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| Q:\X - Information and Communications\Corporate identity\LAB Logo.jpg | | | | **Application for Legal Services** Review of Personal Insolvency Arrangement | | | | | | | |
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| **Important:**  This application form is only used if you want to institute proceedings for a **court review of a rejected proposal for a personal insolvency arrangement**. Other application forms can be found at [www.legalaidboard.ie](http://www.legalaidboard.ie).  **How to complete this form:**   * You should complete the first page of this form (Personal Information) and sign it and give it to your PIP. Your PIP will complete the remainder of the form. * Please print letters and numbers clearly and answer all questions that apply to you. If a question does not apply to you, please insert N/A “not applicable”. * Your Scheme Number **must** be entered. If you do not have a scheme number, your PIP can apply to MABS on your behalf. * Incomplete forms may be returned and may delay processing your application. * Your PIP should email the completed form and all required documents to [solicitorspanels@legalaidboard.ie](mailto:solicitorspanels@legalaidboard.ie) * Tá leagan Gaeilge den fhoirm seo ar fáil freisin | | | | | | | | | | | |
| **PERSONAL INFORMATION** You must complete this part fully. | | | | | | | | | | | |
| Name | | |  | | Previous surname (if any) | | | | | |  |
| Tel No | | |  | | Mobile No: | | |  | | | |
| Email | | |  | | Date of Birth | | |  | | | |
| PPS No: | | |  | | | | | | | | |
| Address PPR  (give correspondence address also, if different) | | |  | | | | | | | | |
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|  | | | | | | | | |
| Applicant’s Scheme Number | | |  | | | | | | | | |
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| **DECLARATION – Please read carefully before you sign**   1. I am applying for civil legal aid and advice in connection with an intended application/application by my Personal Insolvency Practitioner for an order under section 115A(9) of the Personal Insolvency Act 2012 (as amended). 2. I confirm that all the information I have given on this form is correct and I have not deliberately left anything out. 3. I understand that if it is later found that I gave incorrect information on this form or have left out any information asked for on this form, the Legal Aid Board can take away my legal aid and I can be held liable for the cost of the service it provided up until that point. 4. I give the Board permission to obtain any details or other information about my case which the Board might require. 5. If any details on this form change I will inform the Board. 6. I acknowledge that at the end of my case, in certain circumstances the Board may charge me up to the full amount it cost them to provide me with legal services. I note that this will be explained to me in detail by my solicitor. | | | | | | | | | | | |
| **Signed** |  | | | | | | **Date:** | |  | | |
| [http://www.wpclipart.com/signs_symbol/gesture_mood/hand_pointer/.cache/pointing_finger_right.png](http://www.wpclipart.com/signs_symbol/gesture_mood/hand_pointer/pointing_finger_right.png.html)Your **personal insolvency practitioner** must complete the remainder of the form | | | | | | | | | | | |
| Name of PIP | |  | | | | | | | | | |
| Business address | |  | | | | | | | | | |
| Phone number | |  | | | | Email | | | |  | |

**STATEMENT OF FACTS**

1. This application for legal services relates to an application under section 115A of the Personal Insolvency Act 2012 (as amended)

**If the application relates to any other section of the Personal Insolvency Act 2012, or any other form of debt resolution, this is the incorrect application process and you should contact the Legal Aid Board for further information.**

* 1. The applicant has not made a proposal for a Personal Insolvency Arrangement in the last 12 months
  2. The applicant has made a proposal for a Personal Insolvency Arrangement in the previous 12 months

Where b. above applies, an order under section 91(3) of the 2012 Act allowing a second application within this period has been made in the applicants favour and a copy of said s91(3) court order is enclosed

**If this is the applicants second application for a Personal Insolvency Arrangement in a 12 month period but no s91(3) order has been made allowing such application, you should outline this in writing to the Board explaining the reasons with the application. The Board will either make a determination on the application in this regard or will advise on any additional steps to take.**

1. **Relevant Debt**

Please indicate how the named applicant satisfies the principle of ‘relevant debt’ as per S115A (18) of the Personal Insolvency Act 2012 (as amended):-

* 1. The named applicant was in arrears on the mortgage secured on their Principle Private Residence on the 1st January 2015 and in that regard documents are enclosed from the lender confirming this fact
  2. The named applicant was in arrears on the mortgage secured on their Principle Private Residence prior to the 1st January 2015 and had entered into an alternative repayment arrangement with the secured creditor concerned (and documents are enclosed from the lender confirming this fact). In that regard the alternative repayment arrangement satisfies the definition of such as defined by *Re Hill and Personal Insolvency Acts* [2017] IEHC 18

**If you are unable to indicate with certainty either 2 (a) and/or (b) above is satisfied, you should outline this in writing to the Board explaining the reasons with the application. The Board will either make a determination on the application in this regard or will advise on any additional steps to take.**

1. **Compliance with requirements for issuing proceedings**
   1. If proceedings have not yet been instituted, the date of the creditors meeting, or the notification received from the single creditor if section 111A of the 2012 Act applies, is as follows:-

