

Tax & Duty Manual

Procedures for Personal Insolvency Caseworking

Collector-General's Office

Updated June 2015

A more recent version of this manual is available.

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1. Background – Legislation

- 1.1 The **Personal Insolvency Act**, signed into law on 26 December 2012, introduced three new debt resolution processes for individuals in financial difficulty. Although essentially non-judicial in nature, the debt resolution processes will require approval by the Court. The main features of the processes are as follows:

(1) Debt Relief Notice (DRN)

- Total **debts less than €20,000**
- Assets less than €400
- Net Disposable Income less than €60 per month
- [Insolvency](#) established
- Three years allowed for discharge (i.e. write-out) of the debt
- Non-payment arrangement
- Annual Review of applicant's circumstances by Approved Intermediary.

(2) Debt Settlement Arrangement (DSA)

- **Unsecured debts**, e.g. credit cards - **no threshold or limit**,
- 75% of debts must be at least six months old
- [Insolvency](#) established
- Five years allowed for discharge of the debt – possible extension of 12 months
- Annual Review of applicant's circumstances by Personal Insolvency Practitioner

(3) Personal Insolvency Arrangement (PIA)

- **Secured and Unsecured debts where the secured debts are less than €3,000,000** (may be higher if all secured creditors agree)
- 75% of debts must be at least six months old
- [Insolvency](#) established
- Six years allowed for discharge of the debt - possible extension of 12 months
- Annual Review of applicant's circumstances by Personal Insolvency Practitioner

Full details of the Act and explanations of the various arrangements are available on ISI's website <http://www.isi.gov.ie/>

- 1.2 These insolvency arrangements relate to [specified \(established\) debt](#) only. Therefore, where there is Revenue debt, all returns must be filed up to the date of the arrangement and it will be the responsibility of the C-G's Debt Management Units to manage the majority of cases.

1.3 The Act provided for the establishment of [Insolvency Service of Ireland \(ISI\)](#). The role of the ISI includes monitoring the operation of the new insolvency arrangements and bankruptcies and authorisation and provision of licenses to the [Approved Intermediaries](#) and the [Personal Insolvency Practitioners](#).

1.4 **Approved Intermediary (AI):**

- is authorised by the ISI to support a debtor who wishes to apply for a Debt Relief Notice (DRN);
- is qualified to assess an individual's financial status;
- will confirm the individual's eligibility to apply for a DRN, (i.e. that the individual is insolvent and unlikely to become solvent in the next 3 years);
- will be the intermediary between the applicant and their creditors;
- will present the insolvency arrangement to the ISI for approval, once approved the ISI will present the arrangement to the Courts for its implementation.

All Debt Relief Notices (DRNs) will be processed by Approved Intermediaries (AIs).

1.5 **Personal Insolvency Practitioner (PIP):**

- is authorised by the ISI to make an application for a DSA or PIA on behalf of a Debtor;
- is qualified to assess an individual's current financial status;
- will confirm the individual's eligibility to apply for a DSA or a PIA, (individual is insolvent and that they are unlikely to become solvent over the term of the arrangement);
- will recommend the best course of action based on their review of an individual's financial status;
- is the intermediary between the applicant and their creditors;
- will present the insolvency arrangement to the ISI for approval once, approved the ISI will present the arrangement to the Courts for its implementation.

All DSAs/PIAs will be processed by Personal Insolvency Practitioners (PIPs).

1.6 **The C-G's Insolvency Unit (IU):**

- will be the first point of contact for all AIs and PIPs;
- will maintain a database of all cases that have applied for insolvency arrangements;
- will assign cases to the relevant Debt Management Units or to the relevant District.

2. Procedures for Dealing with Personal Insolvency Cases

2.1 The **C-G's Insolvency Unit** will be the first point of contact between Revenue and AIs/PIPs.

➤ **Non-C-G Tax Debt Only - e.g. CAT**

The C-G's Insolvency Unit will enter the case on their database and will notify the relevant District of contact by AI/PIP. The C-G's Insolvency Unit will open a workitem on ICM and record all the relevant details. See [Appendix 5](#). The District will then be responsible for proceeding with the case.

➤ **Ongoing Audit/Appeal or a Proposed Audit**

The AI/PIP must notify the C-G's Insolvency Unit if there is an on-going or proposed audit/appeal. If this is the case, then the C-G's Insolvency Unit will inform the AI/PIP that an arrangement cannot be made until the audit or appeal is finalised, as the Revenue debt is not fully quantified and therefore cannot be specified.

➤ **C-G Tax Debt Only**

C-G's Insolvency Unit will enter the case on their database and notify the relevant DM Manager/Supervisor of contact by AI/PIP. The C-G's Insolvency Unit will open a workitem on ICM and record all the relevant details. See [Appendix 5](#). The DMU will have responsibility for proceeding with the case.

➤ **Both C-G and Non-C-G Tax Debt**

C-G's Insolvency Unit will enter case on their database and notify the relevant DM Manager/Supervisor of contact by AI/PIP. The C-G's Insolvency Unit will open a workitem on ICM and record all the relevant details. See [Appendix 5](#). The DMU will have responsibility for proceeding with the case, including making contact with the District in relation to the Non-C-G tax debt.

➤ **Debt at Enforcement**

Once an application is made for a DRN, DSA or PIA, the caseworker will e-mail all enforcement agencies that are pursuing the taxpayer's debt and request that the enforcement action be put on hold. The caseworker will also request a figure for the fees due. See [Notice to enforcement agencies](#)

Once a DRN is agreed:

- The total tax debt will be written out
- Referrals/warrants withdrawn
- Claims for fees will be dealt with under the existing Enforcement Contract/Agreement.

In DSA and PIA cases:

- The caseworker will issue a final demand to the PIP with Revenue's decision to opt in or out. The final demand will include:
 1. All the specified tax outstanding including the tax that is with an enforcement agency for collection,

2. All interest charged on the tax debt. For the debt at enforcement the interest figure will be the amount included on the referral. Where the debt was included in a judgment, court interest will also be included in the demand. For debt not at enforcement the interest will be calculated as follows:
 - Where the PIP requests Revenue to opt in before the PC (Protective Certificate) issued interest will be calculated to the date Revenue opted into the DSA/PIA.
 - Where the PIP requests Revenue to opt in after the PC issued interest will be calculated to the date of the PC.
3. Any Court determined penalties outstanding as the result of an audit,
4. All fees, commission and poundage due to the enforcement agency, the enforcement agency will notify the caseworker of the amount to be included in the final demand. The commission and poundage will be calculated by the enforcement agency on the debt due by the taxpayer to the enforcement agency,

The following material is either exempt from or not required to be published under the Freedom of Information Act 2014.

[...]

➤ **Secured Debt**

A **secured debt** is a debt that is secured against an asset of the individual. The most common secured debt is a Mortgage by a financial institution over a property. Revenue may also have a secured debt in the form of a Judgment Mortgage on the property of the individual.

While secured debt is not included in a DSA, a DSA can be agreed where there is secured debt. A PIA will include reference to the secured debt in the agreement and may include a write down of the secured amount.

In a PIA, once the PIP notifies the creditors of the issue of a [protective certificate](#), the secured creditor must send the PIP the market value of the security and a preference as to how the secured debt is to be treated. See [When to make a secured debt notification](#)

➤ **Preferential Debt**

A **preferential debt** is a debt which has priority for payment before other debts.

In Revenue's case preferential debt means:

- The VAT/PREM/RCT tax debt for twelve months prior to the date the Protective Cert issues from the Court and any interest chargeable on the periods.
- The twelve month IT/CGT period with the largest tax debt and any interest chargeable on the period.

In accordance with sections 67 and 101 of the Personal Insolvency Act 2012, all preferential debt due will be paid in priority to any other creditor in a DSA or PIA. Once the PIP notifies the creditors of the issue of a [protective certificate](#) s/he must also request evidence of any preferential debt claim to be made by the creditors. The onus will be on Revenue to prove that a debt is preferential - See [How to make a preferential claim](#)

As the Personal Insolvency Act 2012 gives priority to the payment of preferential debt, Revenue can insist that all preferential debt be paid before any other creditor. In most cases Revenue will insist that the preferential debt is paid first.

However, in some cases where the PIP can prove to the caseworker's satisfaction that if Revenue was to insist the preferential debt be paid first the other creditors would refuse to enter into an arrangement and it would fail, Revenue may agree to have the preferential debt paid over the life of the arrangement.

- 2.2 Having provided all the necessary information, the AI/PIP will then make a formal request to the Debt Management Unit (DMU) seeking Revenue's consent to involvement in the arrangement. The DMU will notify the C-G's Insolvency Unit of the formal request and Revenue has 21 days to agree to a DRN or to opt in/out of a DSA / PIA arrangement.
- 2.3 AIs and PIPs have been notified of Revenue's minimum requirements in relation to information to be provided. These requirements are listed under each type of insolvency arrangement below and are also published on Revenue's website under [Guidelines for Approved Intermediaries and Personal Insolvency Practitioners](#).
- 2.4 Revenue is automatically deemed to have consented to an arrangement if a decision is not notified to the AI/PIP within 21 days. Therefore it is very important that the AI/PIP are notified when Revenue does not agree to a DRN or wishes to opt out of a DSA/PIA.
- 2.5 **In relation to DRNs** – Revenue has agreed with the ISI that the AI will have a 70-day setting-up period which begins on the day of the formal request to Revenue. During this period all caseworking of Revenue debt, including debt at enforcement, must be put on hold. The relevant enforcement agency must be contacted immediately and instructed to put collection on hold. During this 70-day period the AI will proceed to get the approval of the ISI before applying to the Court for final approval. The 70-day period can be extended in certain circumstances, where caseworker agrees this is necessary.
- 2.6 **In relation to DSAs/PIAs** - the PIP can apply to the Court for a Protective Cert before or after the formal request is made to Revenue. When the Protective Cert is granted all creditors including Revenue must hold collection / enforcement for 70 days. The relevant enforcement agency must be contacted immediately and instructed to put collection on hold. The 70-day protective period can be extended in certain circumstances.
- 2.7 Where Revenue opts out, normal caseworking procedures will continue - but only after the Protective Certificate/DRN setting up period has been completed.
- 2.8 Where Revenue consents to a DRN, the AI will proceed to get the approval of the ISI before applying to the Court for final approval.
- 2.9 Where Revenue consents to opt in to a DSA/PIA arrangement, the PIP will prepare a payment proposal and ask creditors to vote to either accept or reject the terms of the proposal. In order for the payment proposal to proceed, creditors representing -
in the case of a DSA
 - (i) a minimum of 65% of the debt value
in the case of a PIA
 - (i) a minimum of 65% of the debt value and
 - (ii) half of the value of the secured debt and

(iii) half of the value of the unsecured debt

must vote to accept the arrangement. Even if Revenue, having consented to opt in, vote against the proposed arrangement, where the minimum percentage of creditors vote to accept the arrangement, it may still proceed and Revenue will be bound by the terms.

2.10 Once the arrangement is accepted the PIP will proceed to get ISI approval before applying to the Court for final approval.

2.11 When setting up a DSA/PIA approved arrangement where there is no secured debt, the payments are to be allocated to the outstanding taxes in the following order:

(i) Preferential Debt

(ii) Remaining outstanding PREM

(iii) Other taxes

2.12 Where a DSA/PIA approved arrangement subsequently fails, either with regard to the specified debt or compliance for current taxes, Revenue will initially liaise with the PIP before considering whether to apply to the Court to have the arrangement terminated as the breach may be as a result of a payment variance or a payment break. Where the debtor is in arrears with his/her payments for 6 months then the arrangement has automatically failed and the ISI will terminate it.

2.13 A payment variance or a payment break is available to the PIP where they believe that the debtor's circumstances have changed and the debtor will no longer be able to pay the agreed payment. The PIP will call a creditor's meeting and the creditors will vote on whether to accept or reject the changes. However where a DSA/PIA contains terms for a payment variance or a payment break the PIP may introduce these options without calling a creditor's meeting.

2.14 **Payment Variance** - Where the variation is less than 5% of [set costs](#) and the DSA/PIA contain terms for a payment variance, the PIP may reduce the contributions made to the creditors without seeking a creditor's meeting. The creditors will be given 14 days notice of the reduction and the reason for the variance. This reduction will not require an extension of the length of the DSA/PIA to cover the reduction in the payments.

2.15 **Payment Break** - A payment break may be no less than 2 months and no more than 4 months on each occasion. The overall break must not exceed 12 months. The arrangement may be extended by up to 12 months to take account of these breaks. Payment breaks cannot run concurrently. A break may be appropriate where:

(i) the debtor faces an emergency or unusual item of expenditure or

(ii) there is an unforeseen temporary reduction in the debtor's income

If the debtor avails of a payment break as approved by the PIP then the DSA/PIA cannot be terminated as a result of the breaks.

2.16 Where a caseworker needs to terminate an arrangement they will fill out the form on the ICM system and forward the form to the C-G's Insolvency Unit who will commence the Court proceedings.

2.17 If a creditor applies to the Court for a termination of the arrangement the ISI (as well as the PIP) will inform all the creditors. The PIP will notify the ISI where the arrangement is 6 months in arrears and the arrangement will be automatically terminated.

3. Guidelines for Caseworkers where a taxpayer has applied for Insolvency

3.1 The following will apply in all cases where an individual has applied for one of the new insolvency options:

- **All time periods are calendar periods and not working days. It is important that the 21 day deadline for consent is not missed by the caseworker.**
- Tax Clearance will not issue to an individual while negotiations are on-going. Tax Clearance will issue only when the arrangement is in place and is issued subject to the normal rules for tax clearance as if an instalment were in place.
- The debt included in an arrangement is '[specified](#)' and does not include taxes falling due after the [specified date](#). Therefore, normal debt collection procedures will apply to any taxes not included in the original specified debt figure. All current taxes should be paid as they fall due during the negotiations of the insolvency arrangement.
- It is very important that clear notes are input on ITP at each stage of the insolvency arrangement to ensure that tax included in the specified debt is not pursued or that tax written out under an insolvency arrangement is not written back in error.
- All initial contact by an AI or PIP will be with the C-G's Insolvency Unit as set out in [Guidelines for Approved Intermediaries and Personal Insolvency Practitioners](#)
- C-G's Insolvency Unit will provide the AI/PIP contact details and individual's information when referring the case to the relevant DMU Manager/Supervisor.
- DMU Manager/Supervisor will assign the case to a designated insolvency caseworker.
- Revenue should **opt out** of any arrangement where
 - All required information is not received with the formal request for a DRN, DSA or PIA.
 - A case is under Audit or Appeal.
 - Any creditor is to receive a larger proportion of their debt outstanding than Revenue. With the possible exception of the bank holding the mortgage on a PPR.
 - The individual has failed on a regular basis to meet their legal obligations to file and pay their correct tax debts. Example: numerous failed instalment arrangements, prosecution for non-submission of returns.

The following material is either exempt from or not required to be published under the Freedom of Information Act 2014.

[...]

In DSA and PIA Cases

- The caseworker should be aware of the portion of the debt that is preferential and the portion that is not. Preferential Debt will be paid before any other creditor, this may give Revenue a higher percentage of debt payment than creditors with no preferential debt.

- The caseworker will request details of the total outstanding fees from the enforcement agency and notify the PIP of the full amount of tax, interest, penalties, fees, commission/poundage due to the enforcement agency.
- The caseworker will be responsible for the review of any proposal and the decision to participate in the arrangement will be made by the caseworker.
- Referrals or Warrants will not be withdrawn from the enforcement agency
- Once the caseworker has agreed to the arrangement, the PIP will deal directly with the relevant enforcement agency for the payment of tax, interest, penalties, fees and commission/poundage due to the enforcement agency. Any tax and interest specified in the arrangement but not enforced will be paid directly to Revenue.
- Pension funds can now be accessed early by individuals and can be an option for payment of insolvency arrangements. If there is no pension fund listed in the Prescribed Financial Statement (PFS), caseworkers should in all such cases, confirm that none exist. If a pension is listed in the PFS and not included in the arrangement, the caseworker should establish the reason for the omission. Any pension due to be paid within 6 years and 6 months of the date of the application for the protective cert in the case of a DSA and 7 years and 6 months in the case of a PSA must be included in the arrangement.
- A DSA or PIA must make provision for the payment of all current tax liabilities incurred by the debtor during the course of the DSA or PIA. Failure to comply with this requirement would enable the Collector-General to apply to the Court for the termination of a DSA or PIA as appropriate.

- Where there are tax liabilities arising on the sale or other realisation of an asset in an arrangement, then these liabilities are considered, for the purposes of the arrangement, to arise after the Effective Date (date DSA/PIA begins) and must be paid on or before the date they are required by law to be paid (e.g. CGT on the disposal of assets held in trust under the terms of a DSA or a PIA).
- Caseworkers should note that any overpayments by Revenue to a taxpayer in relation to TRS must be included in the specified debt of an arrangement. The personal insolvency caseworkers will have access to the TRS database to check if any monies are outstanding.
- An insolvency arrangement will also include any amounts outstanding for E-Levy and Customs and Excise Duties.
- When a DSA/PIA has been agreed and there is no secured debt, the payments will be allocated as follows:
 - All preferential tax and interest on the preferential tax
 - Any remaining PAYE/PRSI balance
 - All other taxes.

4. Debt Relief Notice (DRN)

4.1 An individual can apply for a DRN where:

- Total Debts < €20,000
- Mainly unsecured debts, e.g. credit cards
- Assets < €400
- Net Disposable Income < €60 per month

The following conditions also apply

- Three year supervision period following which the debt will be discharged.
- Only one DRN in a lifetime.

4.2 The individual contacts an AI to act on their behalf. Revenue will deal only with the AI in relation to the specified debt. When a DRN is approved the individual's name will be placed on the public register of DRNs. When the three year supervision period is reached the individual's name will be removed from the register.

The Caseworker:

4.3 On receipt of notification from the C-G's Insolvency Unit that the taxpayer has applied for a DRN, the caseworker will take the following initial steps:

- Contact the AI to request confirmation from the individual that the AI can act on their behalf. The AI will have registered on ROS and all submissions will be made via MyEnquiries. The authorisation will be kept on the IC system and the caseworker will input a note on ITP and ICM stating that the AI is acting on the individual's behalf in an application for a DRN. See [Appendix 2](#) for text of note.
- Specify the information required by Revenue to accompany a formal request:
 - All tax returns must be up to date.
 - A copy of the Prescribed Financial Statement (PFS).
 - Confirmation that all current taxes will be filed and paid as they fall due.

These are Revenue's minimum requirements and additional information may be sought by the caseworker to confirm the taxpayer's financial position as per the PFS.

- Remind the AI that they have two weeks to make a formal application for a DRN. If a formal request is not made within the two weeks normal collection procedures continue. Revenue may consider a formal request received after the two week deadline is exceeded. However, the case may have already progressed to enforcement.
- Issue a final demand to the AI of the outstanding taxes including any debt at enforcement, any penalties due from an audit and interest on the outstanding taxes. The interest on the tax referred to enforcement is the interest figure on the original referral. The debt at enforcement, the penalty and interest figures will have to be manually input on the final demand by the caseworker. Caseworkers should input the additional figures on the final demand in Word and into the ICM notes.

4.4 On receipt of the AI's formal request to Revenue for a decision in relation to a DRN, the DMU caseworker will notify the C-G's Insolvency Unit. The DMU caseworker will remind the AI that

they have 70 days from the date of the formal request to complete the DRN arrangement process - this includes having the arrangement approved by the ISI and the Courts. All Revenue debt including that at enforcement should be put on hold. A Stop 54 should be input on the case.

4.5 Once the formal application is made, the DMU caseworker has 21 days to review the request, seek clarification or further information, to decide whether or not to consent to be involved in the process and to notify the AI of Revenue's decision.

4.6 On reviewing the information provided and depending on what is received the following will occur:

- Where a substantial amount of the necessary information is not included - Revenue does not consent.
- Where most of the information is provided – contact AI and request additional information.
- Where the information does not match with Revenue records – contact AI and verify information.
- Where all information is received – review case and provide AI with decision within 21 days.

Revenue's Minimum Requirements in order to consider whether to consent:

- Individual details to include name, address and PPSN
- Confirmation from the individual that AI can act on their behalf and confirmation of AI's authorisation
- All tax returns up-to-date
- A completed Prescribed Financial Statement.

4.7 If there is no other [excludable debt](#) or where it is known that the other excludable creditors will consent (contact with other excludable creditors may be required), then Revenue will consent to the DRN for all these cases.

4.8 Having made the decision either to consent or not consent, the DM caseworker will notify C-G's Insolvency Unit and the AI. It is important that the caseworker remembers to notify the AI when Revenue does not consent to the DRN - if we fail to notify the AI of our decision we will be deemed to have consented to the DRN. ([Appendix 1 –Letters to AI of decision](#)).

4.9 **If Revenue does not consent**, the caseworker will notify the AI and provided the AI is not continuing with the DRN, Revenue may proceed with normal collection procedures. If the AI is continuing with the DRN, Revenue must continue to hold collection for 70 days starting on the date of the formal request. The caseworker should ensure that any relevant enforcement agency is aware of the 70 day hold.

- 4.10 **If Revenue consents**, the caseworker will notify the AI of Revenue's consent and remind the AI that the collection of the [specified tax debt](#) is on hold until the 70-day setting up period expires. The 70-day period will have begun on the date the formal request for a DRN was made to Revenue. A **Stop 10** is placed on the debt specified on the Debt Relief Notice and a note input on ITP and ICM.
- 4.11 During the 70-day setting up period, the AI will confirm that current taxes will be paid as they fall due and apply to the ISI and the Court for the DRN to be approved. Any taxes that fall due during the setting up period must be filed and paid as they are not included in the [specified tax debt](#).
- 4.12 Where Revenue consents and the Court has approved the DRN, the caseworker will write-out the [specified tax debt](#) at the date of the arrangement. All enforcement activity must be withdrawn. Once all the information is input into ICM and ITS notes, see [appendix 2](#) for text of notes, the case can then be closed.
- 4.13 The caseworker should contact the ISI where a current compliance problem arises during the supervision period. If the issue cannot be resolved it may result in the DRN being terminated by the Courts and the tax debt being re-instated.
- 4.14 If the individual adheres to the DRN conditions for the three-year supervision period then all debts included in the DRN are permanently discharged.
- 4.15 An individual may finish a DRN early if half of the debt owed in the DRN arrangement is paid before the end of the supervision period. In these cases, the legislation states that any payments will be allocated firstly to the [excludable creditors](#) and any available balance will be allocated to the remaining creditors. See [example below](#).
- 4.16 The ISI must notify Revenue of a change in the individual's circumstances. Where an individual's net monthly salary increases by > €400, then half of the increase must be used to pay the debts included in the DRN. The payments will continue until the DRN supervision period finishes or half the debt included in the DRN is paid. See [example below](#).
- 4.17 The ISI will notify Revenue when the DRN is successfully completed and the individual will be removed from the Insolvency Service's Register of DRNs. The caseworker will input a note in ICM and ITP stating that the taxpayer has successfully completed a DRN and the tax is permanently written-out and the write-out stops should never be removed. See [Appendix 2](#) for text of note.
- 4.18 Examples of DRN cases are set-out on the following pages:

5. Examples of DRN

Example 1: DRN – Revenue Consents to being included

John is unemployed and in receipt of Social Welfare income of €744 per month. John's house was re-possessioned in 2011 and he moved back in with his parents.

John's current insolvent position

<u>Assets</u>		<u>Monthly Income</u>	
Car	€1,500.00	Monthly Net Income	€744.00
Tools	€ 300.00		
Total	€1,800.00		
<u>Debts</u>		<u>Monthly Expenses</u>	
Credit Card	€7,000.00	Reasonable Living Expenses	€1,045.48
Revenue Commissioners	€8,000.00*	Net Disposable Income	
Mobile Phone	€ 800.00	(prior to servicing debt)	- € 301.48
Total	€15,800.00		

*Revenue Debt includes Tax of €7,400 and interest of €600.

The AI has determined that Tom is eligible to apply for a DRN. The AI contacts Revenue and supplies all the required information as outlined above. Once the caseworker is satisfied that all Revenue requirements are met, s/he should consent to Revenue being included in the DRN and proceed with the debt write-out.

Example 2: DRN – Revenue Does Not Consent to being included

Tom is an unemployed construction worker in receipt of Social Welfare income of €744 per month. He lost his job 10 months ago and now lives at home with his parents.

Tom's current insolvent position

<u>Assets</u>		<u>Monthly Income</u>	
Tools	€3,000.00	Monthly Net Income	€744.00
Jewellery	€ 300.00		
Total	€3,300.00		
<u>Debts</u>		<u>Monthly Expenses</u>	
Credit Card	€7,000.00	Reasonable Living Expenses	€933.14
Revenue Commissioners	€8,000.00*	Net Disposable Income	
Mobile Phone	€ 800.00	(prior to servicing debt)	- €189.14
Total	€15,800.00		

*Revenue Debt includes Tax of €7,400 and interest of €600.

Having determined Tom's eligibility to apply for a DRN, the AI contacts Revenue. As Tom has **not** filed his 2011 Income Tax return, Revenue **opts out** of the DRN. The AI continues to set up the DRN without including Revenue and after the 70-day setting up period Revenue continues to collect the outstanding debt as normal.

If the outstanding IT return is filed within 10 days of the AI being notified and all other Revenue requirements are met, Revenue will **opt in** to the DRN.

Section 38(2) and (3) of the Personal Insolvency Act 2012, states that all excludable creditors will be paid before any monies are given to unsecured creditors. This will apply in cases where the taxpayer's circumstances change and a payment can be made to the outstanding debts.

In the cases below Revenue's debt is paid in full before the balance of the proceeds goes to the remaining creditors. The AI has no right to allocate the proceeds any differently.

Example 3: DRN – Finishes Early

Jane is a hairdresser. She has suffered a substantial drop in business in the last 12 months and now has a net monthly income of €1,300.

Jane's current insolvent position

<u>Assets</u>		<u>Monthly Income</u>	
Household items	€2,000.00	Monthly Net Income	€1,300.00
Car	€1,700.00		
Total	€3,700.00		
<u>Debts</u>		<u>Monthly Expenses</u>	
Credit Card	€4,000.00	Reasonable Living Expenses	€1,045.48
Revenue Commissioners	€3,000.00*	Rent	€ 210.00
Total	€7,000.00	Net Disposable Income (prior to servicing debt)	€ 44.52

*Revenue Debt includes Tax of €2,800 and interest of €200.

The AI has determined that Jane is eligible to apply for a DRN. The AI contacts Revenue and supplies all the required information. Once the caseworker is satisfied that all Revenue requirements are met, s/he should consent to Revenue being included DRN and proceed to write-out the debt.

After year 1, Jane receives an inheritance of €5,000 and wishes to exit the DRN. Jane will pay €3,500 (half the specified debt) to exit the DRN. As per the legislation, the payment will be allocated as follows:

Debts

Revenue Commissioners	€3,000.00
Credit Card	€ 500.00
Jane	€1,500.00
Inheritance	€5,000.00

The caseworker will remove the write-out stops.

Example 4: DRN – Change in Circumstances

Jane is a hairdresser. Her insolvent position is as above, the DRN is approved and the Revenue debt is written out.

Eighteen months into the supervision period Jane's income increases by €500 per month. As Jane's income has increased by more than €400 per month, the ISI contacts Revenue with an offer of a monthly payment of half the increase in order to comply with the legislation.

