



STATUTORY INSTRUMENTS.

S.I. No. 209 of 2013

PERSONAL INSOLVENCY ACT 2012 (AUTHORISATION AND
SUPERVISION OF PERSONAL INSOLVENCY PRACTITIONERS)
REGULATIONS 2013

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The Insolvency Service of Ireland, in exercise of the powers conferred on it under Section 3 of the Personal Insolvency Act 2012 and with the consent of the Minister for Justice and Equality, for the purposes of the control and supervision of personal insolvency practitioners and the protection of debtors and creditors who are or may become parties to a debt settlement arrangement or personal insolvency arrangement, hereby makes the following regulations:

Citation and Purpose

1. (1) These Regulations may be cited as the Personal Insolvency Act 2012 (Authorisation and Supervision of Personal Insolvency Practitioners) Regulations 2013.

(2) These Regulations are made for the purposes of Section 161, Section 163, Section 170 and Section 171 of the Personal Insolvency Act 2012 [No. 44 of 2012].

Scope

2. These Regulations apply to applicants for authorisation to carry on practice as a personal insolvency practitioner and to personal insolvency practitioners authorised under section 164 of the Personal Insolvency Act 2012 [No. 44 of 2012].

Definitions

3. In the Regulations:

“Act” means the Personal Insolvency Act 2012 [No. 44 of 2012];

“applicant” means a person applying for an authorisation;

“authorisation” means an authorisation to carry on the practice of a personal insolvency practitioner in accordance with the Act.

Qualifying Criteria and Authorisation Requirements and Standards
Qualifying Criteria

4. (1) An individual may make an application to carry on practice as a personal insolvency practitioner if that individual:

(a) (i) is a solicitor in respect of whom a practising certificate (within the meaning of the Solicitors Acts 1954 to 2011) is in force; or

(ii) is a barrister at law called to the Bar of Ireland; or

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 25th June, 2013.*

- (iii) is a qualified accountant and a member of a prescribed accountancy body (within the meaning of section 4 of the Companies (Auditing and Accounting) Act 2003; or
 - (iv) is a qualified financial advisor who holds a current qualification from the Life Insurance Association of Ireland (LIA), the Insurance Institute or the Institute of Bankers School of Professional Finance; or
 - (v) holds a qualification in either law, business, finance or other appropriate similar qualification to the satisfaction of the Insolvency Service of Ireland recognised to at least level 7 of the National Qualifications Framework by Quality and Qualifications Ireland (or equivalent); and
- (b) can demonstrate to the satisfaction of the Insolvency Service of Ireland that he or she has relevant knowledge and experience of and has completed a course of study and passed an examination on:
- (i) the law and practice generally as it applies in the State relating to the insolvency of individuals; and
 - (ii) the Act, such as would, in the opinion of the Insolvency Service of Ireland, allow him or her to discharge the statutory duties and functions of a personal insolvency practitioner under the Act; and
- (c) is not prohibited by law from acting as a personal insolvency practitioner.

(2) Before an individual will be allowed to carry on the practice of a personal insolvency practitioner, the individual must satisfy the Insolvency Service of Ireland that he or she:

- (a) has adequate organisational capability and resources to carry on the practice of a personal insolvency practitioner under the Act;
- (b) holds, or will hold before commencing to carry on practice as a personal insolvency practitioner, a policy of professional indemnity insurance which meets the requirements prescribed in these Regulations;
- (c) can meet and comply with the requirements and obligations applicable to the practice of a personal insolvency practitioner as set out in the Act, in these Regulations and in Regulations made under the Act;
- (d) has submitted, in such manner as may be specified by the Insolvency Service of Ireland, a completed application in the prescribed form together with such supporting information, documentation and mandates as the Insolvency Service of Ireland has requested; and
- (e) is tax compliant.

Authorisation

5. (1) The prescribed application form for an authorisation shall be that set out in the schedule to these Regulations. An application for authorisation as a personal insolvency practitioner shall be submitted in the prescribed application form.

(2) At any time before the grant of, or refusal to grant, an authorisation, the Insolvency Service of Ireland may request the applicant to clarify the information provided or to supply further information in respect of the applicant's character, competence or financial position or may make such enquiries as may be necessary for the purpose of evaluating the application properly and comprehensively.

(3) The Insolvency Service of Ireland shall grant authorisations on the basis of the information provided to the Insolvency Service of Ireland during the application process. All applicants, if granted an authorisation to carry on practice as a personal insolvency practitioner, shall when engaging in that practice, operate on a basis consistent with the information provided to the Insolvency Service of Ireland in support of his or her application. The Insolvency Service of Ireland may initiate the complaints process under the Act if it satisfies itself, on reasonable grounds, that the circumstances under which the authorisation was granted have changed to the extent that an application for authorisation would have been refused had the application been made in the changed circumstances.