**If proceedings have been instituted prior to making an application for legal services:**

* 1. Please confirm that the time limit and other requirements for instituting proceedings under section 115A(2) of the Act and having regard to the jurisprudence regarding the interpretation of this section, in particular *Re Hickey & Personal Insolvency Acts* [2017] IEHC 20 and *Re: Finnegan (a debtor)* [2019] IEHC 137
  2. The originating Notice of Motion has been issued in accordance with the requirements of section 115A(1) of the 2012 Act and Order 76A, Rule 21A RSC/Order 73, Rule 29A CCR (as applicable in the jurisdiction concerned) , and having regard to the jurisprudence regarding *locus standi,* in particular *Re Meeley & Personal Insolvency Acts* [2018] IEHC 38
  3. Please enclose a copy of the proceedings including the originating Notice of Motion, all documents necessary to ground the proceedings, and all other relevant court documents including any affidavits exchanged to date

**If you are unable to indicate with certainty 3 (b) and (c) above is satisfied, you should outline this in writing to the Board explaining the reasons with the application. The Board will either make a determination on the application in this regard or will advise on any additional steps to take.**

1. **Class of Creditors**

Section 115A (9)(g) of the 2012 Act provides that a court cannot make an order under section 115A unless either:

* at least one class of creditors has accepted the proposed arrangement, by a majority of over 50 per cent of the value of the debts owed to the class.
* there is just one creditor
  1. Section 111A of the Personal Insolvency Act 2012 (as amended) applies and section 111A has been invoked in the correct circumstances and as outlined in *Re O'Hara and Personal Insolvency* Acts [2019] IEHC 96

* 1. A certificate with the result of the vote taken at the creditors’ meeting, defined by section 115A (2) (d)(i) of the 2012 Act, is enclosed

If the application is being made on the basis of over 50% of a class of creditor having accepted the proposal at a creditors meeting, please indicate which class/classes of creditors has/have accepted the agreement by a majority of over 50%:- \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* 1. Please indicate how the class of creditors which has accepted the proposal satisfies section 115A (17)(a)(ii) of the Act, citing jurisprudence in relation to this/these class/classes of creditors being acceptable to the court for the purpose of a section 115A application:-

**If you are unable to indicate with certainty either 4 (a), (b) and/or (c) above is satisfied, you should outline this in writing to the Board explaining the reasons with the application. The Board will either make a determination on the application in this regard or will advise on any additional steps to take.**

1. **The merits of the S115A application**

Please outline how you, as the applicant’s Personal Insolvency Practitioner, aim to satisfy sections 115A (8) and (9) of the Personal Insolvency Act 2012 (as amended). In particular, you should address how the proposal is not unfairly prejudicial to any class of creditors and how the proposal will enable the debtor to reside in their home long term. You must outline how you propose to treat the debt and that this proposal with regards to the treatment of the debt has been seen to be acceptable to the court. You must cite specific jurisprudence illustrating how your proposal satisfies what has been seen to date to be acceptable to the courts in the area of personal insolvency and enable the debtor to return to solvency.

**Pro forma responses will not be accepted and the application will be returned. Use additional paper if necessary.**

**The merits of the S115A application:-**

**The Board will either make a determination on the application with regard the merits outlined or will advise on any additional steps to take.**

1. **Notice of Objection**

Have any Notice(s) of Objection been served to date by the / any of the objecting creditor(s)? Yes No

If yes, a copy (together with any replying affidavit) must be enclosed with the application.

**The Board may be obliged to query any particular objections at this point and will advise on additional steps that may be necessary to allow a determination on the application for legal aid.**

1. **Certification of the Personal Insolvency Practitioner**

* I certify that the particulars outlined in this statement of facts are in all respects true;
* I certify that by ticking a selection I am confirming that aspects of the application applies and is in all respects accurate;
* I believe my client satisfies the merits criteria of the Civil Legal Aid Act 1995 and the regulations made thereunder;
* I understand that the Board may query any aspect of this statement of facts or direct me to obtain an expert opinion before a determination on the application for legal aid is made;
* I understand that if any aspect of the statement of facts is shown to have been false the Board may, in accordance with Regulation 9 of the Civil Legal Aid Regulations, revoke or terminate the Legal Aid Certificate;
* I understand that if any aspect of the statement of facts is shown to have been false the Board may withhold payment in accordance with the paragraph 9.4.2 of the terms and conditions of the Abhaile Personal Insolvency Practitioners Panel.

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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|  | **Please check that you have included a copy of the proposal for a Personal Insolvency Arrangement**  **If proceeding have been instituted please include:**   * **The originating notice of motion** * **All documents necessary to ground the application** * **Any notices of objection** * **All affidavits exchanged to date** * **Any other relevant court documents** |
| **Please return this form and all enclosures via email to** [**solicitorspanels@legalaidboard.ie**](mailto:solicitorspanels@legalaidboard.ie)  **or alternatively to Legal Services, Legal Aid Board, Quay Street, Cahirciveen, Co Kerry V23 RD36.** | |
| **Data Protection and Freedom of Information**  **The Legal Aid Board will treat all information and personal data you give as confidential. The Board will only disclose it to other people or bodies according to the law.** | |