





The content

Debt Advice Handbook 15th edition

Description

With living costs and unemployment rising, budgets squeezed and problem debt on the increase, no adviser should be without this essential guide to the practice and process of giving money advice in England and Wales.

Who's this book for?

It is essential for debt advisers, welfare rights advisers, lawyers, local authority and housing association staff, social workers and union official.

What does it do?

The handbook provides the most comprehensive information needed by advisers on the key stages of money advice, including interviewing clients, establishing liability, prioritising debts, preparing a financial statement, negotiating with creditors and dealing with bailiffs. Fully indexed and cross-referenced to law, regulations and official guidance, and to court and tribunal decisions Includes tactical guidance and examples

What's new?

Fully updated to cover all recent changes to legislation, caselaw and court procedure and practice Emphasis is placed on taking due care of vulnerable clients and making sure that any payment arrangements agreed are appropriate. There is a focus on sustainable credit arrangements that do not affect a client's abilities to pay essential living expenses and priority debts.

Properties

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1. Introduction

The role of the adviser

The magistrates' court is best known as the first tier of the criminal justice system. There are more than 150 magistrates' courts in England and Wales, which deal with more than 90 per cent of all criminal cases. The administration of magistrates' courts in England and Wales is the responsibility of HM Courts and Tribunals Service (HMCTS), which is part of the Ministry of Justice.

Magistrates have traditionally been lay volunteers (ie, unpaid and not legally qualified), although it is increasingly common for them to be full time and paid, particularly in London and urban areas. Paid magistrates are called district judges and are either barristers or solicitors. For further information, you are referred to *Anthony and Berryman's Magistrates' Court Guide* (see Appendix 2).

Fines officers are court staff with the power to enforce fines. Since the implementation of the Courts Act 2003, many decisions on fines enforcement that used to require court hearings (such as applications for further time to pay and deciding the enforcement action in cases of default) are now dealt with by fines officers.

The role of the adviser

Your main role as debt adviser is to prepare a financial statement and list of debts for the client to take to court hearings and perhaps a letter explaining their circumstances.

You may also represent the client or act as a 'McKenzie friend' (see here). Check local practice to see whether you are allowed to represent clients. The justices' clerk is likely to be a useful contact at the magistrates' court. Sometimes, you will need to liaise with probation staff or solicitors, particularly in respect of unpaid fines. It is helpful to establish links between the advice agency and the probation service so that once you have produced the financial statement and details of debts, the client can be put in touch with the probation service for assistance and support at the court hearing. Probation officers and assistants are normally based at the court. Some advice agencies now staff help desks at their local magistrates' courts.

If a committal warrant has been issued for the client to be imprisoned, it is usually advisable to obtain good legal representation for them. Free legal representation is available for committal hearings.

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Please be aware that welfare rights law and guidance change frequently. This page was printed on Friday, October 17, 2025 and may go out of date.