

**Level 2 Award/Certificate/Diploma in Legal
Studies
7462-204**

**Principles of debt recovery
L/501/5541**

Assignment version: Sample

This guide contains assessor and candidate instructions.

Sample

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**Level 2 Award/Certificate/Diploma in Legal Studies –
Principles of debt recovery
7462-204**

Assessor's instructions

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Notes for guidance

This assignment comprises the assessment for the practical activities and underpinning knowledge requirements for Unit 204 Principles of debt recovery.

The importance of safe working practices, the demands of the appropriate national and local Health and Safety legislation, associated regulations and Codes of Practice associated with the particular industry, must always be stressed. Candidates have responsibilities for maintaining the safety of others as well as their own. Anyone behaving in an unsafe fashion must be stopped and suitable warnings given. A candidate should never be allowed to continue working on an assignment if they have contravened these requirements. This may seem rather strict but, apart from the potentially unpleasant consequences, each candidate must acquire the habits required for the workplace.

The following notes for guidance are provided to assist assessors/tutors in planning the delivery of this assignment to candidates.

1 Location of assignment

1.1 Any suitable location in the workplace or learning environment

2 Equipment/resources required for this assignment

2.1 No specific equipment or resources are required for this assignment although access to word processing and printer facilities would allow candidates to produce work more efficiently.

2.2 Candidates will need access to the 7462 Level 2 Legal Studies Assignment guide to complete this assignment.

3 Evidence and recording

3.1 All work produced by the candidate should be kept together. The candidate is required to put their name, their City & Guilds registration number, task number and the date on all pieces of work, either handwritten or typed, however they will not be penalised for not doing so.

3.2 Candidates will need to be able to organise their information clearly and coherently. Spelling, punctuation and grammar should be used with considerable accuracy and legal terminology applied where relevant.

3.3 Task 1 - where possible the diagram should be no more than one A4 side.

4 Time considerations

4.1 This assignment should take no longer than three hours to complete, excluding research activities. You should make the candidate aware of your programme's time frame and deadlines for completion of this assignment.

4.2 A recommended period of seven days must have elapsed before an unsuccessful candidate can retake a task within this assignment. Further training/feedback should be given to candidates before a task is retaken. Should a candidate be unsuccessful in more than one task, or a referred assignment, then a new assignment should be taken.

5 Additional information

5.1 Answers given in the marking and grading criteria are indicative of the type of answers candidates should give. They are **not** definitive.

Outcomes

Task	Evidence	Outcome reference Underpinning Knowledge (UK)
1	<ul style="list-style-type: none">• A diagram showing the Civil Court hierarchy, with a set of notes explaining their jurisdiction and describing the role of key personnel within the Civil Courts.	1 – 1.1, 1.2, 1.3
2	<ul style="list-style-type: none">• A draft seven day letter setting out the circumstances of debt and the consequences of not settling.• A set of notes explaining the issue and service of the Claim Form, the Response Pack and the rules relating to service.	2 – 2.1 3 – 3.1, 3.2, 3.3
3	<ul style="list-style-type: none">• A draft letter explaining Summary Judgment and the procedure for application.	4 – 4.2
4	<ul style="list-style-type: none">• A fact sheet which explains the different methods of enforcement.	5 – 5.1, 5.2

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Candidate's instructions

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Assignment 7462-204

You are advised to read all instructions carefully before starting work. Check with your Assessor/Tutor, if necessary, to ensure that you have fully understood the process.

You must, at all times, observe all relevant Health and Safety requirements.

This assignment should take you no longer than three hours to complete, excluding research activities. You are required to work to the time frame and deadlines as set out by your Assessor/Tutor.

Introduction

This assignment is broken down into four tasks:

Task 1 requires you to produce a diagram showing the Civil Court hierarchy, with a set of notes explaining their jurisdiction and describing the role of key personnel within the Civil Courts.

Task 2 requires you to draft a seven day letter before action and produce a set of notes explaining issue and service of a Claim Form and the Response Pack and service rules.

Task 3 requires you to draft a letter explaining Summary Judgment and the procedure for application.

Task 4 requires you to produce a fact sheet outlining the various methods of enforcement available.

Note

- You will need access to the 7462 Level 2 Legal Studies Assignment guide to enable you to complete this assignment.
- You should read through the instructions for each task carefully before you start.
- Make sure you do **everything** you are asked to do in the instructions and other notes.
- When you have completed all the tasks, re-read the instructions again just before you proof-read your work for the last time.
- Ensure your name, your City & Guilds registration number, task number and the date are on all documentation.
- At the conclusion of the task/assignment, hand all paperwork to your Assessor/Tutor.

Scenario

You are working as a trainee legal assistant in Ingram Lochee & Exton, a firm of solicitors with various branches in the UK. As part of your training, you will be expected to spend time in all the departments of the practice. You are currently working in the Civil Litigation Department under the direction of Mr Robert Fellows-Bennett, a Fellow of the Chartered Institute of Legal Executives.

Task 1

Mr Fellows-Bennett wants to check your basic knowledge of the Civil Court structure before he gives you anything further to do with Litigation. In the circumstances, he has asked you to do the following:

- prepare a diagram showing the hierarchy of the English Civil Court structure
- produce a set of notes that explain the jurisdiction of the different courts in relation to debt matters and
- identify the key personnel who work in each court giving a brief description of their main duties.

Task 2

Mr Fellows-Bennett has e-mailed you to advise that he is very pleased with what you have produced for him. In view of this, he has decided he would like you to assist him on one of his debt files. He is acting for a Mr Edward Parkinson, a mechanic of 35 Argyll Street, Dartford DA23 1TB. Mr Parkinson recently did some work for a Mrs Stella Wise, which included repairing, servicing and MOT testing her vehicle, a red Mini Cooper, registration number STE 11A. Mrs Wise was satisfied with the work. Mr Parkinson then sent an invoice (no. 4454) for £1350 inclusive of parts and labour on 25th January 2008 to her address at 27 Watson Street, Dartford, DA1 3SE. However, he has still not received settlement of the invoice.

