

Insolvency Service



Guide for Creditors

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This guide provides general information only. Whilst every effort has been made to ensure that the information is accurate, it is not a full and authoritative statement of the law and you should not rely upon it as such. The Insolvency Service cannot accept responsibility for any errors or omissions whether as a result of negligence or otherwise.

The Insolvency Service cannot provide legal advice. You are advised to seek professional advice about the application of the law to yourself or your business.

1. About this guide

This guide explains the procedures if you are owed money by an individual in bankruptcy or a company in compulsory liquidation. The guide also includes an outline of other insolvency procedures. It is primarily for small business and individual creditors and for those who do not hold security for the money they are owed. This guide covers procedures in Northern Ireland.

Please note that the guide does not provide advice on debt recovery or on how to start insolvency procedures.

Your professional advisor or the local Citizens Advice Bureau will be able to advise on these matters. Further information is available on Page 15.

See pages 9 to 12 for a glossary of common insolvency terms.

What is the Insolvency Service?

The Insolvency Service is located in Fermanagh House, Ormeau Avenue, Belfast. It is a branch of the Business Regulation Division of the Department of Enterprise, Trade and Investment.

The Insolvency Service administers and investigates the affairs of bankrupts and companies in compulsory liquidation, establishes the reasons for the insolvency and reports evidence of misconduct. It is not involved in the day-to-day handling of administrative receiverships, administrations, voluntary liquidations and individual and company voluntary arrangements. However, from the 27th March 2006 the Official Receiver may be the supervisor in a new fast-track voluntary arrangement procedure.

The Insolvency Service has responsibility in Northern Ireland for licensing insolvency practitioners and ensuring that proper standards are maintained.

The Insolvency Service's Published Standard sets out briefly the range of services we provide and the service you are entitled to expect in all dealings with this office. The Insolvency Service aims to provide an efficient, helpful and accountable service to all users.

What is insolvency?

The most commonly used definition of insolvency is the inability of an individual or company to pay debts when they become due. The term insolvency is also used to describe the various formal proceedings, which may apply to an individual or company. The legislation under which these procedures are administered is the Insolvency (NI) Order 1989. Insolvency law provides a system of dealing fairly with the assets of the insolvent and the claims of creditors. The law also deals with what happens to the individual or company following the insolvency.

What are the insolvency procedures?

The procedures which can apply to *individuals* are:

- bankruptcy
- individual voluntary arrangement
- deed of arrangement

The procedures which can apply to *companies* are:

- compulsory liquidation (winding up by the court)
- administrative receivership
- administration
- company voluntary arrangement
- creditors' voluntary liquidation
- members' voluntary liquidation (applies to solvent companies only but is regulated by the Insolvency (NI) Order 1989).

The procedures which can apply to *partnerships* are:

- bankruptcy of individual members
- individual voluntary arrangement (involving individual members)
- compulsory liquidation (winding up by the court)
- administration
- partnership voluntary arrangement.

Who deals with the insolvency procedures?

The Official Receiver (OR) will normally handle the early stages of a bankruptcy or compulsory liquidation. If there are significant assets, an insolvency practitioner (IP) may be appointed as trustee/liquidator in place of the OR. All other insolvency procedures apart from fast-track voluntary arrangements are handled by IPs.

2. The Official Receiver (OR) and Insolvency Practitioners (IPs)

Who they are and what they do

The OR (for Northern Ireland) is a civil servant and an officer of the High Court. As well as administering cases, the OR has a duty to investigate the affairs of individuals in bankruptcy and companies in compulsory liquidation. He reports evidence of criminal offences to the Insolvency Service's Prosecution Unit and reports unfit conduct by company directors to the branch's Directors Disqualification Unit, which decides whether to commence Court proceedings to disqualify a director or applies for a Bankruptcy Restriction Order in the case of bankrupts.

IPs work in the private sector. They are usually accountants or solicitors. They are required by law (the Insolvency (NI) Order 1989) to be authorised to act as IPs. The authorisation is carried out by the Department of Enterprise, Trade and Investment or by one of the Recognised Professional Bodies (RPBs). RPBs are approved by the Department of Enterprise, Trade and Investment to authorise their members. About 95% of IPs are authorised by RPBs. IPs acting as liquidators in creditors' voluntary liquidations, administrative receivers and administrators have a duty to report to the Department of Enterprise, Trade and Investment any evidence of unfit conduct by company directors.

