



Dickins Hopgood Chidley

SOLICITORS

To discuss this and to obtain more information contact:

Paul Owen at Dickins Hopgood Chidley LLP,

The Old School House, 42 High Street, Hungerford, Berkshire, RG17 0NF T 01488 683555

Debt Recovery

At Dickins Hopgood Chidley we offer a full debt recovery service, including complying with the protocol, issuing proceedings, negotiation, Alternative Dispute Resolution (ADR) and representation at final hearings. This factsheet considers the Debt Recovery Protocol.

When does the Protocol apply?

The Protocol applies to businesses (including sole traders and public bodies) who are claiming from an individual (including a sole trader). It does not apply to business to business debts.

Information to be provided by the Creditor

The creditor should send a letter of claim to the debtor which must include:-

- The amount of the debt
- Whether interest or other charges are accruing
- How the debt arises and the content of the agreement
- Where instalments have been offered by the debtor, explanation why this is not appropriate and/or why Court proceedings are being considered.
- How the debt can be paid
- A prescribed information sheet, response form and financial statement form, and details of a return address.

The letter should be sent by post and any other applicable means available, such as email.



The debtor has 30 days to respond.

The Debtor's response

The Debtor's response should be made by completing the response form and financial information sheet.

The creditor should consider the responses given and decide how best to move forward, for example by settling a payment plan or commencing proceedings.

Early disclosure of documents

The protocol provides for the parties to engage in early disclosure of documents to help them reach a settled position.

Where a request is made by a debtor for documentation, the creditor must provide the document within 30 days, or provide a reason why this is not possible.

Alternative Dispute Resolution (ADR)

The parties should consider settling the dispute through ADR, at all times. ADR may include negotiations, without prejudice meetings, or mediation. The size of the debt may dictate what method of ADR is attempted.

Compliance with the Protocol

The Court will expect the parties to have complied with the protocol before proceedings are commenced. The Court may impose sanctions on parties for failing to comply, including in relation to costs.

If you have any questions about the pre-action protocol for debt claims, please contact **Paul Owen** to arrange a consultation: **01488 683555** or **powen@dhc-solicitors.co.uk**.