Jane will make the following payments:

14 months @ €250 = €3,500.

As per the legislation, €3,000 (12 months @ €250) will be paid to the tax debts and the remaining €500 (2 months @ €250) will go to the credit card provider. Jane's DRN will finish before the end of the three year supervision period as she will have paid half the specified debt in 2 years and 8 months. (18 months of no payments and 14 months of payments).

The caseworker will remove the write-out stops and set up an instalment to collect the tax and interest.

6. Debt Settlement Arrangement (DSA)

An individual can apply for a DSA where:

- 75% of debts are at least six months old
- Unsecured debts only – e.g. credit cards
- Insolvent

The following conditions also apply

- Five years allowed for partial payment of the debt – possible 12 month extension
- Annual review of financial circumstances carried out by the PIP
- Only one DSA in your lifetime
- Publication of debtor's arrangement on the ISI's Public Register of DSAs

6.1 The individual contacts a Personal Insolvency Practitioner (PIP) to act on their behalf. Revenue will negotiate the arrangement with the PIP in relation to the specified debt.

6.2 A PIP may apply for a protective certificate before notifying Revenue of the taxpayer's intention to enter a DSA. A formal request will then be sent to Revenue and the caseworker will have 21 days to make the decision to opt in or out. If a protective certificate issues from the Court all collection by Revenue must be put on hold, including debt at enforcement. The caseworker should contact the relevant enforcement agency and inform them of the protective certificate. In this scenario please follow the steps in 6.3 and then skip to [point 6.7](#) and continue from there.

6.3 The Caseworker:

- Contacts the PIP to request confirmation from the individual that PIP can act on their behalf and confirmation that the PIP is authorised. The PIP will register on ROS and all submissions will be made via MyEnquiries. The authorisation will be kept on the IC system and the caseworker will input a note on ITP/CRS and ICM that the PIP is acting on the individual's behalf in an application for a DSA. The caseworker will then input the PIP as the agent on file for Income Tax only.
- Specifies the minimum information required by Revenue to accompany a formal request:
 - Individual's name, address and PPSN
 - Confirmation from the individual that the PIP can act on their behalf
 - All tax returns must be up to date
 - A completed Prescribed Financial Statement (PFS)
 - Approximate cost of PIP
 - Confirmation that all current taxes will be filed and paid as they fall due
 - Confirmation that payments in the arrangement will be made by DD.

These are Revenue's minimum requirements and additional information may be sought by the caseworker to confirm the taxpayer's financial position as per the PFS.

- Will notify the PIP if any of the debt that is currently being enforced and will provide the contact details of the enforcement agency.

- Will put a hold on collection of all Revenue debt, including debt at enforcement.
- 6.4 The caseworker informs the PIP that all necessary information and a formal request for an arrangement must be filed within two weeks.
- 6.5 If a formal request is not made within the two weeks, normal collection procedures continue. Revenue may consider a formal request received after the two week deadline is exceeded. However, the case may have already progressed to enforcement.
- 6.6 On receipt of the PIP's formal request to Revenue for a decision in relation to a DSA, the DMU caseworker will notify the C-G's Insolvency Unit. A Stop 54 will be input on the case.
- 6.7 Once the formal application is made, the DMU caseworker has 21 days to review the request, seek clarification or further information, to decide whether or not to consent to be involved in the process and to notify the PIP of Revenue's decision.
- 6.8 On reviewing the information provided and depending on what is received the following will occur:
- Where a substantial amount of necessary information is not included - Revenue opts out.
 - Where most of the information is provided – contact PIP and request additional information.
 - Where the information does not match with Revenue records – contact PIP and verify information.
 - Where all information is received – review case and provide PIP with decision within 21 days.
- 6.9 The PIP has 10 days to respond to any requests for additional information/verification as Revenue has just 21 days to come to a decision to opt in or out. If the information/verification is not provided in time, Revenue will opt out.
- 6.10 **Once a decision is made to either opt in or out, the DM caseworker will notify both the C-G's Insolvency Unit and the PIP.** [It is important that the caseworker remembers to notify the PIP when Revenue opts out - if we fail to notify the PIP of our decision we will be deemed to have opted in. ([Appendix 1 –Letter opting in/out](#))].
- 6.11 Where Revenue opts in the caseworker will issue a Final Demand with the letter notifying the PIP of Revenue's decision to opt in. The Final Demand is the basis for Revenue's specified debt in the DSA and must include the following:
- The total tax debt including the debt at enforcement.
 - Interest on debt at enforcement, interest charged on the referral
 - Interest on debt not at enforcement, interest charged on the final demand
 - Any audit penalty outstanding.
 - Any enforcement costs as notified by the sheriff/solicitor.

As the debt at enforcement, interest figure, any audit penalty figure and enforcement costs will be manually input into the final demand they must also be recorded in the ICM Final Demand notes facility.

- 6.12 Regardless of whether Revenue has opted in or out, once a protective certificate issues from the Court, Revenue must hold collection for 70 days. The relevant enforcement agency should be instructed to put collection on hold while the protective certificate is in place.
- 6.13 When the PIP notifies Revenue that a protective certificate has been issued a **Stop 10** is placed on the debt to be included in the arrangement and a note inserted in ITP/CRS & ICM. See [Appendix 2](#). The PIP will also request proof of debt which will include [Revenue's claim to Preferential Debt](#).
- 6.14 If no protective certificate issues from the Court then normal collection procedures will follow.
- 6.15 The caseworker will remind the PIP of the additional informational requirements needed to decide whether Revenue will agree to the arrangement.

Minimum Revenue requirements in order to consider whether to agree to an arrangement:

- Details and supporting documentation for all assets (including any charges) and liabilities (incl. PIP fees)
 - Details and supporting documentation for all future projections made
 - Details of any gifts/other income incorporated in arrangement
 - Confirmation that current taxes will be paid as they fall due
 - Details of measures taken to address debt.
 - Where Revenue debts are greater than €20,000; details of any debt not included in the arrangement that will continue to be paid outside of the DSA/PIA.
- 6.16 All additional information must be supplied by the PIP within the 70-day period of the Protective Certificate, including confirmation that current taxes will be paid as they fall due. Any taxes that fall due during the setting up period must be filed and paid as they are not included in the specified debt covered by the protective certificate. In some cases the Court may extend the protective certificate period by 40 days where there is a reasonable chance of an arrangement being put in place. The caseworker will be notified of any extension by the PIP. In very exceptional circumstances another additional 40 days may be granted after the expiration of the initial 110 days. Where the Court has granted an extension on the time of the protective certificate, Revenue must also extend the hold on collection.
- 6.17 The PIP will issue a Proxy Form to each creditor when asking them to vote. The caseworker should cross out the unwanted reply. See [Appendix 1](#) for example.
- 6.18 Once the required value of creditors vote in favour of the DSA the PIP brings the arrangement to the Insolvency Service, who will bring the arrangement to the Court for approval.
- 6.19 When the Court has approved the DSA, Revenue will write-out the portion of the debt not being paid by the DSA. The debt to be paid under the DSA will be included in a phased payment arrangement on ICM. Where there is debt at enforcement included in the arrangement this will be collected by the relevant enforcement agency. [See examples below](#).

- 6.20 If the individual defaults on current taxes or three months payments cancel under the DSA then the PIP should be contacted to resolve the issues. If they cannot be resolved then the Collector-General applies to the Court to have the DSA terminated.
- 6.21 The DSA will be automatically terminated if the individual defaults on the arrangement for **six months**.
- 6.22 Three months after successfully completing the DSA the debtor's name will be removed from the register.

A more recent version of this manual is available.

7. Examples of DSA

Example 1: DSA – Consent to be included, sale of assets and no Revenue Preferential Debt

Mary had a boutique for 15 years before she had to close in 2010. She now works as a shop assistant. The bank forced Mary to sell her premises, which included the shop and overhead residence, so she now rents accommodation. Revenue had written out the debt.

Mary's current insolvent position

<u>Assets</u>		<u>Monthly Income</u>	
Chattels	€ 7,000.00	Monthly Net Income	€1,600.00
Car	€ 5,000.00		
Total	€12,000.00		
<u>Unsecured Debts</u>		<u>Monthly Expenses</u>	
Credit Card	€ 5,000.00	Total Set Costs	€ 1,045.48
Personal Loan	€15,000.00	Rent	€ 210.00
Revenue Commissioners	€28,300.00*	Reasonable Living expenses	€ 1,255.48
Total	€48,300.00	Net Disposable Income (prior to servicing debt)	€ 344.52

* Revenue's debt is broken down as follows: Tax: €25,000, Interest: €3,300

The debt is no longer at enforcement as it has been written out by Revenue. There is no preferential debt to Revenue as there is no Income Tax or Capital Gains tax outstanding and all the other debt is over 12 months old.

Once all the required information has been received from the PIP (this should confirm the decision to write-out), the caseworker should consent to **opt in** to the arrangement and issue the proxy form to the PIP instructing them to vote in favour of the arrangement at the creditors' meeting.

The Insolvency Service and the Court have approved the DSA. From the arrangement provided by the PIP we know that Mary is selling her chattels worth €7,000 and will be paying €344.52 per month towards the combined debts.