(4) An applicant shall take all reasonable steps to ensure that the information provided in support of his or her application is accurate and complete.

(5) Without prejudice to Regulation 5(4), the Insolvency Service of Ireland will advise an applicant when it has determined that an application is full and complete.

Professional Indemnity Insurance

6. (1) A personal insolvency practitioner shall have in place a policy of professional indemnity insurance covering his or her practice as a personal insolvency practitioner which complies with Regulation 6(2) to 6(5) (inclusive).

(2) The amount insured for each claim shall be not less than €1 million and a minimum of €1.5 million in aggregate.

(3) Where a personal insolvency practitioner holds a policy of professional indemnity insurance, the personal insolvency practitioner shall provide the Insolvency Service of Ireland, prior to commencing to carry on the practice of a personal insolvency practitioner and subsequently when seeking renewal of his or her authorisation, with a written confirmation to the Insolvency Service of Ireland from the insurer that the policy of professional indemnity insurance covers his or her practice as a personal insolvency practitioner and meets the level of cover specified in Regulation 6(2).

(4) A personal insolvency practitioner shall hold a policy of professional indemnity insurance on a continuing basis for the duration of his or her authorisation as a personal insolvency practitioner.

(5) A personal insolvency practitioner who has had his or her authorisation withdrawn, revoked or terminated at his or her request in accordance with Regulation 7, shall seek to ensure that the policy of professional indemnity insurance will cover any claims made subsequent to the withdrawal, revocation or termination at his or her request, of the authorisation.

Voluntary Termination of an Authorisation

7. (1) A personal insolvency practitioner (referred to in this part of these Regulations as an “outgoing personal insolvency practitioner”) who intends to cease practice as a personal insolvency practitioner must provide the Insolvency Service of Ireland with a written notice of his or her intention to cease practice (referred to in these Regulations as a “notification of termination”) at least 6 weeks prior to ceasing practice (the “effective date”).

(2) A notification of termination signed and dated by the outgoing personal insolvency practitioner shall cover the matters set out in Regulation 7(3).

(3) The outgoing personal insolvency practitioner shall ensure that a notification of termination shall contain:

- (a) the name and contact details of any personal insolvency practitioner (referred to in these Regulations as an “incoming personal insolvency practitioner”), who has agreed to be appointed in respect of the relevant potential or outstanding Debt Settlement Arrangements and/or Personal Insolvency Arrangements in respect of which the outgoing personal insolvency practitioner is appointed;
- (b) written confirmation (if so obtained), addressed to the outgoing personal insolvency practitioner and the Insolvency Service of Ireland from the incoming personal insolvency practitioner, that he or she is willing to act as a personal insolvency practitioner in respect of the relevant potential or outstanding Debt Settlement Arrangements and/or Personal Insolvency Arrangements for which the outgoing personal insolvency practitioner is appointed and the incoming personal insolvency practitioner has agreed to be appointed;
- (c) original written consents (if so obtained), signed by the relevant debtor, to the appointment of the incoming personal insolvency practitioner in respect of each relevant potential or outstanding Debt Settlement Arrangement or Personal Insolvency Arrangement;
- (d) confirmation that each Debt Settlement Arrangement account and/or Personal Insolvency Arrangement account operated by the outgoing personal insolvency practitioner will be closed and all funds will be transferred to corresponding Debt Settlement Arrangement accounts and/or Personal Insolvency Arrangement accounts operated by the relevant incoming personal insolvency practitioner or that alternative

arrangements will be made for control of the operation of these accounts to pass from the outgoing personal insolvency practitioner to the relevant incoming personal insolvency practitioner;

- (e) written confirmation from the outgoing personal insolvency practitioner addressed to the Insolvency Service of Ireland and any incoming personal insolvency practitioner that copies of all relevant records relating to the potential or outstanding relevant insolvency arrangements for which the outgoing personal insolvency practitioner is appointed will be transferred to the relevant incoming personal insolvency practitioner;
- (f) written confirmation from the outgoing personal insolvency practitioner to the Insolvency Service of Ireland and any incoming personal insolvency practitioner, that the outgoing personal insolvency practitioner will co-operate with and assist the Insolvency Service of Ireland and the relevant incoming personal insolvency practitioner with any query the Insolvency Service of Ireland or, as applicable, the relevant incoming personal insolvency practitioner may have with respect to any relevant matter;
- (g) a copy of the final reconciliation of the Debt Settlement Arrangement accounts and Personal Insolvency Arrangement accounts of the outgoing personal insolvency practitioner;
- (h) the most recent financial statements of the outgoing personal insolvency practitioner and the audit report thereon; and
- (i) a statement from the outgoing personal insolvency practitioner detailing the reasons for his or her request to terminate his or her authorisation and the effective date.

(4) An outgoing personal insolvency practitioner shall co-operate with and assist the Insolvency Service of Ireland and any incoming personal insolvency practitioner in relation to the termination of his or her practice and its continuance by the relevant incoming personal insolvency practitioner.

