

Dear Colleague,

Firstly, my apologies for not reverting on the 24th of March last with respect to this review as to the role of the sheriff in terms of tax enforcement and debt collection together with civil debt enforcement and fines collection and other matters.

Our experience with the sheriff throughout this jurisdiction is based on enforcing judgments which we obtain on behalf of clients across many different sectors. For instance, we act on behalf of the Revenue Commissioners, Credit Unions, various government departments, County Councils, and commercial clients in debt recovery matters.

When we obtain judgment on behalf of clients, we provide our clients with options in terms of enforcement of the judgment. One of these is the use of the sheriff referring the court order to the sheriff for the purpose of collecting on foot of same.

We have been involved in debt recovery matters for more than 40 years and while going back over the early part of debt recovery we would have seen success in terms of referring matters to the sheriff, that has become much rarer in the last 10 to 15 years. In fact, it is fair to say that our clients would very often comment that sending the matter to the sheriff does not yield results. In our earlier experiences, we have mentioned the fact that we would have had success, and this stemmed from the fact that the sheriff or his/her representatives would attend at the premises of the debtor and would recover goods against which to levy the judgment. This simply does not happen to the same extent anymore. I believe that this may relate to a resourcing issue as outside of the city districts, the sheriff is normally the county registrar. In terms of looking to the future, there is an argument to be said that the sheriff should indeed be a full-time sheriff without other functions as this would allow the individual or individuals to focus on the job in question. I would also question as to the lawfulness of attendance at somebody's premises for the purpose of taking goods to levy against a court order. It may be that the entire process is outdated, and alternatives would have to be looked at including other options through the courts.

One area where we do see success is in relation to the M50 tolls collections and the sheriff in that instance i.e., the Dublin City Sheriff does in fact recover the vehicles which have been used on the M50. It could be argued that this is very specific work and the goods which are collected are implicit in the infringement in the first place.

I believe in terms of debt collection there is a need for greater options through the courts such as freezing of the debtors' assets.

I would like to explore this discussion more with you and for instance if you were to have any workshops I am interested in attending.

Regards



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