How and when to contact the OR and IPs?

How do I find out who is dealing with a case?

You should be contacted automatically by the OR/IP if he or she knows that you are a creditor. For further details, see parts three and five.

If you believe an individual or company may be subject to insolvency proceedings and you have not heard from the OR or an IP – you could take one or more of the following steps:

- If it is a **company insolvency** contact Companies Registry which maintains a register of all companies in liquidation: the register provides information on:
 - the type of liquidation
 - the date of the appointment of the receiver/liquidator, and
 - the name of the receiver/liquidator

The company file maintained by Companies Registry (see page 14) provides full details of the company's officers on an annual basis, a summary of accounts, a schedule of shareholders and other information. The company file is available for inspection by any member of the public. A small fee is charged for this service.

- If it is a **bankruptcy or compulsory liquidation** contact the Bankruptcy and Chancery Office at the High Court (see page 15). You should give the full name of the bankrupt or company. A fee will be charged for this service.
- If a **partnership** is involved, bankruptcy orders may have been made against the individual partners and details can be obtained from the Bankruptcy and Chancery Office at the High Court. A fee will be charged for this service.
- Details are also published in the legal notices section of local newspapers.

How do I make myself known as a creditor?

You should write to the OR/IP dealing with the insolvency. You should supply the full name of the individual or company as well as your own details. You should inform the OR/IP if you change your address.

Should I contact the OR/IP if I have any information about the individual or company?

You should write to the OR/IP if you have any information about the assets of the individual or company or about the conduct of the individual or company directors. This information may help the OR/IP in the recovery of assets or in his duty to report misconduct.

The OR/IP is not keeping me informed. What should I do?

Do not expect to receive frequent reports from the OR/IP. Once your claim is filed with the OR/IP you will be notified automatically of any distribution made or that no funds are available and that the case is to be closed. It can take weeks, months or years (in some complex cases) to realise assets. If you are concerned, contact the OR/IP handling the case.

There are special rules about creditor's rights to receive information or to be called to meetings in other types of insolvencies. If you wish to find out about these rights you should consult the IP handling the case.

I am dissatisfied with the handling of my case. What should I do?

You should first take the matter up with the OR/IP dealing with the case. The OR is based at Fermanagh House, Ormeau Avenue, Belfast, BT2 8NJ.

If the case is being dealt with by the OR and you are dissatisfied with his response to a complaint you can follow the procedure set out in our Published Standard.

If you are dealing with an IP, you should contact the authorising body (a list of Recognised Professional Bodies which licence IPs is set out at page 16).

Details can also be obtained from the Insolvency Practitioners Unit of the Insolvency Service at the above address, telephone number (028) 90251441.

3. Bankruptcy and compulsory liquidation – the procedures

Bankruptcy – the procedure

Bankruptcy can only apply to individuals (including sole traders and individual members of a partnership). Bankruptcy petitions may be presented to the Court by the individual, by creditors who are owed £750 or more or by the supervisor of an individual voluntary arrangement (where the individual has not complied with the terms of the arrangement). A bankruptcy order is made by the High Court.

The OR initially acts as receiver and manager of a bankrupt's estate and will normally become trustee unless an IP is appointed in his place. The trustee realises any assets (except for certain assets which include basic domestic items needed by the bankrupt and his or her family and items such as vehicles, equipment, tools and books which are needed for the bankrupt's job). After the payment of fees and costs of the proceedings, the trustee distributes the remaining funds to the creditors in a strict order of priority (see page 6).

Compulsory liquidation – the procedure

Compulsory liquidation is the winding up of a company or a partnership by a High Court order (a "winding-up" order).

A petition is normally presented to the High Court by a creditor who is owed £750 or more stating that he or she is owed a sum of money by the company and that the company cannot pay.

The OR becomes the liquidator but an IP will be appointed to take over from the OR if the company has significant assets. The liquidator's role is to realise the company's assets, pay all the fees and charges arising from the liquidation and pay the creditors as far as funds allow.