(5) The personal insolvency practitioner's authorisation to carry on practice shall not terminate until the effective date.

(6) The Insolvency Service of Ireland shall terminate the authorisation of an outgoing personal insolvency practitioner on the effective date and after such termination shall make appropriate entries in the Register of Insolvency Practitioners reflecting such termination.

Regulatory Standards and Requirements Fitness and Probity

8. A personal insolvency practitioner (including, when an applicant) must be in a position to demonstrate that he or she complies with the fitness and probity requirements set out in this Part.

Independence

9. (1) A personal insolvency practitioner shall be free from any undue influence, undue guidance, or undue control of or by any other person which could prevent or hinder in any material respect the performance of his or her functions under the Act.

(2) A personal insolvency practitioner shall seek to avoid conflicts of interest with respect to the performance of his or her functions under the Act and where such conflicts arise, or may arise, a personal insolvency practitioner shall have in place and operate in accordance with a written conflicts of interest policy which complies with these Regulations. The conflicts of interest policy shall seek to identify the circumstances which constitute or may give rise to a conflict of interest entailing a risk to the interests of debtors or creditors who are, or may be, parties to a Debt Settlement Arrangement or a Personal Insolvency Arrangement in respect of which the personal insolvency practitioner is, or proposes, to be appointed and specify procedures to be followed and measures to be adopted to manage such conflicts.

(3) A personal insolvency practitioner shall make a conflict of interest assessment in respect of a debtor prior to being appointed by the debtor and in respect of the debtor's creditor(s), on being notified by the debtor of the identity of the creditor(s).

(4) Where a conflict of interest arises, or may arise, either before or during the term of a Debt Settlement Arrangement or a Personal Insolvency Arrangement and cannot be reasonably avoided, a personal insolvency practitioner shall disclose, in writing, the nature of the conflict of interest to the debtors and the creditors who are or may become parties to the relevant proposed Debt Settlement Arrangement or Personal Insolvency Arrangement. Where the debtor or any creditor(s) objects in writing to the personal insolvency practitioner's appointment or, as applicable, continuation, within five working days of being notified of the conflict of interest, the personal insolvency practitioner shall not take or, as applicable, continue the appointment.

(5) Where a personal insolvency practitioner engages in forms of business other than the practice of a personal insolvency practitioner he or she shall ensure that the other business areas, to the extent that they could give rise to a conflict of interest, be open to abuse or conflict with the personal insolvency practitioner's confidentiality obligations and functions under the Act, are appropriately segregated from his or her role as a personal insolvency practitioner.

(6) A personal insolvency practitioner shall seek to ensure that he or she or any persons employed with respect to his or her practice does not offer, give, solicit, receive or accept any gifts or rewards (monetary or otherwise) which conflict with any functions of the personal insolvency practitioner with respect to a debtor or creditor who is the subject of, covered by, or otherwise relevant to, a Debt Settlement Arrangement or Personal Insolvency Arrangement in respect of which the personal insolvency practitioner proposes to be or is appointed by the debtor.

Competent and Capable

10. A personal insolvency practitioner (including, when an applicant) shall be in a position to demonstrate to the satisfaction of the Insolvency Service of Ireland that he or she:

- (a) is sufficiently competent, proficient and independent to undertake the role of a personal insolvency practitioner under the Act;
- (b) has the qualifications, skills, competence and capacity appropriate to the role of a personal insolvency practitioner under the Act, gained through training and career experience;
- (c) has a clear and comprehensive understanding of the relevant legal, regulatory and financial environment applicable to the role of a personal insolvency practitioner under the Act;
- (d) has the organisational and financial competence, capacity and resources to undertake the role of a personal insolvency practitioner under the Act in an independent and professional manner.

Honest, Ethical and acting with Integrity

11. (1) A personal insolvency practitioner (including, when an applicant) must be able to demonstrate to the satisfaction of the Insolvency Service of Ireland that his or her ability to act as a personal insolvency practitioner under the Act is not adversely affected to a material degree where the personal insolvency practitioner is, or has been, in any jurisdiction:

- (a) issued a warning, censure, suspension, reprimand or other administrative or judicial sanction or its equivalent;
- (b) dismissed, or asked to resign and did resign, from any profession, vocation, office or employment or from any position of trust or fiduciary appointment, whether or not remunerated;
- (c) a director (or equivalent) of a company that was struck off the register of companies (or its equivalent) by the Registrar of Companies (or its equivalent) on an involuntary basis;
- (d) disqualified or restricted from acting as a director in any jurisdiction or has been disqualified from acting in any managerial capacity;
- (e) convicted of an offence either of money laundering or terrorist financing (or their equivalents);
- (f) convicted of an offence which could be relevant to the personal insolvency practitioner's ability to perform his or her functions under the Act;
- (g) subject to a finding, judgment or order made against him or her by any court, tribunal or administrative enquiry involving fraud, misrepresentation, dishonesty or breach of trust or where the individual is

subject to any current proceedings or investigation for fraud, misrepresentation, dishonesty or breach of trust;

- (h) the subject of any civil penalty enforcement action taken by a regulatory authority under applicable law; or
- (i) untruthful or provided false or misleading information to the Insolvency Service of Ireland or uncooperative or misleading in any dealings with the Insolvency Service of Ireland.

