports
- Demonstrates understanding of legislation governing repossessions
- Understands the acceptable form of statutory Form A
- Enact the Technical Service Requirements of Form A
- Demonstrates an ability to prepare Calling Up notice
- Demonstrates an understanding of the requirements for voluntary surrender
- Demonstrates an understanding of Entitled Residents and the statutory requirements thereof
- Understands the requirement for section 11 statutory notices to local authority housing department at the relevant points
- Collates proof of service of all papers and statutory notices for use of office and any subsequent agent appointed
- Issue LBA or verify this has been done by lender
- Prepare Form 11c to comply with Pre-Action Protocol
- Prepare Summary Application court pack, including supporting documentation to comply with PAR
- Diarise and adhere to court deadlines and advise supervising solicitor(s) and others accordingly
- Service of proceedings including Walls of Court if required
- Instruction of local agents for Hearings, where relevant
- Communicates confidently with Court staff/clients/Sheriff Officers/Defenders/Solicitors

- Instructs Sheriff Officers on service and is capable of examining and understanding their report
- Dealing with moving for and recalling of sists
- Understands how to check accuracy of and stages required to enforce Decree
- Understands how to address the issue of tenants in a property scheduled for repossession
- General understanding of possible resolution tools including Mortgage to Rent Scheme. Assisted Voluntary Sales, Buy to Let etc dealing with Minutes for Recall of Decree

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 different procedures voluntary processes and standard Scottish Repossessions
- the rights and obligations of the client as pursuer
- the importance of accuracy in repossession proceedings and the impact of any inaccuracies (calling up notices, designation of parties, description of subjects etc)
- understands how Repossession Litigation impacts on the sale of a repossessed property
- the court rules in relation to procedures, deadlines and timescales for repossession actions
- the structure of the civil court system
- the importance of court deadlines and all deadlines relevant to repossession work
- the use of the firm's in-house database and library system
- the difference between advice and information
- Knowledge, location and familiarity with relevant firm styles including anti-money laundering and cash procedures
- Different procedures and protocols for dealing with different lenders
- Financial Conduct Authority Regulation
- Clients based in England and Wales being used to different repossession processes and the importance of being able to explain Scottish procedures.
- Pre-Designed Styles and Prescribed forms (including Form E and 1; Form 2 and F; Calling Up Notices; Form A; Form 11 C; Form BB; and Section 11 (Notice to Local Authorities))

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:

- Conveyancing and Feudal Reform (Scotland) Act 1970
- Heritable Securities (Scotland) Act 1894
- Home Owner and Debtor Protection (Scotland) Act 2010
- MCOB Rules surrounding repossession and mortgage arrears (Basic understanding)
- Money Laundering, Terrorist Financing and Transfer of Files (information on Payer) Regulation 2017
- Ordinary Cause and Summary Application Rules
- Sheriff Court Practice Rules
- Sheriff Court (Civil Procedures) Scotland Act

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.