Restrictions on a bankrupt or company director

An undischarged bankrupt can trade after the bankruptcy order but there are restrictions. If an undischarged bankrupt trades under a new name, he or she must disclose the old name (under which the bankruptcy order was made) to anyone with whom he or she does business. An undischarged bankrupt is not allowed to act as a director of a company or be concerned with its management, without leave (permission) of the High Court. An undischarged bankrupt can only obtain £500 of credit without informing those he or she is dealing with about the bankruptcy. An undischarged bankrupt has to seek permission from either the Official Receiver or the Court before he or she can leave Northern Ireland.

Currently, a bankrupt is usually discharged (freed) automatically from the restrictions of bankruptcy after 3 years. If a person has been bankrupt before (within the last 15 years), he or she must wait 5 years before applying to the High Court for discharge. From 27 March 2006, a bankrupt will usually be discharged automatically from the restrictions of bankruptcy after 12 months, or earlier if the OR files notice with the Court. Most individuals who were undischarged bankrupts on 27 March 2006 will be discharged automatically on 27 March 2007 or sooner.

Also from 27 March 2006, a bankrupt may have a Court Order made against him or her (called a bankruptcy restrictions order) or give an undertaking to the Department which will mean that bankruptcy restrictions continue to apply after discharge for between 2 and 15 years.

A director of a failed company can become a director of a new company unless subject to a disqualification order or undertaking or personally adjudged bankrupt or is subject to a bankruptcy restriction order or undertaking. A disqualified person or bankrupt may obtain leave of the High Court to be a director. There are restrictions on the further use of the failed company's name or trading name. The Court may order a director to make a contribution to the assets of the company if it is proved that he or she has been involved in fraudulent or wrongful trading.

Your role as a creditor

When will I be notified?

The OR will normally notify all known creditors (within 12 weeks of the date of the High Court order) whether a meeting of creditors will be held. The OR will decide to hold a meeting if there are significant assets.

You will also be sent a report giving estimates of the insolvent's assets and liabilities and what the causes of the failure are considered to be. If you think that a bankrupt or company is withholding information about the assets, you should write to the OR.

How do I make a claim?

To make a claim you should ask the OR/IP for a proof of debt form and complete and return it to the OR/IP. The form is sent to you along with the notice to creditors. Remember to sign the form. The OR will not normally send an acknowledgement. The rights of a creditor who holds a fixed charge on assets (such as a mortgage) to sell the asset to recover their debt are not affected by insolvency. The chargeholder is the first to get paid when the asset is sold. Any surplus will be handed over to the trustee/liquidator. When all the assets available to unsecured creditors have been realised, the trustee/liquidator will distribute the proceeds in a strict order of priority as follows:

1. The fees and charges of the liquidation/bankruptcy.
2. Preferential debts, which include wages owed in the 4 months before the date of the insolvency order and contributions to occupational pension schemes.
3. Any creditor holding a floating charge over an asset, such as a debenture.
4. All unsecured creditors.
5. In company cases, the shareholders.

Therefore, unsecured creditors will usually only be paid when the fees and charges of the insolvency procedures and the claims of secured and preferential creditors have been paid. Where a company which is being wound up has assets subject to a floating charge, part of the net proceeds from their sale will, in appropriate cases, be set aside for distribution to the unsecured creditors.

If full repayment of claims is not possible, payments are made in proportion to the value of each claim.

If a dividend is to be paid, all creditors whose addresses are known will be notified. If you have not already submitted a proof of debt, this may be your last chance to do so. If you submit your proof of debt after the dividend has been declared, you may lose your right to share in the money available at that time.

How much you are paid will depend on the amount of money that can be realised and the number of claims. If there are few assets, you may not receive anything.

You can get a list of creditors from the OR/IP. The OR/IP is allowed to charge a statutory fee for this service. The list will show how much each creditor is owed. You also have a right to inspect the High Court file unless the High Court directs otherwise. If a statement of affairs has been submitted, you will be directed to the High Court file for details of creditors and their claims.

When paying a dividend, the OR/IP can reject the whole or part of a creditor's claim. The OR/IP must provide reasons for doing so in writing. If you are dissatisfied with the decision on your claim, you may apply to the court for the decision to be reversed or varied.

