

Insolvency & Restructuring: taking advantage of the new Insolvency Rules

Chapter 9 of the proposed Insolvency Rules 2016, ss.1.34 – 1.51 outlines proposed new rules for delivery & receipt of communications with Creditors. It applies to situations where any Notice (defined as “any document or any information in any form”) needs to be sent to Creditors or other stakeholders.

0.0. STATUTORY INSTRUMENTS

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2016 No. []

INSOLVENCY

The Insolvency Rules 2016

What provisions does it contain?

- Creditors may now elect to Opt Out of receiving future mailings, excluding dividends.
- Certain information must be sent to, and received back from, each Creditor regarding their ability to opt back in at any stage
- Each Creditor must give appropriate authentication and authorisation
- Delivery of Notices may now be by:
 - Post
 - Email
 - Website
 - DX (document exchange)

What are the issues/challenges for IPs and Business Recovery teams in complying with the proposed rules?

How quick - and at what cost – can they:

- Construct an initial mailing, with (personalised) response authentication mechanism?
- Organise and receive responses; compile appropriate, compliant databases; and provide secure data storage with audit trail?
- Simultaneously deliver subsequent Notices in all media - print, email, DX, website?
- Obtain legally-valid proof of transmissions & receipts for each method?
- Manage databases indefinitely including current and future Opt-Ins, Opt-Outs and revocations?
- Produce immediate follow-up mailings of hard copies on request by a Creditor?
- How best can they manage the entire process and leverage economies of scale?

Black and Callow can provide unrivalled experience and services to help and support you comply in each respect, including:

