

CONSULTATION QUESTIONNAIRE (Page One)
Low Income, Low Assets – a new route into Bankruptcy

The deadline for responses is **25 June 2007**

Your details

Name	[REDACTED]
Job title (if applicable)	[REDACTED]
Organisation (if applicable)	[REDACTED]
Address	[REDACTED] [REDACTED]
Postcode	[REDACTED]
e-mail address	[REDACTED]

For the purpose of analysing responses, it would be helpful if you would also indicate the capacity in which you are completing this questionnaire, please tick as appropriate.

Advice Sector	<input type="checkbox"/>	Legal Body	<input type="checkbox"/>
Business	<input type="checkbox"/>	Professional Body	<input type="checkbox"/>
Individual	<input checked="" type="checkbox"/>	Statutory Body	<input type="checkbox"/>
Insolvency Practitioner	<input type="checkbox"/>	Other (Please Specify) _____	<input type="checkbox"/>

Questions for Consultation

1a Do you agree with the proposal to treat someone in receipt of an income based Social Security benefit as having no income for the LILA scheme?

Yes No

1b Do you think £100 (gross) is the appropriate level for the purposes of calculating low income?

Yes No

1c If not, please state what you would consider to be the appropriate level e.g. £150, £200 and why?

My Jobseekers Allowance is 56 per week. Would the proposal take into consideration my Housing Benefit? If yes, this would put me over the 100 pw threshold.

1d How should the level determined be calculated, e.g. gross income at date of application or gross weekly income averaged over 6 month or 12 month period?

Probably gross average over preceding 6 months

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1e Should Child Tax Credit be disregarded in the calculation of income?

Yes No Unable to provide opinion

1f Should any other benefits or tax credits be disregarded in the calculation of income?

Yes x No

1g If so which benefits or tax credits should be disregarded?

Jobseekers Allowance. Have you tried living on just 56 per week?

2a Do you think £1,000 is the appropriate level for the purposes of calculating assets?

Yes x No assuming existing exemptions remain in force – eg, I have a sofa and a TV and a stereo and a computer, which, combined, could amount to £1,250 (for sake of argument). Will these continue to be exempt from the asset calculation?

2b If not, please state what you would consider to be the appropriate level, and why (for example, linking to other limits in use in diligence).

2c Should excluded assets only be those which would be excluded from bankruptcy?

Yes x No

2d If not, which other types of assets should be included or excluded?

2e Do you agree that anyone who owns their own house or other property should be excluded from the LILA scheme?

Yes x No

2f If not, why?

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3a Should there be a different debt threshold for LILA applications?

Yes No x

3b If so, at what level should it be set?

4a Do you agree that a simple on-line process should be the usual means of applying for bankruptcy through the LILA scheme?

Yes x No

4b If not, what forms of applications should be allowed and why?

4c Do you think that the proposed £50 fee is reasonable?

Yes x No Perhaps two instalments of 25 allowed????

4d If not, what kind of fee structure would be appropriate? (please consider issues such as deterrence, consistency with other applications, waivers for specific groups of debtors, higher costs of administering hard copy applications)

4e Do you agree that a Statutory Declaration by a debtor should be sufficient for a debtor's application?

Yes x No

4f If not, what else should be required and why?

4g Do you have any other suggestions for the LILA process which you would like us to consider?

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5a Do you agree that there should be a delay between the date of application and an award of bankruptcy?

Yes x No

5b If no, why not?

5c If yes, is 5 weeks a reasonable period of delay?

Yes x No

5d If you do not agree that 5 weeks is a reasonable period, what alternative would you suggest and why?

5e Should the debtor be able to withdraw their application during this period?

Yes x No

5f Should the creditor be entitled to object to an application during this period?

Yes x No

5g If so, should grounds for objection be restricted to the accuracy/honesty of the debtor's averment of low income and low assets?

Yes No x

5h If not, what other grounds for objection be considered?

Creditors should be allowed to object on any grounds – a question for them really and not me as I am responding to this survey as a debtor

6 Do you have any other comments?

Perhaps debtors using this route to bankruptcy should only be allowed to use LILA once in any 5 year period.

I also think students' income (bursaries, grants and loans) should be exempt from the income calculation procedure. I am currently on 56 per week Jobseekers

Allowance and in receipt of housing benefit. I am considering becoming a student and will become financial WORSE off if I am a student compared to state benefits. If a student is financially worse off compared to someone on benefits, surely therefore a student's bursary / loan etc should be excluded from the 100 per week income proposal.