Meeting of creditors

A first meeting of creditors is held so that the creditors can appoint an IP as trustee or liquidator in place of the OR. This is likely to be the only meeting of creditors before the final meeting is called. If the OR does not believe the assets available are enough to attract an IP, the OR will send notice to all creditors that no first meeting is to be held and as a result the OR will remain trustee/liquidator

The OR must hold a first meeting if it is requested by one quarter in value of the creditors. If the creditors request a meeting, they will have to lodge a deposit for the costs of the meeting with the OR. If the creditors do not choose an IP, the OR can either:

- apply to the Department of Enterprise, Trade and Investment asking it to make an appointment, or
- remain as trustee/liquidator himself.

The OR can also apply to the Department of Enterprise, Trade and Investment when an appointment of an IP is needed in an emergency, for example to deal with urgent transactions involving assets. When this happens the IP must notify the creditors. This may be done by advertisement in a newspaper if the High Court allows, for example where there are a large number of creditors.

Further meetings of creditors (called general meetings) are sometimes held if the trustee/liquidator wants to find out the creditors' wishes in any matter relating to the insolvency proceedings, or if requested by 10% in value of the creditors.

Where an IP is trustee/liquidator, a final meeting of creditors will be called (see details under 'Completion of the Case').

Conduct and voting at a meeting of creditors

You can normally only vote at a meeting if you have returned your proof of debt to the OR/IP within the time stated in the notice. You can vote at the meeting without attending personally but you must also have submitted a proxy form. The form is supplied by the OR/IP at the same time as the notice calling the creditors' meeting and you must return it by the time specified. The proof of debt and proxy form must be signed by the same person. Voting at a meeting of creditors is by value, and is calculated by the amount of the creditor's claim that is admitted (accepted) by the chair of the meeting for voting purposes. The chair will check all the proofs of debt and proxy forms, and confirm the amount admitted for voting purposes.

Briefly, at a first meeting of creditors, the chair will check that everyone present is allowed to be at the meeting; s/he will explain the purpose of the meeting, and provide details about the insolvent's assets. The meeting then votes on the appointment of an IP as trustee or liquidator. A first meeting of creditors is not an opportunity for you to question the bankrupt/director (it is unlikely they will be at the meeting) or to discuss matters relating to the insolvency.

For an IP to be appointed by the meeting of creditors, there must be a majority in value of those present or represented (by proxy) voting for the IP.

Creditors'/liquidation committee

A creditors'/liquidation committee can also be appointed at a meeting of creditors unless the OR remains as trustee/liquidator. The committee supervises and assists the trustee/liquidator on behalf of the creditors. In bankruptcies it is called a creditors' committee; in liquidations it is a liquidation committee. The committee consists of at least three and not more than five elected creditors.

An individual creditor who has been elected can act personally or appoint a representative.

You have a right to nominate yourself or any other creditor as a member of a committee. You can also vote for yourself.

A creditors'/liquidation committee must approve certain actions proposed by the trustee/liquidator. Each committee has different powers but they include, amongst others, agreeing to carry on the bankrupt's or company's business and bringing or defending legal actions. A liquidation committee must approve payments to any class of creditors (for example, preferential creditors) in full and any arrangements made with creditors or in relation to assets.

What the trustee or liquidator will charge for their services

The OR's remuneration (i.e. what the OR will charge for his services) as trustee/liquidator is specified under the insolvency legislation.

An IP's remuneration as trustee/liquidator is fixed by the creditors'/liquidation committee. If there is no committee, it may be fixed at a meeting of creditors. The remuneration can be fixed as a percentage of the value of the assets or on a time basis. Any creditor, with the support of 25% in value of unsecured creditors, can

apply to the High Court for the remuneration to be reviewed if it is considered to be too high. If the creditors do not agree the remuneration, the IP will receive the same as would have been paid to the OR (a percentage fixed by the Insolvency Regulations, of assets realised and distributed).

The IP acting as trustee/liquidator will be able to provide you with a guide as to how their fees will be calculated.