This means that Mary will pay:

Sale of chattels	€ 7,000.00
Monthly payments (€344.52 x 12) x 5	€20,671.20
Total	€27,671.20

The payments will be allocated to the debt as follows:

PIP fees	€ 5,000.00
Amount left for payment of creditors	€22,671.20
Revenue (€28,300 ÷ €48,300) x €22,671.20	€13,283.54
Credit Card (€ 5,000 ÷ €48,300) x €22,671.20	€ 2,346.92
Personal Loan (€15,000 ÷ €48,300) x €22,671.20	€ 7,040.74
Total	€22,671.20

Amount available from lump sum	€ 7,000.00
Less PIP fees paid	€ <u>1,000.00</u>
Amount left for payment of creditors	€ 6,000.00

Revenue	(€28,300 ÷ €48,300) x €6,000	€ 3,515.52
Credit Card	(€ 5,000 ÷ €48,300) x €6,000	€ 621.12
Personal Loan	(€15,000 ÷ €48,300) x €6,000	€ <u>1,863.36</u>
Total		€ 6,000.00

	Total	Monthly
Amount payable	€20,671.20	€344.52
Less PIP fees	€ <u>4,000.00</u>	€ <u>67.00</u>
Amount left for payment of creditors	€16,671.20	€277.85

Revenue	(€28,300 ÷ €48,300) x €16,671.20	€ 9,768.01	€162.80
Credit Card	(€ 5,000 ÷ €48,300) x €16,671.20	€ 1,725.80	€ 28.76
Personal Loan	(€15,000 ÷ €48,300) x €16,671.20	€ <u>5,177.39</u>	€ <u>86.29</u>
Total		€16,671.20	€277.85

Breakdown of Revenue Debt:

VAT	€14,650.00
PREM	€10,350.00
Interest	€ <u>3,300.00</u>
Total	€28,300.00

As the debt was written out the caseworker will reverse the Stops on all of the PREM and €2,933.54 (€13,283.53 – €10,350) of the VAT. An instalment will be set up on ICM for the full PREM liability and €2,933.54 of the VAT liability.

Example 2: DSA – Consent to be included, sale of assets and Revenue Preferential Debt

Mary had a boutique for 15 years before she had to close in early 2014. She now works as a shop assistant. The bank forced Mary to sell her premises, which included the shop and overhead residence, so she now rents accommodation. Revenue had written out the debt.

Mary's current insolvent position

<u>Assets</u>		<u>Monthly Income</u>	
Chattels	€ 7,000.00	Monthly Net Income	€1,600.00
Car	€ 5,000.00		
Total	€12,000.00		
<u>Unsecured Debts</u>		<u>Monthly Expenses</u>	
Credit Card	€ 5,000.00	Total Set Costs	€1,045.48
Personal Loan	€15,000.00	Rent	€ 210.00
Revenue	€20,800.00*	Reasonable Living Expenses	€1,255.48
Revenue Pref Debt	€ 7,500.00*	Net Disposable Income	
Total	€48,300.00	(prior to servicing debt)	€ 344.52

* Revenue's debt is broken down as follows: Tax: €24,000, Interest: €4,300

Once all the required information has been received from the PIP (this should confirm the write-out decision), the caseworker should consent to **opt into** the arrangement and issue the proxy form to the PIP instructing them to vote in favour of the arrangement at the creditors' meeting.

The Insolvency Service and the Court have approved the DSA. From the arrangement provided by the PIP, Revenue knows that Mary is selling her chattels worth €7,000 and will be paying €344.52 per month towards the combined debts.

This means that Mary will pay:

Sale of chattels	€ 7,000.00
Monthly payments (€344.52 x 12) x 5	€20,671.20
Total	€27,671.20

The payments will be allocated to the debt as follows:

PIP fees	€ 5,000.00
Total for Creditors	€22,671.20
Revenue Pref Debt	€ 7,500.00
Total for Creditors excluding preferential debt	€15,171.20
Revenue	(€20,800 ÷ €40,800) x €15,171.20 € 7,734.34
Credit Card	(€ 5,000 ÷ €40,800) x €15,171.20 € 1,859.21
Personal Loan	(€15,000 ÷ €40,800) x €15,171.20 € 5,577.65
Total	€15,171.20

Breakdown of Revenue Debt:

	Total Debt	Preferential	Unsecured amount
VAT	€ 7,650.00	€2,500.00	€ 5,150.00
IT	€11,000.00	€2,400.00	€ 8,600.00
PREM	€ 5,350.00	€1,600.00	€ 3,750.00
Accrued Interest	€ 4,300.00	€1,000.00	€ 3,300.00
Total	€28,300.00	€7,500.00	€20,800.00

Amount to be paid: € 15,234.34: (€7,500 pref debt + €3,750 unsecured PREM and €3,984.34 unsecured VAT)

The caseworker will reverse the stops on the preferential debt as this will be paid in full including the interest on the preferential debt.

The preferential debt will be paid first. Revenue will receive €6,500 towards the preferential debt from the sale of the assets, the remaining €500 will be paid to the PIP. The first three payments of €344.52 will also be allocated the Revenue preferential debt with €33.56 paid to the PIP.

The payments to the unsecured creditors will begin on the fourth month of the arrangement.

The unsecured PREM liability of €3,750.00 and €3,984.34 of the VAT liability will be paid by monthly payments in the DSA. The caseworker will set up a monthly instalment arrangement for €135.69 allocating the payment to the PREM liability first.

Example 3: DSA – Change in Circumstances reduced payment – Variation of DSA

Mary's insolvent position when the DSA was agreed

<u>Assets</u>		<u>Monthly Income</u>	
Chattels	€ 7,000.00	Monthly Net Income	€1,600.00
Car	€ 5,000.00		
Total	€ 12,000.00		
<u>Unsecured Debts</u>		<u>Monthly Expenses</u>	
Credit Card	€ 5,000.00	Total Set Costs	€1,045.48
Personal Loan	€15,000.00	Rent	€ 210.00
Revenue	€20,800.00*	Reasonable Living Expenses	€1,255.48
Revenue Pref Debt	€ 7,500.00*	Net Disposable Income	
Total	€48,300.00	(prior to servicing debt)	€ 344.52

* Revenue's debt is broken down as follows: Tax - €24,000, Interest - €4,300

Mary's hours in the retail shop have been reduced resulting in a lower income. She contacts the PIP who recommends a variation proposal which is put to all the creditors.

As Revenue insisted on the preferential debt being paid first, it has been paid in full at this stage.

The PIP has received €1,708.96 towards his fees of €5,000 and the remaining balance will be paid in full as the PIP has had additional work in preparing the variation of the DSA. The DSA has now been extended to six years.

Mary's current insolvent position -18 months into the DSA

<u>Assets</u>		<u>Monthly Income</u>	
Car	€5,000.00	Monthly Net Income	€1,350.00
Total	€5,000.00		
<u>Unsecured Debts</u>		<u>Monthly Expenses</u>	
Credit Card	€ 4,510.70	Total Set Costs	€1,045.48
Personal Loan	€13,531.95	Rent	€ 210.00
Revenue	€18,764.65*	Reasonable Living Expenses	€ 1,255.48
Revenue Pref Debt	€ 0.00	Net Disposable Income	
Total	€36,807.30	(prior to servicing debt)	€94.52

* Revenue's debt is broken down as follows: Tax - €15,964.65, Interest - €2,800

The DSA variation proposal with the reduced payment and extension from 5 to 6 years, is agreed by all of the creditors. Mary was originally going to pay €27,671.20 of her debts but now will only be able to pay:

	Total
Original sale of Assets	€ 7,000.00
Payments already made (€344.52 x 18)	€ 6,201.36
Payments at new rate (€ 94.52 x 54)	€ 5,104.08
Total	€18,305.44
Less PIP's fees	€ 5,000.00
Total for Creditors	€13,305.44
Revenue Preferential Claim (paid)	€ 7,500.00
Total for remaining unsecured Creditors	€ 5,805.44

The remaining monthly payments of €94.52 will be allocated as follows:

PIP	€3,291.14	€60.95
Revenue (€18,764.65 ÷ €36,807.30) × €1,812.94	€ 924.25	€17.12
Personal Loan (€13,531.95 ÷ €36,807.30) × €1,812.94	€ 666.51	€12.34
Credit Card (€ 4,510.70 ÷ €36,807.30) × €1,812.94	€ 222.17	€ 4.11
Total	€5,104.08	€94.52

The caseworker will set up a new instalment arrangement of €17.12* per month to account for the payments of the variation of the DSA. (*€924.25 ÷ 54 months). Once agreed the caseworker will write-out the additional unpaid tax.

Example 4: DSA – Change in Circumstances increased payment – Variation of DSA**Nora's insolvent position when the DSA was agreed**

<u>Assets</u>		<u>Monthly Income</u>	
Chattels	€7,000.00	Monthly Net Income	€1,600.00
Jewellery	€1,500.00		
Car	€5,000.00		
Total	€13,500.00		
<u>Unsecured Debts</u>		<u>Monthly Expenses</u>	
Credit Card	€ 5,000.00	Total Set Costs	€1,045.48
Personal Loan	€15,000.00	Rent	€ 210.00
Revenue	€20,800.00*	Reasonable Living Expenses	€1,255.48
Revenue Pref Debt	€ 7,500.00*	Net Disposable Income	
Total	€48,300.00	(prior to servicing debt)	€ 344.52

* Revenue's debt is broken down as follows: Tax - €24,000, Interest - €4,300

Two years into the DSA Nora gets promoted which means an increase in salary. She contacts the PIP who calculates a variation proposal based on 50% of the additional income which is put to all the creditors.

