

NOTE FOR THE PUBLIC REGISTER UNDER SECTION 35 OF THE CONSUMER CREDIT ACT 1974 (THE ACT)

LICENCE NO: 510166

LICENSEE: AKTIV KAPITAL (UK) LIMITED

DETERMINATION OF MINDED TO IMPOSE REQUIREMENTS NOTICE

An adjudicator, acting on behalf of the Office of Fair Trading (OFT), served a notice on the licensee that he was minded to impose requirements on the licensee. The adjudicator received both written and oral representations.

Having considered the representations, the adjudicator decided to impose the following requirements on the licensee:

1. Aktiv Kapital (UK) Limited shall comply with those elements of current CSA Guidelines, as amended from time to time, and the DCG which deal with (1) tracing and (2) the sending of debt collection letters. Aktiv Kapital (UK) Limited shall only send debt collection letters after all reasonable steps have been taken to verify that the subject being pursued is in fact the debtor.
2. Aktiv Kapital (UK) Limited, when a debt is clearly disputed, in writing, **shall not** continue any debt collection activity until all matters disputed have been properly investigated; and the individual informed of the outcome of the investigation; and **shall** keep consumers advised, in writing, of any delays in resolution of the investigation.
3. Aktiv Kapital (UK) Limited, where there is a dispute relating to the identity of the debtor, shall not oblige an individual to supply high-level ID (e.g. driving licenses, passports, full name, date of birth, signatures) to prove that they are not the debtor in question. A request for such information may be made where it is reasonable and proportionate to do so but where such a request is made it must be made clear to the individual at the time of the request that there is no obligation on them to prove that they are not the debtor.
4. Aktiv Kapital (UK) Limited shall ensure that when communicating with debtors in writing and/or by telephone, that all such communications adhere

to the letter and spirit of the OFT's Debt Collection Guidance, in particular to paragraphs 2.5 and 2.6. Aktiv's communications shall not be, or have the potential, or appear to be, threatening, or to constitute unreasonable pressure.

5. Aktiv Kapital (UK) Limited shall, when a debt is claimed by a customer or authorised third party, to be statute barred, take it out of the collection process until that claim has been properly investigated and the status of the debt is determined. If it is established that the debt is not statute barred then collection activity can be resumed by Aktiv Kapital (UK) Limited on reasonable notice and explanation to the customer. If it is statute barred then any collection by Aktiv Kapital (UK) Limited must be in accordance with the Guidance at paragraph 2.14b of the DCG.
6. Aktiv Kapital (UK) Limited **shall** have due regard and deal sensitively with customers, and their authorised representatives, where evidence has been given to the company that the customer is incapacitated by mental or physical disability, is experiencing special hardship, or is particularly vulnerable.
7. Aktiv Kapital (UK) Ltd shall not invite or encourage debtors who have authorised third party representatives identified to the company, to make direct contact with the company.
8. Aktiv Kapital (UK) Limited, **shall** ensure transparency with customers in all written and verbal communications. In particular, in any communication there shall be a clear identification of the correspondent's identity as owner or collector of a debt and of their membership of the Aktiv Kapital (Norway) group.

Notice of any appeal, which must be given within 28 days of the date on which notice of the determination is issued, and of its result, will be put on the public register.

DATE OF DETERMINATION: **27 OCTOBER 2010**