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| Title | Demonstrate knowledge of the recovery of debt using legal proceedings | | |
| Level | 4 | Credits | 5 |

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| Purpose | <p>People credited with this unit standard are able to demonstrate knowledge of:</p> <ul style="list-style-type: none"> – the jurisdiction of the District Court and the High Court, and methods of commencing proceedings; – proceedings in the District Court for the recovery of debt; – bankruptcy procedures; and – the nature and proceedings for receiverships, liquidations, and voluntary administration. |
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| Classification | Financial Management > Credit Management |
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| Available grade | Achieved |
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Guidance Information

- 1 Legislation applicable to this unit standard includes:
 Companies Act 1993;
 Companies Act 1993 Liquidation Regulations 1994;
 Corporations (Investigation and Management) Act 1989;
 District Court Act 2016;
 District Court Rules 2009;
 Insolvency Act 2006;
 Personal Property Securities Act 1999;
 Receiverships Act 1993;
 Reciprocal Enforcement of Judgments Act 1934;
 and all subsequent amendments and replacements.
- 2 This unit standard may be assessed on-job in the workplace using naturally occurring evidence or in off-job simulated work situations designed to draw upon similar performance to that required in work in a credit administration and/or credit management context.

Outcomes and performance criteria

Outcome 1

Demonstrate knowledge of the jurisdiction of the District Court and the High Court, and methods of commencing proceedings.

Performance criteria

- 1.1 Explain jurisdiction of the District Court and the High Court in terms of legislation.
- 1.2 Describe commencement of proceedings in the District Court and the High Court in terms of legislation.
- Range may include but is not limited to – notice of proceedings, summary judgement.
- 1.3 Explain notice of proceedings requirements in accordance with legislation.
- Range may include but is not limited to – statement of claim, notice of proceeding, application for interest.
- 1.4 Describe types of summary judgements obtained in the High Court in accordance with legislation.
- Range may include but is not limited to – statement of claim, notice of proceeding, interlocutory application and affidavit in support.

Outcome 2

Demonstrate knowledge of proceedings in the District Court for the recovery of debt.

Performance criteria

- 2.1 Explain defence of proceedings for recovery of debt in terms of legislation.
- Range may include but is not limited to – statement of defence, notice of opposition or defence, affidavit in opposition, admission of claim.
- 2.2 Describe judgements on the default of debtor under legislation.
- Range judgement on admission, judgement by default, certificate of judgement, judgement after hearing.
- 2.3 Describe setting aside of judgements by default under legislation.
- Range may include but is not limited to – application to set aside judgements, affidavit in support of the application.
- 2.4 Explain examinations to determine means of payment in terms of legislation.
- Range order for examination.
- 2.5 Describe legal methods of obtaining payment in the District Court in accordance with legislation.

Range may include but is not limited to – distress warrant, summary instalment order, attachment order, charging order, periodic detention.

Outcome 3

Demonstrate knowledge of bankruptcy procedures.

Performance criteria

3.1 Describe administration of property by Official Assignee in accordance with legislation.

3.2 Explain bankruptcy proceedings in accordance with legislation.

Range may include but is not limited to – request for issue of bankruptcy notice, creditor’s bankruptcy petition, debtor’s bankruptcy petition, return of *nulla bona*.

Outcome 4

Demonstrate knowledge of the nature and procedures for receiverships, liquidations, and voluntary administration.

Performance criteria

4.1 Describe receiverships and the options for creditors in terms of legislation.

4.2 Describe liquidations in accordance with legislation.

4.3 Describe the procedures for voluntary administration in accordance with the legislation.

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| Planned review date | 31 December 2025 |
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Status information and last date for assessment for superseded versions

| Process | Version | Date | Last Date for Assessment |
|-----------------------|---------|-------------------|--------------------------|
| Registration | 1 | 28 August 2000 | 31 December 2013 |
| Review | 2 | 28 June 2005 | 31 December 2021 |
| Rollover and Revision | 3 | 15 November 2012 | 31 December 2021 |
| Rollover and Revision | 4 | 22 May 2014 | 31 December 2021 |
| Review | 5 | 18 June 2015 | 31 December 2023 |
| Review | 6 | 24 September 2020 | N/A |

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| Consent and Moderation Requirements (CMR) reference | 0121 |
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This CMR can be accessed at www.nzqa.govt.nz/framework/search/index.do.

Comments on this unit standard

Please contact The Skills Organisation reviewcomments@skills.org.nz if you wish to suggest changes to the content of this unit standard.