Nora's current insolvent position 24 months into the DSA

<u>Assets</u>		<u>Monthly Income</u>	
Car	€5,000.00	Monthly Net Income	€2,000.00
Total	€5,000.00		
<u>Unsecured Debts</u>		<u>Monthly Expenses</u>	
Credit Card	€ 4,109.26	Total Set Costs	€1,045.48
Personal Loan	€12,327.76	Rent	€ 210.00
Revenue	€17,094.50*	Reasonable Living Expenses	€ 1,255.48
Total	€33,531.52	Net Disposable Income	
		(prior to servicing debt)	€744.52

* Revenue's debt is broken down as follows: Tax - €14,294.50, Interest - €2,800

All the preferential debt including €1,000 interest was paid by the sale of the chattels and jewellery. The PIP has received fees of €2,000, (€1,000 from the sale of assets and €1,000 payment in year 2) and has requested an additional €500 for the work involved in the variation proposal.

Monthly payment: Net Disposable Income minus half of additional salary minus PIP's fee

€447.30: €744.52 – €200 – €97.22

The variation proposal is agreed by all of the creditors and the new payments to the debt are as follows:

Credit Card	(€ 4,109.26 ÷ €33,531.52) × €447.30	€ 54.82
Personal Loan	(€12,327.76 ÷ €33,531.52) × €447.30	€ 164.45
Revenue	(€17,094.50 ÷ €33,531.52) × €447.30	€ 228.03
Total		€ 447.30

The caseworker will reverse the write-out stops and will set up a new instalment arrangement with a monthly payment amount of €228.

Example 5: DSA – Lump sum payment from sale of assets only

Harry was a self employed carpenter and he ceased trading in 2012. He now works in a hardware chain. The bank foreclosed on his house in 2011 and he now rents. Harry current financial position is unlikely to change over the next five years.

Harry's current insolvent position

Assets		Monthly Income	
Agricultural Land	€42,000.00	Monthly Net Income	€1,300.00
Car	€ 5,000.00		
Total	€47,000.00		
Unsecured Debts		Monthly Expenses	
Credit Card	€ 4,000.00	Total Set Costs	€1,045.48
Personal Loan	€17,000.00	Rent	€ 260.00
Revenue	€20,800.00*	Reasonable Living Expenses	€1,305.48
Revenue Pref Debt	€ 5,800.00*	Net Disposable Income	
Total	€47,600.00	(prior to servicing debt)	- € 5.48

* Revenue's debt is broken down as follows: Tax - €23,000, Interest - €3,600

The PIP has proposed the sale of the agricultural land as a once off payment to cover all unsecured creditors. Once all the required information has been received from the PIP the caseworker should consent to **opt into** the arrangement as this will result in the best return to Revenue and issue the proxy form to the PIP instructing them to vote in favour of the arrangement at the creditors' meeting.

The Insolvency Service and the Court have approved the DSA. In some cases there may also a liability to CGT on the sale of an asset, this would have to be accounted for from the proceeds of the sale. In this case a loss was made.

The proceeds from the sale of the land will be broken down as follows:

Sale of Agricultural Land	€42,000.00
Costs associated with sale of land	€ 1,000.00
Total	€41,000.00

Total for arrangement	€41,000.00
Less PIP fees	€ 5,000.00
Total for Creditors	€36,000.00
Revenue Pref Debt	€ 5,800.00
Total for Creditors excluding preferential debt	€30,200.00

Revenue	$(€20,800 \div €41,800) \times €30,200$	€15,027.75
Credit Card	$(€ 4,000 \div €41,800) \times €30,200$	€ 2,889.95
Personal Loan	$(€17,000 \div €41,800) \times €30,200$	€12,282.30
Total		€30,200.00

Once the lump sum of €21,325.36 (€5,800 + €15,525.36) is received the caseworker should write-out the remaining tax in full. See [appendix 2](#) for note to be input on ITP and ICM.

Example 6: DSA – Do not consent to be included

Mary had a ladies boutique for 15 years before she had to close in 2010. She now works as a shop assistant in a ladies retail store.

Mary's current insolvent position

<u>Assets</u>		<u>Monthly Income</u>	
PPR	€150,000.00	Monthly Net Income	€1,600
Chattels	€ 7,000.00		
Car	€ 5,000.00		
Total	€ 162,000.00		
<u>Unsecured Debts</u>		<u>Monthly Expenses</u>	
Credit Card	€ 5,000.00	Total Set Costs	€1,045.48
Personal Loan	€15,000.00	Mortgage on PPR	€ 400.00
Revenue	€28,300.00*	Reasonable Living Expenses	€1,445.48
Total	€48,300.00	Net Disposable Income	
		(prior to servicing debt)	€ 154.52

* Revenue's debt is broken down as follows: Tax - €25,000, Interest - €3,300

The debt is no longer at enforcement and is written out. There is no preferential Revenue debt as there is no Income Tax or Capital Gains tax outstanding and all the other debt is over 12 months old.

Mary has been in three failed instalment arrangements and paid very little tax in the last 2 years of business. Mary has a mortgage outstanding on the shop of €250,000 – the premises is currently estimated to be worth €150,000. Revenue has a Judgment Mortgage for €20,000 on the shop. Mary wants to enter a DSA for her €48,300 unsecured debt only. She intends to continue to pay her mortgage in full. Even though Mary's disposable income may show she cannot realistically pay her full debts over the 6 years, Revenue would opt out of an arrangement as other creditors (the bank) have not agreed to any reduction and will continue to get full payment outside of the arrangement. In this case the bank has scope to restructure the payments made by Mary but are choosing not to.

8. Personal Insolvency Arrangement (PIA)

An individual can apply for a PIA where:

- Secured and unsecured debts
- Debts < €3,000,000 **secured**
- 75% of debts are at least six months old
- Insolvent

The following conditions also apply

- Six years allowed for discharge of the debt – possible 12 month extension
- Annual review of financial circumstances carried out by the PIP
- Only one PIA in a lifetime.
- Publication of debtor's arrangement on the ISI's Public Register of PIAs

8.1 The individual contacts a Personal Insolvency Practitioner (PIP) to act on their behalf, Revenue will then only deal with the Personal Insolvency Practitioner in relation to the specified debt.

8.2 A PIP may apply for a Protective Certificate before notifying Revenue of the taxpayer's intention to enter a PIA. A formal request will then be sent to Revenue and the caseworker will have 21 days to make the decision to opt in or out. If a protective certificate issues from the Court all collection by Revenue must be put on hold, including debt at enforcement. The caseworker should contact the relevant enforcement agency and inform them of the protective certificate. In this scenario please follow the steps in point 8.3 and then skip to [point 8.7](#) and continue from there.

8.3 **The caseworker:**

- Contacts the PIP and requests confirmation from the individual that PIP can act on their behalf. The PIP will register on ROS and all submissions will be made via MyEnquiries. The authorisation will be kept on IC and the caseworker will update the notes on ICM and ITP. The caseworker will then input the PIP as the agent on file for Income Tax only. The PIP will be registered for ROS and all submissions will be made via MyEnquiries.
- Specifies the minimum information required by Revenue to accompany a formal request:
 - Individual's name, address and PPSN.
 - Confirmation from the individual that the PIP can act on their behalf.
 - All tax returns must be up to date.
 - The Prescribed Financial Statement (PFS).
 - Approximate cost of PIP.
 - Confirmation that all current taxes will be filed and paid as they fall due.
 - Confirmation that payments in the arrangement will be made by DD.

These are Revenue's minimum requirements and additional information may be sought by the caseworker to confirm the taxpayer's financial position as per the PFS.

- Will notify the PIP if any of the debt is currently being enforced and will provide the contact details of the enforcement agency.
 - Will put a hold on collection of all Revenue debt, including debt at enforcement.
- 8.4 The caseworker reminds the PIP that all necessary information and the formal request for an arrangement must be made within two weeks.
- 8.5 If a formal request is not made within the two weeks normal collection procedures continue. Revenue may consider a formal request received after the two week deadline is exceeded. However, the case may have already progressed to enforcement.
- 8.6 On receipt of the PIP's formal request to Revenue for a decision in relation to a PIA, the DMU caseworker will notify the C-G's Insolvency Unit. A Stop 54 is input on the case.
- 8.7 Once the formal application is made, the DMU caseworker has 21 days to review the request, seek clarification or further information, to decide whether or not to consent to be involved in the process and to notify the PIP of Revenue's decision
- 8.8 On reviewing the information provided and depending on what is received the following will occur:
- Where a substantial amount of necessary information is not included - Revenue opts out.
 - Where most of the information is provided – contact PIP and request additional information.
 - Where the information does not match with Revenue records – contact PIP and verify information.
 - Where all the information is received – review case and provide PIP with decision within 21 days.
- 8.9 The PIP has 10 days to provide additional information/verification requests as Revenue has just 21 days to come to a decision to opt in or out. If the information/verification is not provided in time, Revenue will opt out.
- 8.10 **Once a decision is made to opt in or opt out the DM caseworker will notify both the C-G's Insolvency Unit and the PIP.** [It is important that the caseworker remembers to notify the PIP when Revenue opts out as if we fail to notify the PIP of our decision we will be deemed to have opted in. [Appendix 1 – link to letters opting in/out](#)].
- 8.11 Where Revenue opts in the caseworker will issue a Final Demand with the letter notifying the PIP of Revenue's decision to opt in. The final demand is the basis for Revenue's specified debt in the PIA and must include the following:
- The total tax debt including the debt at enforcement.
 - Interest on debt at enforcement, interest charged on the referral.
 - Interest on debt not at enforcement, interest charged on the final demand.
 - Any audit penalty outstanding.
 - Any enforcement costs as notified by the sheriff/solicitor.