(2) A personal insolvency practitioner (including, when an applicant) shall inform the Insolvency Service of Ireland of the following events when making an application to practice as a personal insolvency practitioner or, if occurring subsequently, on becoming aware of such event and shall be able to demonstrate that his or her ability to perform the role of a personal insolvency practitioner under the Act is not adversely affected to a material degree, where, in any jurisdiction:

- (a) the personal insolvency practitioner, or any business in which the personal insolvency practitioner held a position of responsibility, control or influence, has been or is being, in any jurisdiction, investigated, disciplined, censured, suspended or criticised by a regulatory or professional body, a court or tribunal or administrative inquiry or investigation or any similar body, whether publicly or privately; or
- (b) the personal insolvency practitioner has been found by a regulatory authority to have perpetrated or participated in any fraudulent, negligent, deceitful or otherwise discreditable business or professional practice; or
- (c) the personal insolvency practitioner is or was a sole trader or a director or partner, in or in control of a legal entity, which has been refused, prohibited, restricted or suspended from the right to carry on any trade, business or profession for which a licence, registration or other authorisation is required by the law, in that jurisdiction or has had any such registration, authorisation, membership or licence revoked or suspended otherwise than on a voluntary basis.

Financial Soundness

12. (1) A personal insolvency practitioner shall manage his or her financial affairs relating to his or her practice as a personal insolvency practitioner in a sound and prudent manner.

(2) A personal insolvency practitioner shall maintain his or her tax clearance status for the duration of his or her authorisation as a personal insolvency practitioner.

Relationship with the Insolvency Service of Ireland

13. (1) A personal insolvency practitioner shall be open and co-operative in his or her dealings with the Insolvency Service of Ireland. This requirement

includes, but is not limited to, the requirement to notify the Insolvency Service in writing as soon as he or she becomes aware of:

- (a) any breaches of the Act or any Regulations made thereunder committed by the personal insolvency practitioner or a debtor;
- (b) the commencement of any significant legal proceedings by or against the personal insolvency practitioner with such notification to include the details of the other party or parties to such proceedings; or
- (c) any occurrences which impact, or have the potential to impact, significantly on the practice of the personal insolvency practitioner and his or her ability to carry on the functions of a personal insolvency practitioner under the Act.

(2) A personal insolvency practitioner shall respond to correspondence and to any requests for information from the Insolvency Service of Ireland in a timely and thorough manner.

(3) A personal insolvency practitioner shall notify the Insolvency Service of Ireland of any changes to his or her name or business name, business address, telephone number or any other contact details.

Organisation and Management

14. (1) A personal insolvency practitioner shall have and maintain an organisational structure that is clear and transparent. He or she shall have appropriate management skills and adequate levels of staff and expertise to carry out the role and functions of a personal insolvency practitioner in the interests of both debtors and creditors and in accordance with the provisions of the Act.

(2) A personal insolvency practitioner shall manage his or her business affairs in accordance with sound administrative and accounting principles and shall have in place, and maintain, up to date internal control and reporting arrangements and procedures to ensure that his or her business affairs are managed in accordance with all relevant legislation, including the requirements of the Insolvency Service of Ireland under the Act, and in accordance with best practice.

(3) A personal insolvency practitioner shall have policies, systems, procedures and internal control mechanisms in place to monitor compliance with his or her statutory obligations.

(4) A personal insolvency practitioner shall monitor and evaluate, on a regular basis, the adequacy and effectiveness of policies and procedures, systems, internal control mechanisms and arrangements, and, where issues are identified, take appropriate measures to address any deficiencies.

(5) A personal insolvency practitioner shall keep proper, up to date, accurate and complete records for at least six years after the completion of each Debt Settlement Arrangement or Personal Insolvency Arrangement in respect of which he or she is appointed.