Completion of the case

If the OR is dealing with the case and you have sent in a proof of debt, the OR will inform you when he intends to apply (to the Department of Enterprise, Trade and Investment) for release. This means that the OR's role as trustee/liquidator comes to an end. The creditors have a right to object to the OR's release.

Please note that the release of the OR as trustee is not relevant to and does not affect a bankrupt's discharge (see page 6). Generally the OR's release can only be withheld if the OR has failed to realise assets that were available to be realised or has misapplied the proceeds of any assets realised.

You will be sent a summary of the OR's receipts and payments as trustee/liquidator.

If an IP is dealing with the case and you have sent in a proof of debt, you will be sent a notice of the final meeting of creditors. At this meeting the IP will report on his or her conduct of the case and will give a summary of the receipts and payments. The creditors have a right to object to the IP's release.

What legal action can I take against the bankrupt/company or the trustee/liquidator?

After the date of the High Court order, unsecured creditors cannot take any action against the bankrupt or company without the consent of the Court. You must submit your claim to the trustee/liquidator. You can apply to the Court if you are dissatisfied with the actions of the OR/IP.

4. Insolvency terms – what do they mean?

This part provides a brief explanation of some of the terms you may come across as a creditor in insolvency proceedings. *Please note that this glossary is for general guidance only. Many of the terms have a specific technical meaning in certain contexts which may not be covered here.*

Administrative receiver

IP appointed in an administrative receivership. In this case the IP is often referred to as the "receiver".

Administrator

IP appointed by the High Court under an administration order.

Annulment

The repeal of a bankruptcy order by the High Court.

Charge

Right taken over property by a creditor to protect against default in repayment of a loan (such as a mortgage).

Creditor

Someone to whom a debt is owed.

Debenture

Document in writing, usually under seal, issued as evidence of a debt and/or granting security for a loan of a fixed sum at interest. The term is often used in relation to loans (usually from banks) secured by charges, including floating charges, over companies' assets.

Debtor

Someone who owes a debt.

Deed of arrangement

Arrangement (governed by the Insolvency (NI) Order 1989) proposed by the debtor for payments to his or her creditors. It is occasionally used instead of an individual voluntary arrangement, particularly where creditors already agree to the terms of the arrangement and are not likely to take other action to recover their debt.

Discharge

Process that frees a bankrupt from the restrictions of bankruptcy and releases him or her from most bankruptcy debts.

Dividend

Sum distributed to each creditor in insolvencies.

Fixed charge

Charge held over specific assets. The debtor cannot sell the assets without gaining the consent of the secured creditor or repaying the amount secured by the charge.

Floating charge

A charge held over general assets of a company. The assets may change (such as stock) and the company can use the assets without the consent of the secured creditor unless the charge "crystallises" (becomes a fixed charge). Crystallisation occurs on the appointment of a receiver, on the commencement of winding up or as otherwise provided for in the document creating the charge.

Interim order

An order of the High Court protecting a debtor from proceedings for a limited period to allow him to make a proposal to his creditors for a voluntary arrangement.

Interim receiver

The High Court may appoint the OR to act as interim receiver of an individual's property (usually to protect and secure it), after the presentation of the bankruptcy petition but before a bankruptcy order is made.

Liquidation (winding up)

Applies to companies or partnerships. It involves the realisation and distribution of the assets and usually the closing down of the business. There are three types of liquidation – compulsory, creditors' voluntary and members' voluntary.

Liquidator

OR/IP appointed to administer the liquidation of a company or partnership.

Member (of a company)

A person who has agreed to be, and is registered as, a member, eg a shareholder of a limited company.

Nominee

IP who carries out the preparatory work for a voluntary arrangement, before its implementation.

Preferential creditor

Creditor entitled to receive payments in priority over other unsecured creditors. These creditors include certain government departments, occupational pension schemes and employees.

Proof of debt

Statutory form completed by a creditor to state how much is claimed. The form is supplied by the trustee or liquidator.

Provisional liquidator

OR/IP appointed to preserve a company's assets pending the hearing of a winding-up petition.

Proxy Form

Form, which must be completed if a creditor wishes someone else to represent him or her at a creditors' meeting and vote on his or her behalf.

Receiver

Commonly used name for an administrative receiver. The term can also mean a person appointed by the High Court or under a charge to receive the rents and profits of property.