As the debt at enforcement, interest figure, any audit penalty figure and enforcement costs will be manually input into the final demand they must also be recorded in the ICM Final Demand notes facility.

- 8.12 Regardless of whether Revenue has opted in or out, once a protective certificate issues from the Court and Revenue is a specified creditor on the protective certificate, Revenue must hold collection for 70 days. The relevant enforcement agency should be instructed to put collection on hold while the protective certificate is in place.
- 8.13 When the PIP notifies Revenue that a protective certificate has been issued a **Stop 10** is placed on the debt to be included in the arrangement and a note inserted in ITP/CRS & ICM. The PIP will also request proof of [Revenue's claim to Preferential Debt](#). The caseworker will also submit a [notification of secured debt](#) where necessary.
- 8.14 If no protective certificate issues from the Court then normal collection procedures will follow.
- 8.15 The caseworker will remind the PIP of the additional information required to decide on whether Revenue will agree to the arrangement.

Minimum Revenue requirements in order to consider whether to agree to an arrangement:

- Details and supporting documentation for all assets (including any charges) and liabilities (incl. PIP fees)
 - Details and supporting documentation for all future projections made
 - Details of any gifts/other income incorporated in arrangement
 - Confirmation that current taxes will be paid as they fall due
 - Details of measures taken to address debt.
 - Where Revenue debts are greater than €20,000; details of any debt not included in the arrangement that will continue to be paid outside of the DSA/PIA.
- 8.16 All additional information must be supplied by the PIP within the 70-day period of the protective certificate including confirmation that current taxes will be paid as they fall due. Any taxes that fall due during the setting up period must be filed and paid as they are not included in the specified debt covered by the protective certificate. In some cases the Court may extend the protective certificate period by 40 days where there is a reasonable chance of an arrangement being put in place. The caseworker will be notified of any extension by the PIP. In very exceptional circumstances another additional 40 days may be granted after the expiration of the initial 110 days. Where the Court has granted an extension on the time of the protective certificate, Revenue must also extend the hold on collection.
- 8.17 The PIP will issue a Proxy Form to each creditor when asking them to vote. The caseworker should cross out the unwanted reply. See [Appendix 1](#) for example.
- 8.18 When the required value of creditors votes in favour of the PIA, the PIP brings the arrangement to the Insolvency Service, who will bring the arrangement to the Court for approval.
- 8.19 Once the Court has approved the PIA, the caseworker will write-out the portion of the debt not being paid by the PIA. The debt to be paid under the PIA will be included in a phased payment arrangement on ICM. Where there is debt at enforcement included in the arrangement this will be collected by the relevant enforcement agency. [See examples below](#).

- 8.20 If the individual defaults on current taxes or three months payments cancel under the PIA then the PIP should be contacted to resolve the issues. If they cannot be resolved, the Collector-General may go to the Court and request the PIA be terminated.
- 8.21 The PIA will be automatically terminated if the individual defaults on the arrangement for six months.
- 8.22 Three months after successfully completing the PIA the debtors name will be removed from the register.

A more recent version of this manual is available.

9. Examples of PIA

Example 1: PIA - Consent to be included, sale of assets and no Revenue Preferential debt.

Joe is a self employed architect. His income has dropped substantially over the last number of years. He has co-operated with his bank under the Central Bank Code of Conduct on Mortgage Arrears in relation to his home but has not reached a sustainable agreement.

Joe's current insolvent position

<u>Assets</u> Principal Private Residence €250,000.00 Car € 10,000.00 Total € 260,000.00		<u>Monthly Income</u> Monthly Net Income €2,300.00	
<u>Secured Debts</u> PPR Mortgage €300,000.00 <u>Unsecured Debts</u> Credit Card € 25,000.00 Personal Loan € 35,000.00 Revenue € 28,300.00* Total €388,300.00		<u>Monthly Expenses</u> Total Set Costs €1,045.48 Mortgage €1,400.00 Reasonable Living Expenses €2,445.48 Net Disposable Income (prior to servicing debt) -€ 145.48	

* Revenue's debt is broken down as follows: Tax: €25,000, Interest: €3,300

He is prepared to trade his car in for an older model costing €3,000. Joe is prepared to sell the house at any stage in the 6 years to satisfy the bank. The bank has priority charge on the house but Revenue also has a Judgment Mortgage.

The PIP has supplied all the relevant information to Revenue and has also satisfied Revenue that the debtor's circumstances will not change in the next 6 years. The bank has agreed to extend the term of the mortgage and reduce the interest rate on the mortgage to 2% over the life of the arrangement, provided they get full proceeds from the sale of the house up to the value of the mortgage. The mortgage payment is now €1,100 per month.

<u>Monthly Income</u>	€2,300.00
Total Set Costs	€1,045.48
Mortgage	€1,100.00
Reasonable Living Expenses	€2,145.48
Net Disposable Income	€ 154.52

Revenue agrees to enter the arrangement knowing that in bankruptcy where the house is sold Revenue's Judgment Mortgage would not be satisfied. The current taxes will be paid during the life of the PIA.

The arrangement is agreed at the creditor's meeting and approved by the Insolvency Service and the Courts.

From the arrangement details provided by the PIP Revenue knows that Joe is trading in his car and will be paying €154.52 per month towards the combined debts.

Assets sold: Car less new purchase	€ 7,000.00
Income ($€154.52 \times 12 \times 6$)	<u>€11,125.44</u>
Available for distribution	€18,125.44

The payments will be allocated to the debt as follows:

PIP Fees	€5,000.00
Revenue $(€28,300 \div €88,300) \times €13,125.44$	€4,206.68
Credit Card $(€25,000 \div €88,300) \times €13,125.44$	€3,716.15
Personal Loan $(€35,000 \div €88,300) \times €13,125.44$	<u>€5,202.61</u>
Total	€18,125.44

Breakdown of Revenue Debt:

VAT	€14,650.00
PREM	<u>€10,350.00</u>
Total	€25,000.00

Amount to be paid **€4,206.68**

The caseworker will write-out the VAT liability in full and €6143.32 of the PREM. An instalment will be set up on ICM for the remaining PREM liability of €4,206.68.

€2,000 of the PIP's fees is also paid from the sale of the assets. This leaves €5,000 to be allocated to the creditors as an upfront payment.

		Downpayment	Monthly payt
Revenue	$(€28,300 \div 88,300) \times €5,000$	€1,602.49	€36.17
Credit Card	$(€25,000 \div 88,300) \times €5,000$	€1,415.63	€31.95
Personal Loan	$(€35,000 \div 88,300) \times €5,000$	<u>€1,981.88</u>	<u>€44.73</u>
Total		€5,000.00	€112.85

The difference between the €154.52 monthly income to pay debts and the €112.85 payment to creditors is the monthly payment for the PIP's fees. (€3,000/72)

The caseworker will set up an instalment arrangement with a downpayment of €1,602.49 and 72 monthly payments of €36.17.

Example 2: PIA – Consent to be included, sale of assets and Revenue Preferential Debt

Sandra is a self employed solicitor whose income has dropped substantially in the last five years. She is a single parent with two children in primary school. She currently has no childcare costs as a family member minds the children as necessary.

Sandra's current insolvent position

<u>Assets</u> PPR €250,000.00 Shares € 10,000.00 Jewellery € 10,000.00 Car € <u>10,000.00</u> Total € 280,000.00	<u>Monthly Income</u> Monthly Net Income €3,500.00
<u>Debts</u> Credit Card € 20,000.00 Mortgage on PPR €300,000.00 Car Loan € 15,000.00 Overdraft € 45,000.00 Revenue € 70,000.00* Revenue Pref Debt € <u>10,000.00*</u> Total €460,000.00	<u>Monthly Expenses</u> Total Set Costs €1,505.00 Mortgage € <u>1,000.00</u> Reasonable Living Expenses €2,505.00 Net Disposable Income (prior to servicing debt) € 995.00

* Revenue's debt is broken down as follows: Tax: €65,000, Interest: €15,000

Sandra is prepared to trade her car in for an older model costing €3,000. She also sells her shares and jewellery. This will give a lump sum of €27,000. Her mortgage was extended to 35 years by the bank. The bank has agreed to enter into the arrangement provided that that they receive all the proceeds of the sale of property.

The PIP has supplied all the relevant information to Revenue and has also satisfied Revenue that the debtor's circumstances will not change in the next 6 years.

The Court and the Insolvency Service have approved the PIA. From the arrangement provided by the PIP Revenue know that Sandra has a lump sum of €27,000 and will be paying €995 per month towards the combined debts.