- (6) Such records, referred to in Regulation 14(5) shall include but are not limited to:
- (a) identification of debtors and creditors who are, or may become, or were subject to or covered by a Debt Settlement Arrangement or, as appropriate, a Personal Insolvency Arrangement;
 - (b) all communications with debtors and creditors who are, or may become, or were subject to or covered by a Debt Settlement Arrangement or, as appropriate, a Personal Insolvency Arrangement and other persons concerned in preparing or administering a Debt Settlement Arrangement or, as appropriate, a Personal Insolvency Arrangement;
 - (c) a copy of each debtor's Prescribed Financial Statement;
 - (d) details of all transactions entered into on behalf of debtors and creditors who are or may become subject to or covered by a Debt Settlement Arrangement or, as appropriate, a Personal Insolvency Arrangement;
 - (e) details of all fees and charges charged in performing functions under the Act as a personal insolvency practitioner, including outlays recovered, together with documentation evidencing that the fees and charges were properly due to the personal insolvency practitioner;
 - (f) minutes or any other record of a creditors' meeting; and
 - (g) all other records required to be maintained under the Act.
- (7) The records of the personal insolvency practitioner as more particularly set out at Regulation 14(5) and 14(6) must be kept in the State and made available to the Insolvency Service of Ireland on request.
- (8) A personal insolvency practitioner must have effective disaster recovery procedures in place to ensure continuity of his or her functions under the Act to debtors and creditors in accordance with the terms of each potential or outstanding relevant insolvency arrangement in respect of which he or she is appointed.
- (9) A personal insolvency practitioner shall respect the confidentiality of information of debtors and creditors who are or may become parties to a Debt Settlement Arrangement or Personal Insolvency Arrangement which the personal insolvency practitioner has acquired in his or her capacity as a personal insolvency practitioner and shall not disclose any such information to third parties without specific authority from the provider or, where applicable, the subject of the information unless there is a legal duty or entitlement to disclose.
- (10) A personal insolvency practitioner shall not disclose a debtor's Personal Public Service Number (commonly referred to as 'PPSN') to any person other

than the Insolvency Service of Ireland unless there is a legal duty or entitlement to disclose it.

(11) A personal insolvency practitioner must be aware of and monitor, on an ongoing basis, all risks to the security and confidentiality of his or her records and maintain adequate technical, organisational, access and procedural safeguards to prevent, detect and remedy threats to the security of personal data held in respect of debtors or creditors who are or may become parties to a Debt Settlement Arrangement or, as applicable, a Personal Insolvency Arrangement in respect of which he or she is or may be appointed.

Fees, Costs and Outlays

15. (1) A personal insolvency practitioner may charge fees in each of the following circumstances:

- (a) for all work done by him or her at any time in performing his or her functions under the Act, Regulations prescribed under the Act, or rules of court;
- (b) for all work done by him or her in performing his or her functions permitted or required under the terms of a Debt Settlement Arrangement or Personal Insolvency Arrangement;

(2) A personal insolvency practitioner may charge costs and seek to recover outlay in each of the following circumstances:

- (a) for all costs and outlays incurred by him or her at any time in performing his or her functions under the Act, regulations prescribed under the Act, or rules of court;
- (b) for all costs and outlays incurred by him or her in performing his or her functions permitted or required under the terms of a Debt Settlement Arrangement or Personal Insolvency Arrangement;

(3) The purposes for which a personal insolvency practitioner may charge fees or costs or seek to recover outlays are set out below:

- (a) the need to ensure proper and ongoing administration of Debt Settlement Arrangements and Personal Insolvency Arrangements;
- (b) for the commercial interest of personal insolvency practitioners.

SCHEDULE

PRESCRIBED FORM OF PERSONAL INSOLVENCY PRACTITIONER
APPLICATION FORM

Part A — Details of Applicant

1. Full Name

2. Previous Name(s) if any

3. Date of Birth

Day		Month		Year	
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4. Place of Birth

5. Nationality

6. Private Address

7. PPSN (if applicable)

8. Passport

Passport Number:	
Country of Issue:	
Expiry Date (dd/mm/yyyy)	

9. Trading Name or business name of the Applicant (if different to above)

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10. Address of your proposed principal place of business (i.e. the main place you will operate from/ the contact address)

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11. State whether you would be self-employed or employed when practicing as a personal insolvency practitioner

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12. If employed, please provide the name of your employer

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13. Contact details of applicant

Telephone Number of Principal Business	
Mobile Number	
Fax Number	
Direct e-mail address (to be used in future correspondence) *	
Website Address	

* All correspondence from the Insolvency Service of Ireland will be sent to this e-mail address

14. Where the business will operate from:

Home

Separate Office

15. If you are currently authorised and/or supervised by a regulatory authority inside or outside of the State please provide the following details:

Regulatory Authority (including relevant country where it is not the State)	Regulated Activity	Details of licence/authorisation held	Period for which authorisation is held

Part B — Fitness & Probity

1. Employment History for the last ten years

Employer Name	Address	Position Held	Start & End Date	Reason for Leaving

2. Please explain any professional timeline gap exceeding 12 weeks between employments within the last 10 years.

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3. Qualifications and Memberships

Please give the following details of any qualification you have acquired (including memberships of professional associations):

(See Part H — Checklist for a list of acceptable qualifications and please submit copies of all certificates listed.)

