



Insolvency Act 1986

Application for authorisation to act as an Insolvency Practitioner

Education and Training Unit
Version 1

Application for authorisation to act as an Insolvency Practitioner

Please read the accompanying guidance notes before completing the form. If the answer to any question exceeds the space allowed please continue on a separate sheet.

Part A: General information

1. Title (e.g. Mr, Ms, Mrs, Miss).

2. Personal identification number (see Practising Certificate for details).

3. Applicants full name (surname first, forenames following).

Firm's name and your main practising address.

Telephone number.

Fax number.

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DX number.

4. Date of admission as a solicitor.

5(a). Do you hold a current unconditional practising certificate? Yes No

- 5(b). Have you held an unconditional practising certificate at all Yes No
times since admission?

If the answer to either 5(a) or 5(b) is No, please give details.

- 6(a). Please state other relevant organisations of which you are a member including where appropriate, your local Law Society.

- 6(b). Please state other recognised professional bodies to which you have applied for authorisation, the date you applied and the outcome of your application.

7. Do you hold a current authorisation? Yes No

If the answer is yes, who is your authorising body?

Part B: Education, practical training and experience

8. Please give the year you passed the Joint Insolvency Examination.

- 9(a). If currently authorised by another recognised professional body, how many appointments as a G.B. office holder have you held since the current authorisation was granted?

No of appointments:

A pro forma is attached at the back of this application form which should be photocopied and used to supply the details of appointments held as a GB office holder since authorisation was granted. **(If more than 10, only give the most recent 10).**

You are asked to supply the following details:

- i) Name of debtor or company.
- ii) Date of appointment.
- iii) Nature of appointments and any Court reference.
- iv) Whether the appointment was made or confirmed by creditors in general meetings or otherwise e.g. debenture holders or Court.
- v) Whether the appointment is otherwise than by creditors in general meeting, your relationship or other connection, if any, with the appointer(s).
- vi) For any members voluntary winding up whether the creditors were paid in full within 12 months and details where this has not occurred.

9(b). If currently authorised by another recognised professional body, how many insolvencies have you secured release or discharge from since your most recent authorisation?

No. of appointments:

Please list the insolvencies on a separate sheet indicating the date of release or discharge.

10(a). Have you been employed by or been in partnership with an Insolvency Practitioner and worked for him/her in that capacity? Yes No

10(b). May we write for his/her confirmation of your insolvency experience? Yes No

Please supply the name and the address of the individual concerned.

11(a). Where you have acted for office holders please state the number of unconnected insolvencies in which you have acted in the last three years and give details.

i) Nominees or supervisors of a voluntary arrangement whether for a company or an individual.

No: _____.

ii) Administrators.

No: _____.

iii) Administrative receivers.

No: _____.

iv) Liquidators.

No: _____.

v) Trustees in bankruptcy.
No: _____.

vi) Other appointments where you have obtained relevant experience.
No: _____.

11(b). Please supply details of work you have undertaken for debtors.

11(c). Please supply details of work you have undertaken for creditors.

11(d). Please supply details of work you have undertaken for other parties involved in insolvencies or potential insolvencies.

- 11(e). Some applicants carry out considerable supervision of other solicitor's work. Please outline the extent of any supervisory role you may have where you have responsibility for the insolvency work of colleagues within your firm.

- 11(f). A pro forma is attached at the back of this application form which should be photocopied and used to supply details of three recent cases which best demonstrate the range of your experience. It is important that for each case you outline:

- (i) the source of the work
- (ii) the capacity in which you were acting
- (iii) the nature of the work undertaken by you
- (iv) the date work commenced on the case and the date it was concluded with an estimate of the time spent on it.

Each case report should include your firm's internal file reference so that it can be identified if necessary.

- 12(a). How many hours have you spent in total on technical insolvency work in the last three years?

- 12(b). On average, what percentage of your time do you estimate is spent **each year** on insolvency work?

13. Using the figure shown above, please indicate in percentage terms the amount of that time you have spent in the following areas :-

- i) Questions arising in connection with the Insolvency Act, Statutory Instruments under the Act and case law.

- ii) Asset sales.

- iii) Conveyancing.

iv) Litigation other than under the Insolvency Act or Rules.

v) Banking.

vi) Debt collection.

vii) Acting as an office holder.

viii) Other (please specify).

14(a). Please provide information below on any other relevant insolvency experience.

- 14(b). Please provide information on any relevant education and practical training you have obtained which may be applicable to your authorisation. For example, how do you ensure that you keep up to date on matters relating to insolvency? What insolvency related Continuing Professional Development have you undertaken/do you undertake?

- 14(c). If you do any work other than insolvency as part of your practice, please supply details below, giving an indication of the percentages of your overall time spent on non-insolvency work.