Receiver and manager

When a bankruptcy order is made, the OR becomes receiver and manager to protect the bankrupt's estate. This happens before the OR becomes trustee or before an IP is appointed in his place.

Receivership

A company in administrative receivership is often said to be "in receivership".

Release

The process whereby the OR/IP is freed from liabilities as trustee/liquidator or administrator.

Secured creditor

Creditor who holds security, such as a mortgage, over a person's assets for money owed.

Statement of affairs

Document completed by a bankrupt or company officer, stating the assets and giving details of debtors and creditors.

Supervisor

IP appointed to supervise the carrying out of an individual or company voluntary arrangement.

Trustee

Person who holds property in trust for another. In bankruptcies the OR (as trustee in bankruptcy) or IP holds the property of the bankrupt in trust for creditors and is referred to as the trustee.

Unsecured creditor

Creditor who does not hold security for money owed. Some unsecured creditors may also be preferential creditors.

Voluntary arrangement

A means whereby the High Court may allow an individual debtor to put in place a proposal to pay his creditors under the supervision of an IP acting as supervisor.

Voluntary Liquidation

Method of liquidation not involving the High Court or the OR. There are two types of voluntary liquidation – members' voluntary liquidation for solvent companies or creditors' voluntary liquidation for insolvent companies

Winding-Up Order

Order of the High Court for the compulsory winding-up or liquidation of a company or partnership.

5. REFERENCE TABLE

	ADMINISTRATIVE RECEIVERSHIP	ADMINISTRATION
Purpose:	To recover money owed to a secured creditor.	To rescue a going concern, a company or partnership facing financial problems; to achieve a better result for creditors of the company as a whole than would be achieved in an immediate winding-up or to realise property for secured or preferential creditors.
Proposed/ commenced by:	A floating charge holder. (Rights to appoint an administrative receiver have been restricted by the Insolvency (Northern Ireland) Order 2005.	The appointment of an administrator by court order or where a floating charge the company or its directors file the necessary notice.
Handled by:	Administrative receiver.	Administrator.
Creditors notified:	Within 28 days of appointment of administrative receiver (unless Court otherwise directs).	As soon as reasonably practicable after the appointment of the administrator and the creditors.
Meeting of creditors/voting rights:	Held within 3 months of appointment or longer period if Court allows (unless company goes into liquidation). To vote, written notice of claim needed.	Held within 10 weeks (unless Court otherwise directs). To vote, written notice of claim is needed. Instead of holding a creditors meeting the business may be conducted by correspondence between administrator and the creditors.
Committees:	A creditors' committee may be appointed. It can only request information from administrative receiver.	A creditors' committee may be appointed.
IP's remuneration fixed by:	Floating charge holder or the Court.	Creditors' committee, creditors or the Court.
Progress/ completion of the case:	Account of receipts and payments sent on completion to the creditors' committee if there is one.	After approval of administrator's proposals creditors receive reports every 6 months and on vacation of office by administrator. The administrators appointment may be extended by the court or by the consent of creditors.
Legal action against the company/ individual:	All creditors retain the right to take legal action.	Creditors cannot take legal action without leave of the Court.

This is a general introduction to the insolvency procedures handled by IPs (not the OR). Please contact your professional adviser or the IP handling your case for further details.

COMPANY (CVA) INDIVIDUAL (IVA) VOLUNTARY ARRANGEMENT	CREDITORS' VOLUNTARY LIQUIDATION	MEMBERS' VOLUNTARY LIQUIDATION
To allow a company, partnership or individual with financial problems to reach a binding agreement with creditors.	To allow an insolvent company to put itself into liquidation without the need for a Court order.	To allow a solvent company to put itself into liquidation and wind-up the affairs of the company. (eg if there is no-one left to run a family business).
The directors, partners, liquidator, administrator, or the individual debtor (not creditors).	The shareholders (not creditors).	The shareholders.
Nominee who becomes the supervisor.	Liquidator.	Liquidator.
When notice of creditors' meeting is issued.	Within 14 days of the members' meeting.	No requirement to notify creditors.
Timing specified in the nominee's proposal or by liquidator or administrator. To vote, written notice of claim needed.	Within 14 days of the members' meeting. To vote, written notice of claim needed.	The debts must be paid within twelve months. If the liquidator considers that the company will not be able to pay its debts in full within 12 months, a meeting of the creditors must be held and the liquidation becomes a creditors' voluntary liquidation.
A committee is not appointed.	Liquidation committee may be appointed.	
Agreed in the terms of the arrangement.	Liquidation committee, creditors or the Court.	
Creditors receive reports annually and within 28 days of completion.	Meetings of creditors held annually and on completion.	
All creditors who had notice of the meeting to consider the proposal are bound by the meeting's decision. In an IVA the interim order prevents all creditors from taking action.	Creditors can petition for compulsory winding up.	