Nature of Qualification/ Membership	Name of awarding institution/ professional association	Country	Date Obtained (mm/yyyy)

4. Relevant Training

Please give similar details in relation to any other training received that may be relevant to the role of personal insolvency practitioner:

Name of Training	Name of institution/ professional association	Country	Duration of training	Date completed (mm/yyyy)

5. Details of experience relevant to the role of a personal insolvency practitioner:

Name of Employer	Position Held	Dates/Duration	Details of Experience

6. The following questions are to be answered by entering a tick in the appropriate box. In any case where the response to a question is YES, full details should be given on a separate sheet and referenced to the appropriate question.

		Yes	No
A	Have you been convicted of any offence involving fraud, dishonesty, breach of trust, tax offences or of aiding and abetting tax evasion in the State or elsewhere, including any conviction related to financial crime or breach of statutory or regulatory requirements?		
B	Have you been a director or manager of an entity or business that was, during your period as a director or manager, convicted of an offence involving fraud, dishonesty, breach of trust, tax offences or of aiding and abetting tax evasion in the State or elsewhere, including any conviction related to financial crime or breach of statutory or regulatory requirements?		
C	Have you at any time, in the State or elsewhere, been adjudicated bankrupt, or entered into any compromise with your creditors related to bankruptcy or insolvency or are you currently the subject of bankruptcy or insolvency related proceedings or measures? Are you aware of any such proceedings or measures pending?		
D	Have you at any time failed to satisfy a judgment debt under a court order made in the State or elsewhere within one year of the making of the order?		
E	Have you ever been disqualified or restricted, in the State or elsewhere, by a court from acting as a director of a company or equivalent, or from acting in the management or conduct of the affairs or control of any company, partnership, or unincorporated association?		
F	Have you ever been refused entry to any profession or been dismissed or compelled to resign from any office or position or trust, whether or not remunerated?		
G	Have you ever been prohibited, suspended, refused or restricted in the right, in the State or elsewhere, to carry on any trade, business or profession for which a specific licence, registration or other authority is required?		
H	In the last ten years, have you been the director or equivalent of an entity, in the State or elsewhere, which has gone into liquidation, receivership or examinership or similar or analogous measures or steps in any other country and, in such circumstances, entered into any arrangements with its creditors which gave rise to a loss to the creditors either while you were a director or equivalent or within one year of your ceasing to be a director or equivalent?		

		Yes	No
I	Has any entity with which you were associated as a director, manager or shareholder during the last ten years been compulsorily wound up or equivalent in the State or elsewhere, either whilst you were associated with it or within one year after you ceased to be associated with it?		
J	Have you ever been concerned with the management, conduct of affairs or control of any entity that, by reason of any matter relating to a time when you were so concerned, has been censured, disciplined, restricted, sanctioned, fined, convicted or publicly criticised, by any enquiry, by any governmental, judicial or statutory authority, by any professional body or by a similar body overseas?		
K	Have you ever been concerned with the management, conduct of affairs, or control of any entity which applied for regulatory approval in respect of any business in the State or elsewhere and, by reason of any matter relating to a time when you were so concerned, was refused the application or had the approval subsequently withdrawn, suspended or restricted?		

Part C
Professional Indemnity Requirements

Please note that it is a mandatory requirement, set out in section 171 of the Act, that all personal insolvency practitioners hold a policy of professional indemnity insurance ('PII'), which meets the requirements prescribed by the Insolvency Service of Ireland under section 161 of the Act.

Do you have PII in place?

Yes **No**

If '**No**' you must submit written confirmation from an insurer authorised to carry on business in the State that it will provide the necessary required level of PII cover to you, should you be authorised as a personal insolvency practitioner.

If '**Yes**', indicate what PII cover you maintain, the excess amount and include a copy of your PII policy schedule.

PII cover

Indicate what PII cover you maintain

Excess Amount	Per Claim Cover	Aggregate Cover

Effective date of PII cover: _____

Expiry date of PII cover: _____

Name of insurer: _____

Number of the policy that includes your PII cover: _____

You must provide written evidence from the relevant insurer that the PII covers your practice as a personal insolvency practitioner and meets the level of cover specified in these Regulations.

Accountant's Report

As per section 163 (2)(b) of the Act, you must submit a report from a qualified accountant (see Part G) confirming that the appropriate financial systems and controls are or will be in place for the protection of moneys received from debtors if you are authorised to act as a personal insolvency practitioner.

Tax Clearance Certificate

Please provide a copy of your current Tax Clearance Certificate.

Part D — General Business Information

1. Do you or any person on your behalf have back-up and disaster recovery procedures in place for maintaining debtor files?

Yes No

Please provide details:

2. Please detail how you propose to market or advertise your services as a personal insolvency practitioner.

3. Please advise if you will provide any other business services other than your acting as a personal insolvency practitioner. If 'Yes' please outline the services provided/ to be provided.