15. Is your application based partly on overseas experience, including experience either as an office holder or as a person substantially engaged in managing, supervising or advising in cases on behalf of an office holder in proceedings corresponding to those for which an authorisation is required under Section 390 of the Insolvency Act 1986?

Yes No

If the answer is yes please submit with this application supporting letters of competence and responsibility and/or a schedule of all appointments as may be appropriate.

Part C: Fitness

If the answer to any of the following questions is yes, please give full details on a separate sheet.

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- 16(a). Are you currently subject to bankruptcy proceedings (include here any outstanding petitions as well as any current orders)? Yes No
- 16(b). Have you previously at any time been bankrupt or entered into a deed of arrangement scheme or composition in respect of your financial affairs? Yes No
17. Do you have any judgements for debts outstanding against you? Yes No
18. Has a bankruptcy petition not dealt with under Q16 ever been presented against you? Yes No
19. Have you ever been the proprietor of or a partner in a business which ceased trading leaving creditors unpaid but which is not dealt with in Q16 or Q18? Yes No
20. Are you subject to any order under the Mental Health Act 1983 or Mental Health (Scotland) Act 1984? Yes No
21. Have you been a director of any company which has at any time gone into receivership or compulsory or voluntary liquidation while you were a director or within six months of you ceasing to be a director (excluding members' voluntary liquidations where payment in full was made to creditors within a year)? Yes No
22. Have you been a director of any company which has at any time ceased trading leaving creditors unpaid (not referred to in Q21 above) while you were a director or within six months of you ceasing to be a director? Yes No
23. Have you ever been a director of any company which has been the subject of an investigation under S431/2 or S447 of the Companies Act 1985 while you were a director or within six months of you ceasing to be a director? Yes No

- 24(a). Are you the subject of any order under Part IX of the Companies Act 1985, the Insolvency Act 1986 or any earlier enactments disqualifying you from holding office as a director (or liquidator receiver or manager)? Yes No
- 24(b). Have you previously been subject to such an order? Yes No
- 24(c). Are you the subject of any disqualification undertaking as provided for under Section 1A of the Company Directors Disqualification Act 1986 inserted by the Insolvency Act 2000? Yes No
- 24(d). Have you previously been the subject of such an undertaking? Yes No
25. Have you been convicted of any offences under the Companies Act 1985 or any other current or earlier Acts regulating the conduct of companies or insolvency including bankruptcy? Yes No
26. Have you been convicted of any other criminal offences (excluding motoring offences not resulting in disqualification)? Yes No
- 27(a). Have you at any time been removed or expelled from or refused membership of any professional body or similar association? Yes No
- 27(b). Have you been subject to disciplinary action by such a body involving a lesser penalty than removal or expulsion? Yes No
- 27(c). Are you currently the subject of investigation by such a body? Yes No
- 28(a). Have you at any time been removed from an office for which an authorisation for an Insolvency Practitioner would have been required under the Insolvency Act 1986? Yes No
- 28(b). Are you presently subject to any proceedings which could have that result? Yes No

28(c). Have you at any time been removed from or refused admission to the list of Interim Trustees maintained by the Accountant in Bankruptcy under the provisions of the Bankruptcy (Scotland) Act 1985 or any earlier enactments? Yes No

29. Have you at any time been removed or dismissed from the following?

29(a). Any other fiduciary office or position of trust (whether remunerated or not)? Yes No

29(b). Any employment on grounds of incompetence or unfitness? Yes No

30. Are you currently an Office Holder as defined by section S388(1) and (2) of the Insolvency Act 1986? If not, go to Question 31. Yes No

If yes, please give full details by answering sub-paragraphs (a) to (f) below.

30(a). How many insolvency cases are you handling where you are not released or discharged from office?

30(b). In respect of those cases, in how many are returns required to be made either to the Department of Trade and Industry, the Registrar of Companies or, in Scotland, The Accountant in Bankruptcy overdue?

30(c). In how many cases are remittances required to be made to the Insolvency Services Account overdue for payment?

30(d). In how many cases are you holding funds representing unclaimed dividends which should have been paid over?

30(e). In respect of any arrears disclosed, what steps are you taking to remedy the situation?

30(f). If applicable are you currently complying with the requirements of the legislation governing the administration of insolvent estates dealing in particular with the handling of monies from such estates? Yes No

If your answer is no, please explain the situation in the box below.

31. Are there any other matters reflecting your competence or fitness of which the SRA ought to be aware? Yes No

If yes please give full details in the box below.

