

Insolvency Service



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Dear IP 46

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Dear Insolvency Practitioner,

In this, the forty-sixth of the “Dear IP (NI)” series, I should like to deal with the following issues:

- 1. Re-vesting Family Homes – Completion of Forms**
- 2. General Data Protection Regulation (GDPR)**
- 3. Completion or Termination of IVAs**
- 4. Receipts and Payments Accounts**

1. Vesting of Family Homes – Completion of Forms

IPs should note that whether:

- a trustee's interest in a family home vests in the bankrupt automatically after the expiry of the 3 year period,
- the trustee takes action to shorten this period until vesting, or
- it vests following the dismissal of the trustee's application for a Court order,

if title to the property is registered in the Land Registry, the trustee is required, under Rule 6.229A of the Insolvency Rules (Northern Ireland) 1991, within 7 days of the date of the vesting, to make such application or applications to the Registrar of Titles as is necessary to show on the appropriate register that the trustee's interest in the dwelling house has vested in the bankrupt.

In the case of land, title to which is registered in the Registry of Deeds, there is no longer any requirement for the trustee to submit any documents to that registry in the event of the trustee's interest vesting in the bankrupt under the provisions quoted in Rule 6.229B(1).

Paragraph (3) of Rule 6.229B, which had required a certificate to be lodged by the trustee, has been revoked by Rule 27 of the Insolvency (Amendment) rules (Northern Ireland) 2015 (S.R. 2015 No. 262). It is the bankrupt's responsibility to take any action required to have the restoration of his or her title evidenced in the Registry.

The requirement to notify the bankrupt and, where applicable, the spouse, civil partner and other third parties as detailed in paragraphs (4) and (5) of Rules 6.229A and Rule 6.229B remains the responsibility of the trustee.

If the required forms are not completed by the trustee it will result in extra work for the Official Receiver staff if, and when, the property is being sold in the future.

Any enquiries regarding this article should be directed towards John Crealey, Insolvency Service, Fermanagh House, Ormeau Avenue, Belfast, BT2 8NJ, telephone: 028 9054 8603, Email: john.crealey@economy-ni.gov.uk

2. General Data Protection Regulation (GDPR)

As IPs will be aware, the new General Data Protection Regulation (GDPR), which came into force on 25 May 2018, aims to protect the privacy of all EU citizens and will apply to any public or private organisation processing personal data.

The Insolvency Service provides IPs with a wide range of personal data in a number of circumstances and to ensure that we are compliant with GDPR and to minimise the possibility of data breaches:-

i) Information provided to IPs prior to appointment

When the OR determines a case has sufficient assets to warrant an IP appointment, the IP who is next on the rota is provided with sufficient detail, which will include personal data relating to the bankrupt or director, so they determine whether they will accept the appointment.

In circumstances where the case is not accepted all personal information which the IP obtained from the Insolvency service must be confidentially destroyed immediately.

ii) Information provided after appointment

Once an appointment has been made, IPs are expected to conform to their own, and their authorising bodies', policies and procedures in order to comply with GDPR. This applies to all personal information and documents shared by the Insolvency Service.

iii) Privacy Notices

Under GDPR, individuals must be advised of what personal data is held, how long it will be held for, how it is stored, what processing is carried out with the data and whether the data is shared. In respect of IPs who administer IVAs, the debtor must be advised that his or her information is provided to the Insolvency Service for the purpose of maintaining a register of IVAs which is open to public inspection.

Any enquiries regarding this article should be directed towards Pauline Brown, Central Accounting Unit, Insolvency Service, Fermanagh House, Ormeau Avenue, Belfast, BT2 8NJ, telephone: 028 90548693, Email: pauline.brown@economy-ni.gov.uk

3. Completion or Termination of IVAs

IPs are reminded that under Rule 5.33(3) of The Insolvency Rules (Northern Ireland) 1991, in the event of the final completion or termination of an individual voluntary arrangement, a notice that the voluntary arrangement has been fully implemented or terminated and a copy of the final report to creditors should be sent to the Department not more than 28 days after the final completion or termination of the IVA

In instances where the Court has made an order to revoke an IVA under Article 236 on an application from the supervisor, the supervisor is required,

under Rule 5.29(5), to give written notice of it to the Department within 7 days after the making of the order.

The Department is required, under rule 6A.3 to delete from the IVA register all information concerning an IVA where notice has been received that the IVA has been fully completed, terminated or revoked. It is particularly important, since 25 May 2018, for IPs to comply with these requirements, to enable the Department to be GDPR compliant.

Any enquiries regarding this article should be directed towards Pauline Brown, Central Accounting Unit, Insolvency Service, Fermanagh House, Ormeau Avenue, Belfast, BT2 8NJ, telephone: 028 9054 8693, Email: pauline.brown@economy-ni.gov.uk

4. Receipts and Payments Accounts

IPs should ensure the assets and liabilities figures in Part 1 (1) of the Receipts and Payments (R&P) account are completed correctly before submission.

For interim R&P accounts, the assets figure is the total of the realised and estimated unrealised assets. The liabilities figure is the total current debt for all known creditors.

When completing the final R&P account, the assets figure should be the total of all realised assets and agree to the figure in the assets tab on the portal. If no dividends have been paid, then the liabilities figure should match the total of the current debt column on the creditors tab on the portal. However, if dividends were paid, the liabilities figure is the total of the admitted debt column.

Any enquiries regarding this article should be directed towards Craig Gormley, Central Accounting Unit, Insolvency Service, Fermanagh House, Ormeau Avenue, Belfast, BT2 8NJ, telephone: 028 9054 8546, Email: craig.gormley@economy-ni.gov.uk

Yours faithfully



J HASSON
PRINCIPAL EXAMINER