4. If you have answered 'Yes' to question 3 above, you must ensure that the different business areas are appropriately segregated.

Please set out the arrangements you (including, where applicable, any arrangements through your employer with your agreement) have in place to ensure the segregation of the personal insolvency practitioner role and its records and accounts from the other areas of your business or, as applicable, that of your employer.

5. Please confirm that you have adequate resources (including financial capacity), policies, procedures, systems and controls in place necessary to comply with your obligations under the Act and the regulations.

Yes No

6. Set out the number of full time equivalent employees anticipated to be involved in the management or establishment of debt settlement arrangements or personal insolvency arrangements in respect of which you anticipate to be appointed in the first year of acting as a personal insolvency practitioner.

Number of employees: _____

7. Set out whether the employees will be employed by you or by your employer (if any) and if the latter, provide an explanation, on a separate sheet, as to how such arrangement will permit you to carry on effectively the functions of a personal insolvency practitioner under the Act.

By me, as employer

By my employer

8. Provide an estimate of the number of debtors for whom you anticipate acting as a personal insolvency practitioner in the first year of trading.

Number of debtors: _____

9. Please provide an estimate of your projected turnover from your activities as a personal insolvency practitioner in your first year of operating.

Turnover: € _____

Part E — Banking Arrangements & Professional Advisors

1. Please provide the following details in relation to your main business bank account(s):

Bank Name & Address	Account Number	Sort Code	Date Opened

Please note that a business bank account must be opened prior to authorisation.

2. Give the name and address of the bank you intend to operate your DSA/PIA accounts from.

Bank Name	Address

3. Give the name of the authorised signatories on the DSA/PIA accounts.

Title	First Name	Surname	Position Held

4. Will your accounting records and other practice records be held at your principal business address?

Yes No

If No, please provide the address where the records will be held.

--

5. Give the name, address and telephone number of your accountants/auditors, the date of their appointment and the name of your contact person within the firm.

Name of Auditors	
Address Line 1	
Address Line 2	
Address Line 3	
Address Line 4	
Telephone Number	
Name of Contact Person	
Date of Appointment	_____ (dd/mm/yyyy)

6. Give the name, address and telephone number of your legal advisors, the date of their appointment and the name of your contact person within the firm.

Name of Solicitor's Firm	
Address Line 1	
Address Line 2	
Address Line 3	
Address Line 4	
Telephone Number	
Name of Contact Person	
Date of Appointment	_____ (dd/mm/yyyy)

Part F- Personal Insolvency Practitioner Declaration

I, _____, (insert your name) apply under section 163 of the Personal Insolvency Act 2012 for authorisation under section 164 of the Personal Insolvency Act 2012 on the basis of information supplied on this form and any additional information supplied to the Insolvency Service of Ireland in connection with this application.

I acknowledge that the Insolvency Service of Ireland may process and disclose such information in the performance of its statutory functions or otherwise as may be specifically authorised by law.

I warrant that I have truthfully and fully answered the relevant questions in this application and disclosed any other information which might reasonably be considered relevant for the purpose of this application.

I am aware that it may be an offence and/or grounds for refusal of my application and/or grounds for revocation of an authorisation granted on foot of this application to knowingly or recklessly:

- a. provide false or misleading information and/or to make a false or misleading statement (which I acknowledge may include the withholding by me of relevant information) in this application for approval and/or;
- b. fail to inform and/or withhold from the Insolvency Service of Ireland details of any material change in circumstances/new information which is relevant and/or material to this application.

I undertake that I will promptly notify the Insolvency Service of Ireland of any changes in the information I have provided and supply any other relevant information, which may come to light in the period during which the application is being considered and, if this application is accepted, thereafter.

I am aware of the provisions of the Personal Insolvency Act 2012 and reasonably believe that I can meet the requirements of that Act and the Regulations made under it.

Signed:

Print Name:

Dated:

**Part G — Application to be authorised as a personal insolvency practitioner:
Accountant’s report to the Insolvency Service of Ireland**

Please note this report is to be completed by a qualified accountant who is a member of a recognised accountancy body within the meaning of the European Communities (Statutory Audits) (Directive 2006/43/EC) Regulations 2010 (S.I. No. 220 of 2010) and holds a valid practising certificate.

To: The Insolvency Service of Ireland

This report is given for the purposes of section 163(2) (b) of the Personal Insolvency Act 2012.

PART I — Applicant’s Declaration

1. _____ [Full name of the applicant]

2. _____

_____ [Address]

I, _____, am aware that appropriate financial systems and controls are required to be in place for the protection of moneys received from debtors.