6. WHERE TO GO FOR FURTHER INFORMATION

Questions on the procedures involved in a specific insolvency should be referred to your professional adviser or to the OR/IP handling the case (see page 2).

Please note that the Insolvency Service and the Official Receiver can only provide information about the administration of your case. They cannot offer legal advice. You should always seek professional advice from a solicitor, accountant or IP. If you do not have a professional adviser, contact your local Citizens Advice Bureau (please refer to the telephone directory for the address and telephone number).

Companies Registry:

Companies Registry holds the records for all limited companies incorporated in Northern Ireland at its office at:

1st Floor, Waterfront Plaza
8 Laganbank Road
BELFAST BT1 3BS Telephone: 0845 604 8888 e-mail
:info.companiesregistry@detini.gov.uk

The register of disqualified directors can be obtained from the Companies Registry website at www.companiesregistry.detini.gov.uk.

Chancery Office:

The Chancery Office of the Royal High Courts of Justice, Chichester Street, Belfast, BT1 3JF holds separate registers of petitions for winding up companies, bankruptcy and interim orders. A search of these registers may be undertaken in the Chancery Office upon payment of a small fee.

Information on debt recovery:

Please note that the Insolvency Service cannot give advice on debt recovery or on how to commence insolvency proceedings. Your professional adviser or any solicitor/accountant will be able to advise you on these matters.

A guide to the small claims Court procedure "Notes for Guidance" is available from any county court small claims office (see under Northern Ireland Court Service in the telephone directory).

Individuals who have ordered goods and services and arranged for payment by credit, including credit cards, may be able to claim against the provider of credit. The Consumer Credit Act 1974 (s75) provides for this in limited situations. Advice may be obtained from any Citizens Advice Bureau.

To obtain further copies of this guide telephone (028) 90251441 or, write to:

The Insolvency Service
Fermanagh House
Ormeau Avenue
BELFAST
BT2 8NJ

or e-mail: <mailto:insolvency@detini.gov.uk>

CONTACT ADDRESSES AND TELEPHONES OF RECOGNISED PROFESSIONAL BODIES

Department of Enterprise, Trade and Investment
Insolvency Practitioner Unit
Insolvency Service
Fermanagh House
BELFAST
BT2 8NJ

Telephone: 028 9054 8537
Fax: 028 9054 8555
E-mail: insolvency@detini.gov.uk

Institute of Chartered Accountants in Ireland
Professional Standards Department
11 Donegall Square South
BELFAST
BT1 5JE

Telephone: (028) 90231541
Fax: (028) 90319320
E-mail: qad@icai.ie

Law Society of Northern Ireland
Law Society House
98 Victoria Street
BELFAST
BT1 3JZ

Alternatively
DX422 NR
BELFAST

Telephone: (028) 90231614
Fax: (028) 90232606

Association of Chartered Certified Accountants
Legal Department
29 Lincoln's Inn Fields
LONDON
WC2A 3EE

Telephone: 020-7242-6855
Fax: 020-7396-5968

Insolvency Practitioners Association

3rd Floor
Valiant House
4-10 Heneage Lane
Off Creechurch Lane
London
EC3A 5DQ
Telephone 020 7623 5108
Fax 020 7623 5127

Institute of Chartered Accountants in England and Wales

Professional Standards Office

Silbury Court

412-416 Silbury Boulevard

CENTRAL MILTON KEYNES

Buckinghamshire

MK9 2AF

Telephone 01908 248100

Fax 01908 546260

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