



## ***Membership and Authorisation Committee Rules***

*(these rules were made by Council and came into force on 11 July 2013)*

### **1. Definitions**

1.1 In these rules the following expressions shall have the following respective meanings:-

the Appeal Tribunal	any Tribunal constituted under the Appeal Committee Rules following an appeal pursuant to Rule 20 of these Rules;
Appellant	an Applicant or Licence holder who has given valid notice of appeal under Rule 20;
Applicant	an individual applying for membership or an Individual Member of the Association applying for grant or renewal of a Licence to practise as an Insolvency Practitioner;
the Articles	the articles of association of the Association for the time being in force;
Bond	in relation to each Individual Member who intends to accept Insolvency Appointments such bond as is required to be taken out under Schedule 2 of the Insolvency Practitioners Regulations 2005;
Chairman	Chairman of the Membership and Authorisation Committee
the Committee	The Membership and Authorisation Committee from time to time appointed by Council under Rule 4;
Continuing Professional Education	such number of hours of continuing professional education as may from time to time be specified by Council in Guidelines issued by Council for the purpose;
Disciplinary Findings or Finding	includes a finding of a prima facie case of misconduct whether or not followed by a warning, sanction or order for costs;
Employee	any person who carries out insolvency work or administration in

	the service of an Individual Member holding a Licence issued by the Committee, or his firm, including a subcontractor or consultant and employed shall be construed accordingly;
Guidelines	requirements, criteria and guidance issued by Council from time to time;
Hearing	any Hearing before the Appeal Tribunal and shall include the making of any finding or decision in connection with the appeal and any re-hearing;
Insolvency Practitioners Regulations 2005	Statutory Instrument No. 524 of 2005 as from time to time amended or replaced;
Insolvency Rules 1986	Statutory Instrument No.1925 of 1986 as from time to time amended or replaced;
Insolvency (Scotland) Rules 1986	Statutory Instrument No. 1915 of 1986 as from time to time amended or replaced;
Joint Insolvency Examination Board	The board responsible for the examinations which must be passed for an individual to be eligible for a Licence to practise as an Insolvency Practitioner where Rule 9.1.1 applies;
Lay Member	any person who is not or has not been an Individual Member of the Association or qualified to act as an Insolvency Practitioner;
Licence	an Insolvency Authorisation issued by the Association pursuant to these Rules
Licence Fee	the sum to be paid on application for grant or renewal of a Licence;
the NI Order	the Insolvency (Northern Ireland) Order 1989 (Statutory Instrument No. 2405 of 1989) as from time to time amended;
Northern Ireland Licence	a Licence issued by the Association authorising an Individual Member to act as an Insolvency Practitioner under the NI Order;
Notice	any document, including a letter, to be given in writing required to be given, delivered or sent to an Individual Member under or in connection with these Rules which may be given or sent by pre-paid post addressed to them at their Registered Address;
Registered Address	the address registered with the Association in accordance with Article 16.2
Targeted Visit	a visit ordered by the Committee which may include such terms and conditions as the Committee considers appropriate;
these Rules	the Rules hereby promulgated as from time to time amended by Council and any references to a Rule shall be to a corresponding number in these Rules.
Vice Chairman	Vice Chairman of the Membership and Authorisation Committee
1.2	Expressions which are defined in Article 1 of the Articles shall when used in these Rules have the same meaning herein as therein the second and third paragraphs of Article 1 (unless the

context otherwise requires) shall apply to these Rules as they apply to the Articles and expressions defined in the Insolvency Practitioners Regulations 2005 shall have the same meaning when used in these Rules.

- 1.3 References to “the Investigation Committee”, “the Disciplinary Committee” and “the Appeal Committee” shall be to the committees from time to time appointed as such by Council pursuant to the Articles.