I acknowledge the requirement—

(a) that there is in place a written procedure that establishes clear accountability for the handling of funds, which ensures that receipt of funds from debtors is properly accounted for, are protected, and the funds are identifiable to specific debtors;

(b) that there is a written procedure to ensure that all cheques and other negotiable instruments are promptly endorsed and a follow-up system has been established to ensure that post-dated cheques are always deposited on the date of the cheque or within appropriate time frames;

(c) that appropriate experienced personnel are engaged to monitor, on a constant basis, funds received versus funds due and payments made and they have the ability to investigate and resolve any differences that arise;

(d) that the duties of collecting / receiving funds, maintaining documentation, making deposits or payments and reconciling records is distributed between two or more appropriate experienced individuals.

I hereby declare that appropriate financial systems and controls, as set out in matters (a) to (d) above, are/will be in place for the protection of moneys received from debtors before any personal insolvency services are provided by me.

Signed:

Print Name:

Dated:

PART II — Accountant's Declaration

This report is given for the purposes of section 163 (2) (b) of the Personal Insolvency Act 2012.

_____ [Name of accountant or accountancy firm], a qualified accountant who is a member of a recognised accountancy body within the meaning of the European Communities (Statutory Audits) (Directive 2006/43/EC) Regulations 2010 (S.I. No. 220 of 2010) and holds a valid practising certificate, has examined the above declaration and matters (a) to (d) above and supporting documentation in respect of matters (a) to (d).

The applicant is responsible for making an application that is correct in all material particulars.

The applicant is also responsible for operating effective and appropriate financial systems and controls for the protection of moneys received from debtors. An appropriate framework of financial systems and controls provides reasonable, but not absolute, assurance that the moneys received from debtors are protected.

My/Our responsibility is to examine the declaration and the supporting evidence; and to express an opinion as to whether the applicant has or intends to have in place appropriate financial systems and controls as set out in matters (a) to (d) in the above declaration.

In my/our opinion, based on my/our examination, the applicant (has/ on the basis of representations made to me/us by the applicant, is intending to have) in place appropriate financial systems and controls, as set out in (a) to (d) above for the protection of moneys received from debtors, before any personal insolvency services are provided.

I/we have received all the explanations and information I/we require to form my/our opinion.

Signed: _____ Date: _____
Accountant (for and on behalf of [name of accountancy firm])

Particulars of accountant

(Firm's) Name:

(Firm's) Address:

Accountancy body of which a member:

Membership Number:

Note for applicant:

Please note that the application will only be processed once this report is complete and received.

Part H — Checklist

The Insolvency Service of Ireland will NOT commence the processing of any application if it is not complete in all respects. Applications will be treated as incomplete unless all questions raised in the application form are fully answered and all applicable supporting documentation (as outlined in the checklist below) has been received by the Insolvency Service of Ireland. Incomplete applications will be returned to you as invalid. Applications that have to be re-submitted will be treated as a new application.

**Applicant ISI USE
ONLY**

Completed Application Form (signed and all questions answered)

Registration of Business Name Certificate (Part A)

If applicable, a business name registration certificate issued by the Companies Registration Office must be supplied in relation to all trading names (if different to the legal name) that the applicant wishes to use in relation to acting as a personal insolvency practitioner. Please contact the Companies Registration Office (www.cro.ie) if you have any queries in relation to your business name registration certificate. An authorisation will only be granted to an individual and not a company or partnership.

Qualification Certificates (Part B)

- | | | |
|--|--------------------------|--------------------------|
| 1. Qualified accountant and a member of a prescribed accountancy body | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Qualification as a barrister at law | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Solicitor’s practicing certificate | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Qualified Financial Adviser Diploma | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Copy of certificate/diploma from a relevant professional educational body confirming satisfactory completion of a course on personal insolvency law and practice in the State | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Copy of any educational qualification/certificate which you believe is applicable to the role of a personal insolvency practitioner | <input type="checkbox"/> | <input type="checkbox"/> |

PII Cover (Part C)

Written evidence of PII cover (copy of policy or similar) or that cover will be available upon authorisation.

Letter of Intent from Insurance Undertaking (Part C)

Copy of your current Tax Clearance Certificate (Part C)

Signed Declaration (Part F)

Completed Accountants Report (Part G)

The Minister for Justice and Equality consents to the making of the foregoing Regulations.



GIVEN under the Official Seal of the Minister for Justice and Equality,
21 June 2013.

ALAN SHATTER,
Minister for Justice and Equality.



GIVEN under the seal of the Insolvency Service of Ireland,
21 June 2013.

LORCAN O CONNOR,
Director of the Insolvency Service of Ireland.

CATHY CLARKE,
A Member of the Staff of the Insolvency Service of Ireland
Authorised by the Director of the Insolvency of Ireland
to Authenticate the Seal of the Insolvency Service of
Ireland.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These regulations set out the qualification criteria, authorisation requirements and regulatory standards which must be met for an individual to be authorised by the Insolvency Service of Ireland to carry on the practice of a personal insolvency practitioner together with the prescribed application form to be completed by applicants.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
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