



THE INSOLVENCY PRACTITIONERS ASSOCIATION
CERTIFICATE OF PROFICIENCY IN PERSONAL INSOLVENCY
SYLLABUS
SEPTEMBER 2013 EDITION

Syllabus Guidance

The Certificate of Proficiency in Personal Insolvency (CPPI) is an intermediate insolvency qualification focusing primarily on personal insolvency. The aim of the exam is to equip candidates with a sound knowledge of insolvency law and practice enabling them to work effectively in insolvency and to provide a basis for obtaining further qualifications such as CPI and JIE. Candidates will be required to demonstrate a solid understanding of insolvency law and practice.

The syllabus covers statutory and non-statutory personal insolvency procedures in England and Wales. There is a separate Scottish syllabus.

Structure of the examination

The exam comprises a single three hour examination held twice a year in June and December. 10% of marks are allocated to 1 mark multiple choice questions, 30% to fifteen short form 2 and 4 mark questions, 30% to six 5 mark (computational and essay style) questions and 30% to two 15 mark (computational and essay style) questions.

The exam covers personal insolvency based on legislation and practice in force as at the 1st January of the year in which the exam is sat. The exam also covers regulation, ethics, SIPs and other guidance which accounts for approximately 20% of the marks.

The required study for the exam will vary depending on the candidate's level of knowledge and experience. The syllabus content is split into 15 units for study purposes and it is anticipated that for most students each unit will require 10 hours of study.

Candidates will be required to score not less than 50% to achieve a pass. High scoring candidates may be awarded a merit or a distinction.

Applying to sit the examination

Potential candidates may apply to sit the exam through the IPA via the IPA's website at:

<http://www.insolvency-practitioners.org.uk/>

or direct to the IPA at the following address:

Insolvency Practitioners Association

Valiant House

4-10 Heneage Lane

London

EC3A 5DQ

IPA Office Hours

Monday – Friday 9.00am -5.00pm

IPA Numbers

T: 020 7623 5108

F: 020 7623 5127

Certificate of Proficiency in Corporate Insolvency (CPCI) and Certificate of Proficiency in Insolvency (CPI)

Candidates may opt for one of the CPPI sister exams if they wish to primarily focus on either corporate insolvency (CPCI) or take the CPI which covers both corporate and personal insolvency. These exams are set at the same standard as the CPPI and will share some questions. All papers will be sat on the same dates.

The syllabi for the CPPI and CPCI are set out separately and although they largely duplicate the personal or corporate elements (as appropriate) of the CPI syllabus, candidates can expect the examiner to test knowledge of the range of corporate or personal insolvency solutions, including advisory aspects, in more depth than the generalist CPI exam. For example in the case of the personal insolvency paper (CPPI) there will be more weight given to non-statutory solutions eg. debt management plans and in the case of the corporate insolvency paper (CPCI), candidates can expect more weight to be given to pre-appointment advisory options.

The specialist papers will both include regulation, ethics, SIPs and other guidance which will account for approximately 20% of the available marks.

The Certificate of Proficiency in Personal Insolvency - syllabus

Matters relating to insolvency procedures generally

1. Demonstrate an awareness of the Statements of Insolvency Practice (SIPs), The Ethics Code, Guidance Papers and Technical Bulletins.
2. Demonstrate an awareness of the legislation and other rules relevant to insolvency including; Insolvency Act 1986 (as amended), Insolvency Rules 1986 (as amended), Company Directors Disqualification Act 1986, Insolvent Partnership Order 1994, Law of Property Act 1925, EU Regulations.
3. State the requirements to be fulfilled for an individual to act as an Insolvency Practitioner (qualifications and licensing).
4. Demonstrate an ability to provide best advice to debtors and directors re the range of insolvency options available to individuals, partnerships and companies, given a particular set of circumstances, including the advantages and disadvantages of each option recommended.
5. Explain how office holders' remuneration is authorised and the different bases of calculation.
6. State the requirements for an IP to maintain a Statutory Record.
7. Demonstrate an understanding of the need to maintain a diary system for statutory returns.
8. State the classes of assets that arise and describe the characteristics of each.
9. Explain the purpose of bonding and how the amount of the bond is calculated.
10. Demonstrate an awareness of the office holder's duty to investigate and/or recover assets.
11. Explain the antecedent transaction provisions and how they may be applied in particular circumstances.
12. Demonstrate a knowledge of how and when the ISA account is used including the calculation of Secretary of State fees and other charges.
13. Demonstrate an awareness of potential tax/VAT liabilities on bank interest received and sales of assets.
14. Demonstrate an awareness of basic financial accounting procedures including; maintaining a cash book, maintaining separate accounts for fixed and floating charge monies, preparations of bank reconciliations, analysis of receipts and payments accounts, preparation of receipts and payments accounts.
15. Understand what books and records should be collected from the insolvent entity and why. What rights do office holders have to such records?
16. Demonstrate a knowledge of documents including leases, debentures, other charges, HP and leasing agreements, ledgers, day books and cash books.
17. Understand the voting rights of creditors and the rules relating to proxies.
18. Demonstrate an understanding of the process for adjudication of creditors' claims and the rules of priority.
19. Demonstrate an awareness of how to calculate dividends, produce distribution statements and final receipts and payments accounts.