Mr Fellows-Bennett has asked you to:

- a) draft a seven day letter before action to Mrs Wise in relation to the debt setting out the circumstances of the debt and the consequences of not settling the same;
- b) prepare a set of notes identifying what needs to be done for issue and service of the Claim Form and describing the contents of the "Response Pack"; and
- c) describe any relevant rules relating to the service of the documents that you have identified.

Task 3

You have issued and served the Claim Form as requested and Mr Fellows-Bennett calls you into his office 10 days later to advise that a Defence has been filed. It reads:

“I will not be paying the monies owed as I have recently fallen off a ladder cleaning the windows outside and am currently off work with a sprained ankle”.

Your client, Mr Parkinson, understandably wishes to proceed with the Claim.

Mr Fellows-Bennett now requests that you draft a letter outlining to Mr Parkinson the purpose and procedure of applying for Summary Judgment.

Task 4

Mr Parkinson has been successful at the hearing and Judgment has been awarded to him against Mrs Wise. Mrs Wise is still refusing to pay, advising that “You cannot get blood out of a stone!” Mr Parkinson is at a loss as to how he can make Mrs Wise settle the debt and has requested Mr Fellows-Bennett’s advice in the matter.

Mr Fellows-Bennett has asked that you prepare a fact sheet to be given to clients outlining the various methods of enforcement available when a Judgment has been obtained in a debt matter.

Marking & grading criteria

(Not to be shown to candidates until grading is complete)

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Candidate name:	
Enrolment no:	
I confirm that all work submitted is my own	
Signature:	
Date:	Pass / Merit / Distinction / Resit

Assessor name:	
Signature:	Date:

Internal Quality sampled by:	
Signature:	Date:

Task	Marking criteria	Marking	
	<p><u>The Court of Appeal Civil Division</u></p> <ul style="list-style-type: none"> • Appeal Court only • Lords Justices of Appeal sit in this court • They sit in threes or if important case five • Each has the right to give an individual Judgment • Cases must be decided unanimously or by a majority • Barristers speak as of right • Solicitors need Higher Rights qualification • Legal Executives need Higher Rights qualification <p><u>Divisional Courts of the High Court</u></p> <ul style="list-style-type: none"> • These courts hear Appeals only • Judges are called High Court Judges or Puisne Judges • Judges sit alone • Barristers speak as of right • Solicitors need Higher Rights qualification • Legal Executives need Higher Rights qualification <p><u>The High Court</u></p> <ul style="list-style-type: none"> • It is a trial court • It hears both an Appeal Court and a Court of First Instance • The Judges sitting in the High Court are called Puisne Judges or High Court Judges • Barristers speak as of right • Solicitors need Higher Rights qualification • Legal Executives need Higher Rights qualification 		<p>○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○</p>

Task	Marking criteria	Marking	
	<u>The County Court</u> <ul style="list-style-type: none"> • It hears all small claims cases and fast track cases • The Judges sitting in this Court are called District Judges and Circuit Judges • Judge sits alone • Hears a great variety of cases including debt matters 		○ ○ ○ ○
To pass Task 1, candidates must meet all criteria shown as <input type="checkbox"/> and 21 of the criteria shown as <input type="radio"/>			Pass / Refer No of O _____

Candidate's name:		Date:	
Assessor's name:		Assessor's signature:	

Task	Marking criteria	Marking	
c	<ul style="list-style-type: none"> • Once issued Claim Form must be served within four months of date of issue • Service rules contained in Part 6 of Court Practice Rules • Usually done by post by the Court unless the Claimant’s solicitor wishes to serve it himself • Must be served on the last known address of the Defendant • First class post is deemed served on the second day after it was posted • The Claim form should be sent with a “Response Pack” (Forms N9a, 9b) which includes the following documents: <ul style="list-style-type: none"> ○ An Acknowledgement of Service (N9) Any relevant explanation e.g. <ul style="list-style-type: none"> ▪ This is so that the Defendant can confirm she has received the Claim Form ▪ And also if required dispute the Court’s jurisdiction ○ A Defence form (N9b) Any relevant explanation e.g. <ul style="list-style-type: none"> ▪ If the Defendant wishes to file a Defence it must be filed within 14 days of service of Claim Form ▪ or if the Defendant files an Acknowledgement of Service, within 28 days of service of Claim Form ▪ If the Defendant fails to file a Defence the Claimant may obtain Default Judgment ○ A form of Admission (N9a) Any relevant explanation e.g. <ul style="list-style-type: none"> ▪ The Defendant can admit whole or part of the amount ▪ Where the Defendant makes an admission, the claimant has the right to enter Judgment for that amount ▪ The Defendant may also make a request for time to pay ▪ The Admission form must be returned within 14 days after service of the Claim Form, or where the Claim Form states Particulars of Claim will follow, 14 days after service of Claim Form 		<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>

Task	Marking criteria	Marking
To pass Task 2, candidates must meet all criteria shown as <input type="checkbox"/> and 15 of the criteria shown as <input type="radio"/>		Pass / Refer No of O _____

Candidate's name:		Date:	
Assessor's name:		Assessor's signature:	

Sample

To achieve a **Pass**, candidates must meet all criteria shown as and **55** of the criteria shown as
To achieve a **Merit**, candidates must pass all the tasks and meet at least **64** of the criteria shown as
To achieve a **Distinction**, candidates must pass all the tasks and meet at least **72** of the criteria shown as

Total No of O

**Pass / Merit /
Distinction**

Sample