## **2. Qualification to Act**

Subject to the provisions of s.390 of the Insolvency Act an Individual Member of the Association shall be qualified to act as an Insolvency Practitioner if he holds a current and valid Licence issued by the Association, or any authorisation issued by any other professional body recognised by the Secretary of State under the Insolvency Act or an authorisation issued by a competent authority under Section 392 of the Insolvency Act provided that he also holds professional indemnity insurance with a reputable insurance company which complies with such requirements as may from time to time be laid down by Council in Guidelines for that purpose.

## **3. Membership & Authorisation Committee**

- 3.1 The Committee shall consist of not less than five persons, comprising:
- 3.1.1 at least four Individual Members; and
  - 3.1.2 at least one Lay Member provided that at no time shall Council appoint more than four Lay Members to the Committee.
- 3.2 In addition to the persons appointed pursuant to Rule 3.1, Council may from time to time appoint persons who are members of (or members of a relevant committee of) another relevant professional body as co-opted members of the Committee, each such person to be appointed for such term as the Council may in each case determine and during such period of appointment, each such person shall be a member of the Committee but shall not be included for the purposes of determining whether a quorum is present.
- 3.3 The quorum for meetings of the Committee shall be three of whom at least one shall be a Lay Member, provided that if more than one Lay Member is present at any meeting, that meeting shall not be quorate unless a corresponding number of Individual Members is also present.
- 3.4 The Committee shall have absolute discretion as to the nature of the matters taken into account and its sources of information in exercising its powers under these Rules.
- 3.5 In exercising its powers under these Rules, the Committee will treat all information obtained by it in the course of its activities as confidential but may in such circumstances as it deems appropriate disclose any such information either:
- 3.5.1 to any individuals appointed to review complaints arising out of the Association’s functions as a Recognised Professional Body; or
  - 3.5.2 to the Secretary of State, the Department for Business, Innovation & Skills, any Recognised Professional Body or other self-regulating organisation which Council determines for the purposes of this Rule to be a relevant professional body or organisation; or
  - 3.5.3 as required by law; or
  - 3.5.4 in connection with and for the purpose of the transfer of appointments to other insolvency practitioners; or

3.5.5 so far as is necessary for the proper performance by the Association of its statutory or regulatory duties.

#### **4. Powers of Committee**

The Committee shall be responsible for: -

- 4.1 recommending individuals and Firms to Council for membership of the Association in the category for which they have applied;
- 4.2 granting (with or without conditions) or rejecting applications for Licences; and
- 4.3 renewing (with or without conditions), withdrawing or suspending Licences; and
- 4.4 making an Order under Rule 18 of these Rules; and
- 4.5 issuing warning letters pursuant to Rule 6.5; and
- 4.6 the processes relating to Debt Relief Orders governed by Rule 22.

#### **5. Interaction with other Committees or Tribunals**

- 5.1 In discharging its functions under these Rules, the Committee shall have regard, as it sees fit, to any proceedings before, or Disciplinary Finding or Order of a Disciplinary Tribunal or an Appeal Tribunal or order of the Investigation Committee or any investigation concerning the insolvency work or other activities of the Individual Member concerned (or of a partner, fellow principal or Employee of an Individual Member) then being undertaken by the Investigation Committee.
- 5.2 Without prejudice to the Committee's duty to consider any matter which in its opinion relates to whether the Individual Member is a fit and proper person to hold a Licence or its right to issue a warning letter pursuant to Rule 6.5 it shall be the duty of the Committee to inform the Investigation Committee of any matter coming to its attention which the Committee considers should be so reported as being appropriate for investigation as a disciplinary matter.
- 5.3 The Committee shall take into account when considering any initial application for or renewal of a Licence or whether to withdraw a Licence, whether the Applicant has established procedures designed to ensure that anyone employed by or associated with him in connection with his insolvency work, or who proposes to be so employed or associated, is a fit and proper person and, in this regard the Committee shall be entitled to request and it shall be the duty of the Applicant to provide any such information relating to any individual who is or will be employed by or associated with the Applicant as the Committee may request.

#### **6. Investigative Powers**

For the purposes of discharging any of its responsibilities under these Rules, the Committee shall have the power:-

- 6.1 to require any Applicant to disclose or submit or to use best endeavours to procure that any necessary third party or Individual Member or Member Firm shall disclose or submit to the Committee such information, including books, papers, documents or other records (including but without prejudice to the generality of the foregoing, time records and partnership books and details) as the Committee considers necessary; and
- 6.2 to require any Individual Member or Applicant to attend before the Committee on reasonable notice or to answer questions put to him in writing by the Committee; and
- 6.3 to review (at the Individual Member's business premises or elsewhere) such books, papers, documents or other records or initiate any other investigations which the Committee considers

to be expedient; and

- 6.4 to appoint any person or persons as its agent for the purposes of carrying out such review or investigation as is referred to in Rule 6.3 above; and
- 6.5 to write a warning letter to an Individual Member in such terms as the Committee may determine.

## **7. Duties of Applicants**

- 7.1 Every Applicant must cooperate with the Association, its committees, staff and its agents, while not limited this includes an obligation to:-
  - 7.1.1 ensure that his application or application for renewal (as the case may be) is in each case duly completed signed and dated and accompanied by a remittance for the appropriate amount and shall (in the case of an application for renewal) reach the Secretary on or before 30th November (or such other date as is resolved and notified by the Committee) in the year prior to the year in respect of which the application is made;
  - 7.1.2 co-operate fully with the Committee in any review or investigation required under Rule 6 and shall in particular respond within a period set down by the Committee to any questions or requests for production of or access to further documents or information made by the Committee or its duly appointed agent;
  - 7.1.3 use best endeavours to procure the co-operation of the firm of which he is a partner or employee in complying with any request made by the Committee or its duly appointed agent under these Rules
- 7.2 Where an Individual Member fails to comply with the requirements of Rule 7.1.1 the Committee shall not be obliged to consider the application unless the Individual Member is able to satisfy the Committee that there is reasonable cause for such failure save that no failure on the part of the Secretary to send out a reminder to any Individual Member prior to the renewal application date shall constitute a valid excuse for non-compliance with this Rule 7.1.1.
- 7.3 Any Individual Member who does not intend to retire from practice with effect from the 1st January in the following year and who has not delivered a duly completed signed and dated application to the Secretary by the immediately preceding 31st December shall be liable to have the matter referred to the Investigation Committee by the Secretary for investigation.

## **8. Duration of Licence**

Each Licence shall be issued or renewed for such period ending on 31st December in the year of issue and thus not exceeding one year as the Committee shall in its absolute discretion determine and shall be in such form as the Committee shall determine.

## **9. Eligibility and Applications**

- 9.1 Every Applicant wishing to qualify for the initial grant of a Licence shall satisfy the Committee that he is a fit and proper person to act as an Insolvency Practitioner; and either
  - 9.1.1 has passed the examination set by the Joint Insolvency Examination Board or have acquired in, or been awarded in a country or territory outside the United Kingdom, professional or vocational qualifications which indicate that the Applicant has the knowledge and competence that is attested by a pass in that examination; or
  - 9.1.2 (if that Individual Member was previously authorised by another professional body recognised by the Secretary of State under the Insolvency Act or by a competent

## Membership & Authorisation Committee Rules

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authority under Section 392 of the Insolvency Act) provide the Committee with evidence satisfactory to it that he has relinquished such authorisation or will do so upon being granted a Licence by the Association;

and in either case also

- 9.1.3 immediately prior to his application for a Licence have acquired practical training and insolvency work experience of such nature and duration as Council may from time to time prescribe; and
  - 9.1.4 inform the Committee of any previous disciplinary findings, convictions, sentences or judgments (including criminal or civil Court decisions); and
  - 9.1.5 satisfy the Committee that during the twelve months immediately prior to the application he has completed Continuing Professional Education; and
  - 9.1.6 in the case of an Applicant whose mother tongue is not English, satisfy the Committee as to his proficiency in the English language, both spoken and written; and
  - 9.1.7 tender the fee referred to in Rule 12 and pay any costs payable pursuant to Rule 13 and Rule 5 of the Appeal Committee Rules; and
  - 9.1.8 apply in accordance with these Rules to be issued with a Licence.
- 9.2 Every Individual Member wishing to qualify for the renewal of a Licence shall:-
- 9.2.1 satisfy the Committee that he continues to be a fit and proper person to act as an Insolvency Practitioner; and
  - 9.2.2 demonstrate continuing knowledge of and experience in insolvency practice to the extent which the Committee shall from time to time lay down in Guidelines, having regard to any requirements of the Secretary of State for recognising the Association under the Insolvency Act; and
  - 9.2.3 confirm that the requirements of Part 3 of the Insolvency Practitioners Regulations 2005 have been complied with throughout the period of the Licence which he is applying to renew; and
  - 9.2.4 undertake to continue to comply with the requirements of Part 3 of the Insolvency Practitioners Regulations 2005; and
  - 9.2.5 confirm (and upon the request of the Committee demonstrate) that he has, during such twelve month period prior to the date with effect from which he has applied for renewal of his Licence as may be prescribed by Council, undertaken Continuing Professional Education; and
  - 9.2.6 tender the fee referred to in Rule 12 and pay any costs payable under Rule 13 and Rule 5 of the Appeal Committee Rules; and
  - 9.2.7 apply in accordance with these Rules for the renewal of his Licence.
- 9.3 Any Individual Member who has at any time in the past held a Licence granted pursuant to Rule 9.1 which has for any reason lapsed or been terminated, suspended or withdrawn, shall if the Committee so requires, in order to qualify for the grant of a Licence, in addition to fulfilling the requirements of Rule 9.1 also have passed the most recent examination set by the Joint Insolvency Examination Board if the Committee shall in its absolute discretion so require.
- 9.4 Each application for an initial grant or renewal of a Licence (which shall be in such form as the

Committee may from time to time prescribe) shall be signed by the Applicant and accompanied by either:

- 9.4.1 such evidence as the Committee may from time to time prescribe including evidence of compliance with the requirements of Part 3 of the Insolvency Practitioners Regulations 2005; or
- 9.4.2 written confirmation that the Applicant does not, for such period as may be specified in such confirmation, intend to accept appointments to act as an Insolvency Practitioner under the Insolvency Act.

### 10. Dual Licensing Not Permitted

A Licence shall not be granted to an Individual Member who is qualified to act as an Insolvency Practitioner by virtue of an authorisation granted by any other professional body recognised by the Secretary of State under the Insolvency Act or by virtue of an authorisation issued by a competent authority under Section 392 of the Insolvency Act.

### 11. Bonds

The Bond must be lodged with the Association before acceptance of any Insolvency Appointment.

### 12. Licence Fees and other Charges

Every Individual Member applying for or holding a Licence shall pay, on application for initial grant and renewal thereafter, a fee (including the Licence Fee), the amount of which shall be determined by Council from time to time.

### 13. Costs Re Licences

13.1 If in the Committee's opinion an application for or an application to renew a Licence has entailed an unusual amount of work on the part of or on behalf of the Committee or staff of the Association, the Committee may require any Applicant applying for or renewing a Licence to pay to the Association such amount as the Committee considers reasonable towards the costs of the Association incurred in relation to the Applicant in connection with:-

- 13.1.1 his application for or application for renewal of a Licence; and/or
- 13.1.2 carrying out an inspection of records under the Insolvency Practitioners Regulations 2005; and/or
- 13.1.3 the discharge by the Committee or its duly authorised agent of their responsibilities under these Rules; and/or
- 13.1.4 the discharge by the Association of any of its functions as a Recognised Professional Body under the Insolvency Act.

13.2 Before making any decision as to the costs payable to the Association pursuant to Rule 13.1 the Committee shall first give the Applicant an opportunity of making representations in writing or orally (as the Committee may determine) as to whether costs should be so imposed and/or the quantum of any such costs.

13.3 Any costs payable pursuant to Rule 13.1 shall be paid within 28 days of the date the invoice for such costs is sent to the Applicant.

### 14. Changes in Circumstances

An Applicant or Individual Member holding a Licence must promptly notify the Secretary in writing (who shall in turn report the matter to the Committee) of any fact matter or change in circumstances

which may call into question whether he continues to be a fit and proper person to act as an Insolvency Practitioner or otherwise affect his eligibility to hold a Licence.

### 15. Duration of Licence

A Licence shall unless withdrawn under Rule 16 remain in force until 31st December of the year in respect of which it was issued, but the holder of a Licence shall cease to be qualified to act as an Insolvency Practitioner if:-

- 15.1 an Order is made by a Disciplinary Tribunal or if such Order is appealed against, an Appeal Tribunal, revoking a Licence; or
- 15.2 the holder acts at any time as an Insolvency Practitioner when a Bond is not in force; or
- 15.3 the holder ceases to be an Individual Member of the Association.

### 16. Grounds for Withdrawal

- 16.1 Subject as provided in Rule 19, the Committee shall have the power, by Notice in writing, to withdraw a Licence if it has grounds which in its view justify the opinion that the Individual Member has ceased for any reason to be a fit and proper person to act as an Insolvency Practitioner or if the public interest otherwise so requires.
- 16.2 An Individual Member on whom a Notice has been served pursuant to Rule 16.1 shall not take any new appointments as an Insolvency Practitioner unless and until:-
  - 16.2.1 the decision of the Committee has been reversed by an Appeal Tribunal; or
  - 16.2.2 the decision of the Committee has been varied or substituted by an Appeal Tribunal by any decision other than a decision to suspend the Licence in question; or
  - 16.2.3 where, following an Order by an Appeal Tribunal that the Committee reconsider its decision, the Committee has reversed its original decision; or
  - 16.2.4 a new Licence is granted to him.
- 16.3 Without prejudice to the provisions of Rule 16.2, any such appeal against any decision of the Committee to withdraw a Licence as is made in accordance with Rule 20 shall act as a stay of such withdrawal pending the outcome of such an appeal.

### 17. Grounds for Restriction

- 17.1 The Committee shall have power, by Notice in writing, served on the Individual Member under this Rule, to restrict his Licence if it appears to the Committee that:-
  - 17.1.1 the issue of such a Notice is necessary for the protection of the public or any assets under his control; and/or
  - 17.1.2 he is not a fit and proper person to act as an Insolvency Practitioner; and/or
  - 17.1.3 he has contravened any of these Rules, any other Rules of the Association or any provisions of the Act, the Insolvency Act, or the Insolvency Practitioners Regulations 2005, the Insolvency Rules 1986 or the Insolvency (Scotland) Rules 1986; and/or
  - 17.1.4 he has contravened the rules and regulations of any other Recognised Professional Body for the purposes of the Insolvency Act; and/or



- 17.1.5 he has given the Association, or any other person, materially false, inaccurate or misleading information; and/or
- 17.1.6 he has been issued with four or more warning letters (either by the Committee or by the Investigation Committee) within a period of three years from the date of the first warning letter.
- 17.2 If the Chairman or Vice-Chairman and at least two other members of the Committee, acting in consultation with the Secretary, have reasonable cause to believe that circumstances of which they have become aware require emergency action under this Rule in the public interest, then and in any such case, the Committee's powers under this Rule are hereby delegated to and may be exercised by a quorum of Committee members, subject to the provisions of Rule 3.3 being varied such that one of the quorate group of Committee members must be the Chairman or Vice-Chairman, and the requirement for the participation of at least one Lay Member be waived. The Secretary shall immediately after the exercise of such powers notify all Committee members in writing of the exercise of the emergency powers pursuant to this Rule, the circumstances giving rise to the need to exercise those powers and the manner in which those powers were exercised.
- 17.3 Any Notice served under Rule 17.1 or 17.2 may:-
- 17.3.1 prohibit the Licence holder from continuing to act as an Insolvency Practitioner in relation to any one or more estates to which he is appointed; and/or
- 17.3.2 prohibit the Licence holder from accepting any new appointments as an Insolvency Practitioner; and/or
- 17.3.3 require him to provide forthwith in writing to the Association such information as the Notice may specify; and/or
- 17.3.4 require him to cooperate in the transfer to an Insolvency Practitioner nominated or approved by the Association the conduct of all or any such estates to which he may have been appointed and by no later than such date or dates as may be specified in the Notice; and/or
- 17.3.5 prohibit him from disposing of or otherwise dealing with any of the assets or liabilities of any estates to which he may have been appointed (or any such as may be specified in the Notice) in any specified manner or otherwise than in a specified manner.
- 17.4 Any Notice under this Rule shall:-
- 17.4.1 be dated; and
- 17.4.2 name the person to whom it is addressed; and
- 17.4.3 specify in the case of requiring emergency action under this Rule that it shall take effect forthwith but otherwise the time and date it is to take effect (being not less than fifteen Business Days from the date of service of the Notice) and its duration, or that it is of indefinite duration; and
- 17.4.4 give an outline of the reasons for the Notice.
- 17.5 Any Notice served under Rule 17.1 and against which an Individual Member appeals in accordance with Rule 20 shall not take effect until after the determination of the appeal by the Appeal Tribunal or the withdrawal of the appeal.
- 17.6 Any Notice served pursuant to this Rule may be served by hand, by facsimile transmission or by post to the Registered Address, last business or home address notified to the Association and a copy of the Notice shall be served on any other person named in the Notice.

- 17.7 Any Individual Member on whom a Notice is served under this Rule shall comply with it and the Committee may publish the fact that a Notice has been served pursuant to this Rule in such manner as it thinks fit and may send copies to such persons as it thinks fit, including the Insolvency Service, the issuer of the Bond in respect of that Individual Member, the Individual Member's partners or Employees and any person by whom the Individual Member was appointed to an Insolvency Appointment.
- 17.8 The Committee may in the name of the Association issue legal proceedings against an Individual Member for such relief as it considers appropriate for the protection of the public or to compel compliance with any Notice issued under this Rule or otherwise.
- 17.9 Within ten Business Days of first issuing a Notice under this Rule, the Committee shall refer the matter giving rise to the service of the Notice to the Investigation Committee for investigation.
- 17.10 Without prejudice to the Association's right to make any such application to the Court as it may think appropriate in all the circumstances any Individual Member whose Licence is withdrawn pursuant to Rule 16 or restricted pursuant to this Rule shall not make any application to the Court (whether under Section 108 of the Insolvency Act or otherwise in connection with his Insolvency Appointments) without first having given at least five business days' notice to the Secretary of his intention to make such application.

### 18. Restrictions and Conditions

- 18.1 On or at any time after the grant of or renewal of a Licence the Committee shall have the power by Notice in writing to the Individual Member giving brief particulars of the grounds for such decision to make any Order imposing restrictions and or conditions it considers appropriate including:
- 18.1.1 that he shall not accept any further Insolvency Appointments as an Insolvency Practitioner until a date specified in the Order, or until further steps as are specified in the Order have been taken; or
  - 18.1.2 that he accept, cooperate fully and take all steps necessary to comply with the Committee's Order that the Individual Member and as appropriate his firm, be the subject of a Targeted Visit by the Association's agents on such terms and conditions as the Committee may require including that he will pay the costs of such a visit; or
  - 18.1.3 that on or before a date specified in the Order, he shall take such steps as are specified in that Order; or
  - 18.1.4 that he shall comply with such conditions as are specified in the Order; or
  - 18.1.5 that without prejudice to the provisions of Rule 13 he shall pay to the Association all or a proportion of the legal and other costs of the Committee in connection with the making of any Order within 28 days of the date of the invoice for such costs; or
  - 18.1.6 any other Order of a similar nature which it considers to be appropriate in the circumstances; or
  - 18.1.7 that he shall enter into such written undertaking or undertakings with the Association as to his conduct in such terms and for such duration as the Committee may request of the Individual Member; or
  - 18.1.8 any combination of the above.
- 18.2 Where any Order under this Rule has been made and the Committee is satisfied that the Individual Member has failed to comply with or has breached such Order, the Committee may

make a further Order containing such other or additional restrictions, or withdrawing or suspending the Licence as it considers appropriate.

## **19. Notice of Decisions**

19.1 Where the Committee intends to make an Order

19.1.1 not to grant or not to renew a Licence, or

19.1.2 to withdraw a Licence pursuant to Rule 16, or

19.1.3 to impose restrictions and or conditions under Rule 18

it shall give written Notice of its decision to do so giving particulars of the grounds for so deciding and in the case of a decision under Rule 16, the date (which will be not less than 15 business days from the date of the written Notice) when withdrawal of the Licence should take effect.

19.2 A person on whom Notice is served pursuant to Rule 19.1 may within ten Business Days (or such longer period as the Committee may determine) after service of such Notice

19.2.1 make written representations to the Committee; and /or

19.2.2 notify the Committee in writing that he wishes to be given a reasonable opportunity of making oral representations to the Committee in which case he may be represented by counsel or by a solicitor or by an Individual Member of the Association and for such purposes the Secretary shall convene a meeting of the Committee as soon as reasonably practicable after receipt of such notification;

and in either case the Committee shall have regard to such representations and may further consider the action it will take as appropriate, before making its final decision and confirming that an Order will or will not follow as appropriate.

19.3 Any decision of the Committee to withdraw a Licence pursuant to Rule 16 shall specify the date on which the decision takes effect such date to allow time for the Individual Member's appointments to be transferred. The Committee may, at its discretion, extend the time from which any decision takes effect, and shall notify the Individual Member accordingly.

19.4 When making any decision pursuant to this Rule, the Committee may also determine a period of time from making that decision during which it will not entertain any application from that person for the grant or renewal of a Licence.

19.5 Every Order of the Committee pursuant to Rule 18 and decision of the Committee pursuant to Rules 16.1 and 19 shall (subject as provided in this Rule) be published unless the Committee shall in its absolute discretion otherwise determine, provided that no such publication shall be made prior to the expiry of the period permitted by the Rules for appeal to the Appeal Committee or (if Notice of appeal is duly given and the Appellant proceeds with the appeal) unless and until in the latter case, the Committee, having been ordered by the Appeal Tribunal to reconsider the matter and having done so, makes an Order pursuant to Rule 18 or a decision pursuant to Rule 16.1 or Rule 19 and given time for that to be appealed against.

## **20. Appeal**

20.1 An Individual Member may appeal against a decision or Order of the Committee and an appeal (stating the grounds of appeal) shall be made in writing to the Secretary within fifteen Business Days of service of that decision.

- 20.2 Only with the leave of the Chairman of the Appeal Committee may an appeal be made pursuant to Rule 20.1 after the expiry of the period provided for in that Rule.
- 20.3 An application for leave pursuant to Rule 20.2 shall be made in writing and shall give full reasons for the application and the circumstances giving rise to the delay.