20. Understand how to deal with unclaimed dividends.
21. Consideration of the immediate steps to be taken on appointment (excluding strategic planning and trading on but including; i) checking on and taking out insurance; ii) instructing agents; iii) landlords; iv) distress and execution; v) public services; vi) HP/leasing; viii) obtaining legal advice where necessary; ix) disclaimer of onerous contracts.
22. Understand the rights of employees including ERA claims and preferential and unsecured additional claims.
23. Show how an ERA claim is calculated, how such claims are distributed and fees calculated.
24. Explain what returns are required to be completed for government departments; HM Revenue and Customs, Department of Social Security, Department for Work and Pensions.

Matters relating to personal insolvency

25. Differentiate between the different types of personal insolvency solutions including statutory and non-statutory types (including informal arrangements with creditors, mortgage and re-mortgage, debt management plans, debt relief orders, county court administration orders, bankruptcy and individual voluntary arrangements).
26. State the definition of an insolvent individual.
27. Identify the classes of creditors and their respective positions.
28. Explain the procedures for the admission and rejection of claims and the process to be followed by the office holder when declaring and paying a dividend.
29. Understand the role of not for profit and charity based solution providers.
30. Calculate figures to be included in the estimated outcome statement and statement of affairs.

Bankruptcy

30. Explain the procedures for the making of a bankruptcy order – who may present a bankruptcy petition and on what grounds.
31. State the effects of a bankruptcy order being made including the disabilities of bankruptcy.
32. Understand the respective positions and functions of the Trustee and Official Receiver.
33. State the powers and duties of the Trustee and when sanction would be required, from whom and how such sanction is obtained.
34. State the obligations of the trustee with respect to statutory notices, advertisements and filing requirements.
35. Define what assets form part of the bankruptcy estate.
36. State the definition of a family home property.
37. Explain how the beneficial interest in a family home property will be determined.
38. Understand what options are available to the trustee in respect of the beneficial interest, for example, buy-out of a trustee's interest, voluntary sale, an order for sale and possession, a charging order.

39. Explain in what circumstances the beneficial interest will re-vest in the debtor.
40. State how a low equity property (less than £1,000) would be treated.
41. Explain what the effect of bankruptcy is on a trading individual and how the business and assets will be dealt with by the trustee.
42. Understand the effects of a debtor disposing of assets after the bankruptcy petition.
43. Understand the process for constitution and the powers and duties of the creditors' committee.
44. State which claims are not provable in a bankruptcy.
45. Explain why claims may need to be marshalled where there are joint and several estates.
46. Describe the effect of and the processes involved in obtaining discharge. How may the trustee prevent the debtor from being discharged?
47. Describe on what grounds a bankruptcy may be annulled and what the effects of annulment will be.
48. Demonstrate an understanding of bankruptcy offences and explain what a bankruptcy restriction order and bankruptcy restriction undertaking are.
49. Understand the process of private and public examinations.
50. State the duration of bankruptcy.
51. Understand the requirements regarding annual progress reports.
52. How may a bankruptcy be completed?

Individual voluntary arrangements

53. Understand the roles of the nominee and supervisor.
54. State the powers and duties of the nominee and supervisor.
55. Describe the contents of the proposal.
56. Understand why protocol compliant IVAs were introduced.
57. Understand what a protocol compliant IVA is and explain in what circumstances the protocol will not apply.
58. Demonstrate a working knowledge of both R3 and protocol standard terms and conditions.
59. Explain how the matrimonial home may be treated within both protocol and non-protocol based proposals.
60. Describe how contributions from income may be dealt with in both protocol and non-protocol based proposals.
61. Demonstrate an ability to compile an income and expenditure statement.
62. Prepare a bankruptcy versus voluntary arrangement comparison statement.
63. Explain the provision for inclusion of third party contributions, the treatment of other assets and asset exclusion provisions.
64. Explain the procedures for obtaining an interim order and what the effects of obtaining an interim order will be.
65. Explain the rules and process for convening a creditors' meeting to consider a debtor's proposal and the documents to be provided to creditors including the nominee's comments.

66. Understand how creditors may seek to modify the proposal and the rights of creditors to challenge.
67. Understand the voting rights of creditors and the positions of secured and unsecured creditors including associated creditors.
68. State the effects of the approval of the voluntary arrangement.
69. Explain how the IVA process may differ where an individual is trading and how the business and assets may be treated in the IVA.
70. State the obligations of the supervisor with regards to annual progress reports.
71. Explain the treatment of associated creditor claims within the IVA proposals.
72. Understand how the debtor may be in default and the effect of failure of the arrangement.
73. Explain how the arrangement may be varied.
74. Understand how the arrangement may be completed and the effect of completion.
75. Demonstrate an understanding of how individual estates are managed where interlocking arrangements are proposed to deal with partnership liabilities. Explain how joint and separate estate creditors' claims are handled.

Debt Management Plans

76. Describe the main characteristics of a debt management plan and explain how a debt management plan differs from a voluntary arrangement and an informal arrangement with creditors.
77. State the main advantages and disadvantages of a debt management plan for both the debtor and the creditors.
78. Explain in what circumstances a debtor might be advised that a debt management plan was the most appropriate solution.
79. Demonstrate an awareness of the Debt Management Protocol.

Debt Relief Orders

80. Explain what a debt relief order is, who will be eligible for a debt relief order and the effects on the debtor and creditors.
81. Explain how a debt relief order is obtained through an authorised intermediary and the administration by the Insolvency Service.

County Court Administration Order

82. Describe the main characteristics of a County Court Administration Order.