32. Have you at any time been subject to proceedings brought by the Department of Trade and Industry or the Accountant in Bankruptcy in Scotland for failure to lodge returns either:

32(a). as a GB Office Holder? Yes No

32(b). as a director or secretary of a company? Yes No

33. Has any partner, consultant manager, employee or other assistant involved in your insolvency work to your knowledge been:

33(a). Convicted of any offences under the Companies Act 1985, the Insolvency Act 1986, the Bankruptcy (Scotland) Act 1985? Yes No

33(b). Convicted of any other criminal offence (excluding motoring offences not resulting in disqualification)? Yes No

33(c). Disqualified from holding office as a director, liquidator, receiver or manager? Yes No

33(d). Removed at any time from an office for which an authorisation as an Insolvency Practitioner is required under the Insolvency Act 1986? Yes No

33(e). Subject at any time to bankruptcy proceedings? Yes No

33(f). Subject to proceedings by the Department of Trade and Industry for failure to make returns as an Office Holder or as a director or secretary of a company? Yes No

33(g). Removed from membership of any professional body or employment on disciplinary grounds or currently the subject of investigations? Yes No

References

34. Please give the name, status and **full** address of at least two referees who can testify to the breadth and depth of your insolvency work. In this respect, please note that a referee from your firm will not be acceptable but, for example, referees from accountant firms are.

1. _____

2. _____

Tel: _____

Tel: _____

Please read and sign the declaration overleaf

Part D: Declaration

I hereby apply for authorisation to act as an insolvency practitioner. I declare that the information contained in this application is a full and true account of the matters referred to in it, to the best of my knowledge, information and belief, and that I have disclosed all matters material to the question of the renewal of my authorisation.

I have answered all questions in Part C of the application form regarding my fitness to act as a Licensed Insolvency Practitioner. Where I have answered 'yes' to any question in Part C, I have given full details.

I understand that the SRA may seek verification from third parties of any matters pertinent to a proper consideration of my application and I authorise them to do so. I understand that references are supplied as personal and confidential and will not be released to me save with the consent of referees. I agree not to use any reference supplied by a referee for the purpose of proceedings against the said referee.

I understand that the information I give or which comes to light as a result of this application and any authorisation given to me may be disclosed for the purposes of Part XIII of the Act. I understand that any wilful omission or mis-statement made in this application is likely to lead to the refusal of any authorisation or revocation of any authorisation already made.

I understand that the requirement that I be a fit and proper person to act as an insolvency practitioner is an ongoing one. In this respect I undertake immediately to inform the SRA of any matter which may have a bearing on whether I am a fit and proper person to act as an insolvency practitioner. If my authorisation is revoked or I voluntarily surrender it, I undertake fully to co-operate with the SRA in taking all steps as it may reasonably require me to take in relation to any appointments which I may hold in order to ensure the safe and competent continued conduct of the administrations, arrangements and estates in question.

I understand that the SRA is required to participate in a free exchange with other recognised professional bodies and the Secretary of State of all relevant and material information in relation to the conduct of practitioners. The information disclosed under the foregoing arrangements shall not be used for any purpose unrelated to the authorisation procedure.

Data Protection Act 1998

1. I understand that details of my membership of a professional accreditation scheme or scheme will be published from time to time by the SRA. The data used for such publication will be that contained in the SRA's central solicitor's data base and may include: my name, my firms name, my main practising address, practice telephone number, fax number and e-mail address and details of my firms web site where appropriate.

2. I **do/do not*** wish to have my membership of a professional accreditation scheme or scheme made available to other selected organisations for the purposes of marketing suitable products relevant to my membership.

Signed: _____

Date: _____

Please Note

1. That in accordance with the declaration overleaf, the SRA:
 - a) reserves the right to revoke any authorisation granted if incorrect information is given in the application form
 - b) reserves the right to request names and addresses of referees if it so wishes
 - c) is not obliged to permit the attendance of the applicant or the referee at the hearing relating to authorisation.

Fees

2. The fee for authorisation is **£450.00** (payable to The Law Society) and should be submitted with the application. This fee will not be refundable, even in the event that your application is refused. Please ensure that you have read the guidance notes before submitting your application.
3. Please return the application to:

The Finance Department,
The Law Society,
Ipsley Court,
Berrington Close
Redditch B98 0TD or
DX 19114 Redditch

Question 9(a): Details of insolvency appointments held.

Name of applicant: _____.

Please state:

- (i) Name of debtor or company.

- (ii) Date of appointment.

- (iii) Nature of appointments and any Court reference.

- (iv) Whether the appointment was made or confirmed by creditors in general meeting or otherwise e.g. debenture holders or Court.

- (v) Whether the appointment is otherwise than by creditors in general meeting, your relationship or other connection, if any, with the appointor(s).

- (vi) For any members voluntary winding up whether the creditors were paid in full within 12 months. Please give details where this has not occurred.

Question 11(f): Details of insolvency case.

Name of applicant: _____.

Please state:

Case title: _____.

Firm's internal file reference number: _____.

Source of work:

Capacity in which you acted:

Nature of case:

Date case commenced:

Date case concluded:

Estimate of time spent working on case: