



Insolvency Practitioner Regulation Section  
16<sup>th</sup> Floor  
1 Westfield Avenue  
Stratford  
London  
E20 1HZ

Tel: 020 7291 6771

[www.gov.uk/government/organisations/insolvency-service](http://www.gov.uk/government/organisations/insolvency-service)

**DEAR INSOLVENCY PRACTITIONER**  
**Issue 95 – April 2020**

*Message from the Insolvency Service*

*Dear Reader*

*Please find enclosed the latest updates from the Insolvency Service on the steps being taken during the COVID-19 pandemic.*

*In this issue:*

*Information/Notes page(s):*

**Chapter 5**

Article 81

**Insolvency Practitioner Services**

Processing of unpaid monies: Acceptance of CAU103 & 104 forms by email

**Chapter 29**

Article 3

Article 4

Article 5

Article 6

**COVID-19**

Books and Records During COVID-19 Restrictions

HMRC COVID-19 Insolvency Bulletin

COVID-19 Emergency Insolvency Legislation

COVID-19 Job Retention Scheme

## **81) Processing of unpaid monies: Acceptance of CAU103 & 104 forms by email**

As part of our business continuity planning during COVID-19, we have changed the way we deliver our services.

With immediate effect CAU 103 and 104 forms will be accepted via email.

To facilitate this new process, we ask that each CAU 103/104 form be sent by separate email to [Customerservices.eas@insolvency.gov.uk](mailto:Customerservices.eas@insolvency.gov.uk).

The signature on the requisition will then be checked against the signature held on our database. We will also check that the form is received from the email address of the case owner or one of their nominated representatives.

Please pay the monies electronically (via BACS, Faster Payment or CHAPS) using the details below. This will enable us to allocate the monies correctly and promptly:

Sort Code: 60-70-80  
Account Number: 10003231  
Account Name: GBS RE Insolvency Service  
Reference: U/C \*IP Surname\*

We anticipate that this revised process may affect the time within which we deal with each requisition and we will aim to process each request within seven working days.

This is the first time we have been able to accept electronic requisition and hope to do so with minimal disruption to our customers. We ask for your patience as the process is rolled out.

*Enquiries regarding this article may be sent to:*  
[CustomerServices.EAS@insolvency.gov.uk](mailto:CustomerServices.EAS@insolvency.gov.uk)

### **3) Books and Records During COVID-19 Restrictions**

Guidance in Chapter 10, Article 48, states insolvency practitioners should ensure the books and records are safe and secure, and that means taking delivery and reviewing the records in order to meet the following requirements of Statement of Insolvency Practice 2 (SIP2):

*The office holder should locate the company's books and records (in whatever form), and ensure that they are secured, and listed as appropriate.*

During current COVID-19 restrictions and government instructions to stay at home for all but essential travel, the guidance in Chapter 10 Article 48 has been revised to:

*Insolvency practitioners should continue to take all possible steps to locate and secure the records whilst keeping a detailed record of the action taken. They should also keep a record of their communications with directors regarding books and records, whilst the current restrictions are in place.*

#### **4) HMRC COVID-19 Insolvency Bulletin**

HMRC is committed to supporting businesses and individuals affected by coronavirus and for the majority, guidance already on GOV.UK will meet their immediate concerns. HMRC recognises that for individuals, companies and partnerships that are already in a voluntary arrangement and for insolvency practitioners who are supervising such arrangements, further guidance may be needed in cases where either contributions cannot be made, or post arrangement tax obligations cannot be met **as a result of the impact of COVID-19** on an individual's health or difficulties it is causing for an individual, company or partnership businesses.

Where the terms of an arrangement allow the supervisor discretion, we would expect that discretion to be exercised to its maximum, with reference to creditors only if essential.

- **HMRC will support a minimum three month break from contributions from customers impacted by COVID-19.**
- **There is no need to contact HMRC to request this deferment.**

On conclusion of the initial three months deferment, depending on the COVID-19 situation, further guidance will be issued. If necessary, further discretion could be applied without reverting to creditors.

Where the debtor or company is entitled to a deferral of taxes as explained here:

[www.gov.uk/government/publications/guidance-to-employers-and-businesses-about-covid-19/covid-19-support-for-businesses#support-for-businesses-through-deferring-vat-and-income-tax-payments](https://www.gov.uk/government/publications/guidance-to-employers-and-businesses-about-covid-19/covid-19-support-for-businesses#support-for-businesses-through-deferring-vat-and-income-tax-payments)

HMRC will not treat any deferment as a breach of any terms of the arrangement requiring payment of VAT as they come due. HMRC recognises however, that there may be cases where as well as the deferral, there has been serious non-payment of VAT pre-dating the present situation. In such cases, HMRC will notify you so you can deal with that breach in accordance with the arrangement's terms, although with the need to support the helpline and sometimes limited staff availability, that contact may not be for some time.

#### **HMRC enforcement activity during this period**

- HMRC has paused the majority of all insolvency activity for now. That means HMRC will not petition for bankruptcy and winding up orders unless it is deemed to be essential, i.e. fraud, criminal activity.

- HMRC will continue to deal with new company voluntary arrangement (CVA), administration, individual voluntary arrangement (IVA) and trust deed (TD) proposals to allow those businesses who need financial support, to get access to the appropriate insolvency regime.
- HMRC will consider fresh CVA, IVA, administration and TD proposals but will continue to exercise discretion on proposals.
- Where a supervisor or trustee representing a business or individual consider that clients are unable to maintain their IVA, CVA or TD payments, HMRC will support a variation to allow a three-month break from contributions.
- After the deferral period, from 1 July 2020, the supervisor or trustee representing a business or individual should be able to resume payments per the terms of any IVA, CVA and Trust Deed or they can contact Enforcement and Insolvency Service (EIS) to discuss a recovery Time to Pay arrangement depending on the circumstances.
- HMRC has suspended face to face visits to customers during this period.
- HMRC will continue vital work in protecting society from the highest harm criminal threats and attacks on our systems

If calling the coronavirus helpline for assistance relating to any IVA, CVA, TD or administration cases, the collector who deals with your call will take details and forward that information on to an experienced technical advisor who will be able to deal with your enquiry. They will respond to either confirm the request for any deferment, and for how long, or request further information, or decline it.

If you are contacting HMRC in relation to a new IVA, CVA, TD or administration, please continue to use existing communication lines rather than the coronavirus helpline. Details of EIS locations dealing with voluntary arrangements, trust deeds and administrations are detailed below.

## **EIS Contacts**

### **Trust Deeds (Scotland)**

HM Revenue and Customs  
Enforcement and Insolvency Service (EIS)  
Elgin House  
20 Haymarket Yards  
Edinburgh  
EH12 5WT

Email: [Trust.Deeds@hmrc.gsi.gov.uk](mailto:Trust.Deeds@hmrc.gsi.gov.uk)  
Telephone helpline: **0300 200 3873**

### **Company Administrations**

HM Revenue & Customs  
Enforcement & Insolvency (EIS)  
Company Administrations  
Brunel House  
2 Fitzalan Road  
Cardiff  
CF24 0EB

Email: [eisc.administration@hmrc.gov.uk](mailto:eisc.administration@hmrc.gov.uk)  
Telephone helpline: **0300 322 9250**

### **Members Voluntary Liquidations**

HM Revenue and Customs  
Enforcement and Insolvency Service  
Newcastle  
MVL Team  
Benton Park View  
Longbenton  
Newcastle upon Tyne  
NE98 1ZZ

Email: [eisw.mvl.team@hmrc.gsi.gov.uk](mailto:eisw.mvl.team@hmrc.gsi.gov.uk)  
Telephone helpline: **0300 322 7815**

### **Individual Voluntary Arrangements**

HM Revenue and Customs  
Enforcement and Insolvency Service (EIS)  
Elgin House  
20 Haymarket Yards  
Edinburgh  
EH12 5WT

Email: [vas@hmrc.gsi.gov.uk](mailto:vas@hmrc.gsi.gov.uk)  
Telephone helpline: **0300 322 7838**

### **Company Voluntary Arrangement Service**

HM Revenue & Customs  
Enforcement & Insolvency (EIS)  
Company Administrations  
Brunel House 2 Fitzalan Road  
Cardiff  
CF24 0EB

Email: [eisc.cva@hmrc.gsi.gov.uk](mailto:eisc.cva@hmrc.gsi.gov.uk)  
Telephone helpline: **0300 322 9251**

## **5) COVID-19 Emergency Insolvency Legislation**

The Business Secretary has announced that the government intends to introduce legislation as soon as possible to enable the insolvency regime to better support businesses during the pandemic. Measures in the bill:

- Introduce a moratorium period for distressed businesses to consider a rescue plan during which they will be protected from recovery action by creditors.
- Provide for the introduction of a new restructuring framework which will be able to bind creditors to a reorganisation plan.
- Ensure businesses entering insolvency can continue to access essential supplies to keep operating.
- Temporarily suspend wrongful trading rules for three months so that company directors can keep their businesses going without the threat of personal liability.

A copy of the Secretary of State's announcement can be viewed at:

<https://www.gov.uk/government/news/regulations-temporarily-suspended-to-fast-track-supplies-of-ppe-to-nhs-staff-and-protect-companies-hit-by-covid-19>

*Enquiries regarding this article may be sent to: [policy.unit@insolvency.gov.uk](mailto:policy.unit@insolvency.gov.uk)*



## **6) COVID-19 Job Retention Scheme**

The COVID-19 Job Retention Scheme is a temporary scheme open to all UK employers for at least three months starting from 1 March 2020. It is designed to support employers whose operations have been severely affected by coronavirus. A decision to use the scheme and furlough employees is likely to be a temporary measure to avoid or try to avoid dismissals.

Where employers/ administrators are furloughing their staff and they are not contemplating dismissing 20 or more staff in a single establishment, there is no requirement to carry out a formal consultation and notify the Secretary of State.

*Enquiries regarding this article may be sent to:*

[IPRegulation.Section@insolvency.gov.uk](mailto:IPRegulation.Section@insolvency.gov.uk)