### 21. Return of Licence

- 21.1 Each Licence issued by the Association shall remain the property of the Association and the Individual Member to whom it is issued shall, upon written demand by the Secretary, return it to the Office, unless during the currency of a Licence it is withdrawn or suspended by virtue of these Rules in which case such Individual Member shall forthwith (without the need for any demand by the Secretary) deliver it up to the Secretary.
- 21.2 Upon his permanent retirement from practice as an Insolvency Practitioner an Individual Member shall return his Licence to the Secretary.

### 22. Debt Relief Orders

- 22.1 In this Rule the following additional expressions shall have the following respective meanings:-
- Approved Intermediary an individual for the time being approved by a competent authority to act as an intermediary between a person wishing to make an application for a Debt Relief Order and the official receiver;
- Debt Relief Order an order made by the official receiver under Part 7A of the Insolvency Act;
- 22.2 Subject to the provisions of Part 7A of the Insolvency Act an Individual Member of the Association or an individual who is an Affiliate (and who works for an Insolvency Practitioner holding a current and valid Licence issued by the Association) shall be qualified to act as an Approved Intermediary if he is approved by the Association to do so.
- 22.3 The Committee may grant approval on an application made by an Individual Member or Affiliate if it appears to the Committee (taking account of any criteria specified under Part 7A of the Insolvency Act) that the individual is a fit and proper person to act as an Approved Intermediary. Where such an application is received from the holder of a current and valid Licence the Secretary will act on behalf of the Committee to approve the application, unless the Secretary considers, in consultation, if he so chooses, with the Chairman that the application should be considered by the Committee.
- 22.4 Rules 7.1, 7.2, 8, 9.1, 9.2, 9.4, 13, 14, 15 and 20 shall apply to the consideration by the Committee of the granting/renewal of Approved Intermediary status as they apply in relation to the granting/renewal of Licences, having regard to the obligations and restrictions under Part 7A of the Insolvency Act. The approval by the Committee on behalf of the Association shall remain in force only for the duration of the membership of the Individual Member or Affiliate of the Association, and must be renewed when the membership is renewed.
- 22.5 Where Approved Intermediary status has been granted such status may be restricted or withdrawn by operation of the Rules. The procedure for doing so shall follow the process specified in Rule 19 concerning the restriction/withdrawal of a Licence, adapted as appropriate. That procedure shall be instituted if circumstances exist in relation to an Approved Intermediary which requires the Association to withdraw approval.
- 22.6 If an Individual Member or Affiliate who is an Approved Intermediary requests or agrees that approval by the Association shall be withdrawn, the Committee will withdraw the status of Approved Intermediary. The Association is required to withdraw such status if it becomes clear to the Association that the individual:-

- Was ineligible when approval was granted;
- Has become ineligible for approval;
- Is at any time not or no longer a fit and proper person to be an Approved Intermediary;
- Has failed to comply with any provision of, or made under, Part 7A of the Insolvency Act;
- Provided any false, inaccurate or misleading information to the Association.

### 23. Northern Ireland

23.1 An Individual Member who holds an Insolvency Licence shall be permitted to act as an Insolvency Practitioner under the NI Order if he also holds a current and valid Northern Ireland Licence issued by the Association or an authorisation issued by any other professional body recognised by the Department of Economic Development under the NI Order or an authorisation issued by a competent authority under Article 351 of the NI Order.

23.2 These Rules shall apply in all respects to a Northern Ireland Licence with any reference to a Licence being construed as a reference to a Northern Ireland Licence and with any reference to the Insolvency Act or provision of or regulation made under the Insolvency Act being construed as a reference to the NI Order or the corresponding provision of or regulation made under the NI Order.

### 24. Service of Notices

Any Notice or document required to be served under these Rules may be served personally or by first class post at the last known address appearing in the register of Members in accordance with Article 16.2. Where documents are served by post, service is deemed to have been effected 48 hours after posting for the purposes of these Rules.