

HUGH J. WARD & CO. SOLICITORS

Email: info@wardlawyers.eu Website: www.wardlawyers.eu

S O L I C I T O R S

9 Seville Place, Dublin 1.

Tel: 819 7010

Fax: 819 7660

DX 112010 Talbot Street.

Consultation to examine the role of Sheriffs and the work they carry out on behalf of the State.

From [Department of Justice](#)

Published on 3 March 2023

Open for submissions from 3 March 2023

Submissions closed 24 March 2023

Last updated on 6 March 2023

Sheriff's services can be split into 3 main categories:

- 1) Sheriff's enforcing Revenue debt - State debt - this procedure of execution against goods is very efficient and works well with good returns. These procedures for this category of Sheriff should be introduced for enforcement of commercial debt.
- 2) Dublin and Cork Sheriffs – Commercial and State Debt – this procedure of execution against goods works better when the Dublin or Cork Sheriffs are involved. These procedures for the Dublin and Cork Sheriffs model should be implemented throughout the country.
- 3) County Registrars as Sheriffs – Commercial Debt - in general the procedure of execution against goods does not work in this category although there are some exceptions. This may be a resource issue for the County Registrars as they are also tasked with many other matters that require their attention. There may also be a perception of a conflict of interest and lack of independence as the debtor may associate the County Registrar as an integral part of the court process in granting a debt judgment.

Many creditors complain that they as creditors can identify goods that could be seized by the Sheriff but are not seized. The creditors become frustrated with the orders that are returned "nulla bona" no goods. This applies mainly in commercial business debt rather than with residential debt.

It might also be a good idea to review the remuneration of this category of sheriff to ensure that they are sufficiently incentivised.

HUGH J. WARD & CO. SOLICITORS

Email: info@wardlawyers.eu Website: www.wardlawyers.eu

S O L I C I T O R S

9 Seville Place, Dublin 1.

Tel: 819 7010

Fax: 819 7660

DX 112010 Talbot Street.

Over the years a number of counties have been without a County Registrar and Sheriff for long periods of time. During this time the enforcement work gets backlogged until a new appointee is in place.

It is also difficult to get updates on progress which leads to further creditor frustrations.

General Comments:

- Essential to retain the power of forcible entry (if necessary as a last resort) into the debtors' premises.
- Update the language and terminology associated with the whole process of enforcement against goods.
- Simplify the process and procedure so that the High Court does not need to be involved in lower court enforcements against goods.
- As an alternative enforcement mechanism consideration should be given to a general attachment of bank accounts and earnings.
- Enhance the mechanisms to establish the debtor's means and assets. This will assist in the decision of which enforcement mechanism to use. This is an essential element that provides fairness to the debtor and creditor and would direct all future enforcement action. However there would need to be a mechanism in place that would independently verify the actual means and assets of the debtor. The current process of court examination of the debtors means does not always do this in practice.
- In relation to goods that are available for seizure consideration needs to be given to the business commercial debtors separately as their goods are generally of a very different nature