This means that Sandra will pay:

Sale of Assets	€ 27,000.00
Monthly payments (€995.00 x 12) x 6	€ <u>71,640.00</u>
Total	€ 98,640.00

The payments will be allocated to the debt as follows:

Less PIP fees	€ <u>6,000.00</u>
Total for Creditors	€ 92,640.00

Revenue Pref Debt		€ 10,000.00
Revenue	$(€70,000 \div €150,000) \times €82,640$	€ 38,565.33
Credit Card	$(€20,000 \div €150,000) \times €82,640$	€ 11,018.67
Car Loan	$(€15,000 \div €150,000) \times €82,640$	€ 8,264.00
Overdraft	$(€45,000 \div €150,000) \times €82,640$	€ <u>24,792.00</u>
Total		€ 92,640.00

Breakdown of Revenue Debt:

	Total Debt	Preferential	Unsecured Amount
VAT	€ 35,000.00	€5,000.00	€ 30,000.00
IT	€ 21,000.00	€3,000.00	€ 18,000.00
PREM	€ 9,000.00	€1,000.00	€ 8,000.00
Accrued Interest	€ <u>15,000.00</u>	€ <u>1,000.00</u>	€ <u>14,000.00</u>
Total	€ 80,000.00	€10,000.00	€70,000.00

Amount to be paid:

€ 48,565.33

All the preferential debt is paid from the sale of the assets. €2,000 of the PIP's fees is also paid from the sale of the assets. This leaves €15,000 to be allocated to the creditors as an upfront payment.

		Downpayment	Monthly Payt
Revenue	$(€70,000 \div €150,000) \times €15,000$	€ 7,000.00	€438.41
Credit Card	$(€20,000 \div €150,000) \times €15,000$	€ 2,000.00	€125.26
Car Loan	$(€15,000 \div €150,000) \times €15,000$	€ 1,500.00	€ 93.94
Overdraft	$(€45,000 \div €150,000) \times €15,000$	€ <u>4,500.00</u>	€ <u>281.83</u>
Total		€15,000.00	€939.44

The difference between the €995.00 monthly income to pay debts and the €939.44 payment to creditors is the remainder of the PIP's fees (€4,000/72).

The caseworker will set up an instalment arrangement with a downpayment of €17,000 - €10,000 towards all the preferential debt and interest on the preferential debt and €7,000 to the other taxes and 72 monthly payments of €438.41. The balance of the tax will be written out by the caseworker.

Example 3: PIA – Do not consent to be included.

Jane is a self employed accountant, she has seen her income drop substantially in the last five years. She is a single parent with one child in primary school.

Sandra's current insolvent position

<u>Assets</u>		<u>Monthly Income</u>	
PPR	€240,000.00	Monthly Net Income	€3,293.00
Car	€ 10,000.00		
Total	€250,000 .00		
<u>Debts</u>		<u>Monthly Expenses</u>	
Credit Card	€ 20,000.00	Total Set Costs	€1,298.00
Mortgage on PPR	€260,000.00	Mortgage	€1,000.00
Car Loan	€ 15,000.00	Childcare costs	€ 400.00
Overdraft	€ 45,000.00	Reasonable Living Expenses	€ 2,698.00
Revenue	€ 70,000.00*		
Revenue Pref Debt	€ 10,000.00*	Net Disposable Income	
Total	€420,000.00	(prior to servicing debt)	€ 595.00

* Revenue's debt is broken down as follows: Tax: €65,000, Interest: €15,000.

When Jane's income dropped five years ago she contacted Revenue and entered an instalment arrangement which failed after 3 months. She was granted another instalment but unfortunately this one failed after six months. Jane was referred to the solicitor but as her property was in negative equity, the referral was withdrawn after the judgment mortgage was registered. In the last twelve months she has paid no current taxes despite the fact she is continuing to trade. In light of her previous history Revenue would **opt out** of this PIA.

Example 4: PIA – Change in Circumstances reduced payment– Variation in PIA

Sandra's insolvent position at the beginning of the PIA

<u>Assets</u>		<u>Monthly Income</u>	
PPR	€250,000.00	Monthly Net Income	€3,500.00
Shares	€ 10,000.00		
Jewellery	€ 10,000.00		
Car	€ 10,000.00		
Total	€280,000.00		
<u>Debts</u>		<u>Monthly Expenses</u>	
Credit Card	€ 20,000.00	Total Set Costs	€1,505.00
Mortgage on PPR	€300,000.00	Mortgage	€1,000.00
Car Loan	€ 15,000.00	Reasonable Living Expenses	€2,705.00
Overdraft	€ 45,000.00		
Revenue	€ 70,000.00*	Net Disposable Income	
Revenue Pref Debt	€ 10,000.00*	(prior to servicing debt)	€ 995.00
Total	€460,000.00		

* Revenue's debt is broken down as follows: Tax: €65,000, Interest: €15,000

Sandra has lost some of her clients and her income has dropped. She contacts the PIP who recommends a variation proposal which is put to all the creditors. As Revenue insisted on the preferential debt being paid first, it was paid in full from the sale of the assets including interest. The PIP has received €3,111.20 towards his fees of €6,000 and the remaining balance will be paid in full as the PIP has had additional work in preparing the variation of the PIA.

Sandra's current insolvent position 20 months into the PIA.

<u>Assets</u>		<u>Monthly Income</u>	
PPR	€250,000.00	Monthly Net Income	€2,500.00
Car	€ 3,000.00		
Total	€253,000.00		
<u>Debts</u>		<u>Monthly Expenses</u>	
Credit Card	€ 15,494.80	Total Set Costs	€1,505.00
Mortgage on PPR	€295,000.00	Mortgage	€ 618.75
Car Loan	€ 11,621.20	Reasonable Living Expenses	€2,223.75
Overdraft	€ 34,863.40		
Revenue	€ 54,231.80*	Net Disposable Income	
Revenue Pref Debt	€ 0.00*	(prior to servicing debt)	€ 376.25
Total	€411,211.20		

* Revenue's debt is broken down as follows: Tax: €40,231.80, Interest: €14,000

The bank agreed to reduce the interest rate on the mortgage to 1.5% and the PIA is extended from 6 to 7 years. The variation proposal is agreed by all the creditors.

Sandra was originally going to pay €80,700 of her debts but now will only be able to pay:

	Total
Original sale of Assets	€27,000.00
Payments already made (€995 x 20)	€19,900.00
Payments at new rate (€376.25 x 64)	€24,080.00
Total	€70,980.00

Less PIP's fees	€ 6,000.00
Total for Creditors	€64,980.00
Revenue Preferential Claim (paid)	€10,000.00
Total for Unsecured Creditors	€54,980.00

Payments at new rate (€376.25 x 64)	€24,080.00
Remaining PIP's fees	€ 2,888.80
Remaining payments to unsecured creditors	€21,191.20

The monthly payment will be divided out as follows:

		Monthly Payt
Revenue	$(€54,231.80 \div 116,211.20) \times €331.11$	€154.52
Credit Card	$(€15,494.80 \div 116,211.20) \times €331.11$	€ 44.15
Car Loan	$(€11,621.20 \div 116,211.20) \times €331.11$	€ 33.11
Overdraft	$(€34,863.40 \div 116,211.20) \times €331.11$	€ 99.33
Total		€331.11

The difference between the €376.25 monthly income to pay debts and the €331.11 payment to creditors is the remainder of the PIP's fees.

The caseworker will set up an instalment arrangement with 64 monthly payments of €154.52. The additional outstanding tax will be written out.

Example 5: PIA – Change in Circumstances increased payment – Variation of PIA

Sandra has increased her client base by expanding her area of expertise and now has an increased monthly income. She contacts the PIP who calculates a variation proposal based on 50% of the additional income which is put to all the creditors.

Sandra's current insolvent position 20 months into the PIA

<u>Assets</u>		<u>Monthly Income</u>	
PPR	€250,000.00	Monthly Net Income	€3,800
Car	€ 3,000.00		
Total	€253,000.00		
<u>Debts</u>		<u>Monthly Expenses</u>	
Credit Card	€ 15,524.40	Total Set Costs	€1,505.00
Mortgage on PPR	€295,000.00	Mortgage	€1,000.00
Car Loan	€ 11,643.40	Reasonable Living Expenses	€2,505.00
Overdraft	€ 34,930.00		
Revenue	€ 54,335.60*	Net Disposable Income	
Revenue Pref Debt	€ 00.00*	(prior to servicing debt)	€1,295.00
Total	€411,433.40		

* Revenue's debt is broken down as follows: Tax: €40,335.60, Interest: €14,000

Monthly payment: Net Disposable Income minus half of additional salary minus PIP fees

€1,089.45: €1,295.00 – €150 – €55.55

The monthly payment will be divided out as follows:

		Monthly Payt
Revenue	$(€54,335.60 \div 116,433.40) \times €1,089.45$	€508.41
Credit Card	$(€15,524.40 \div 116,433.40) \times €1,089.45$	€145.26
Car Loan	$(€11,643.40 \div 116,433.40) \times €1,089.45$	€108.95
Overdraft	$(€34,930.00 \div 116,433.40) \times €1,089.45$	<u>€326.83</u>
Total		€1,089.45

The caseworker will set up an instalment arrangement with 52 monthly payments of €508.41. The write-out stops will be removed from tax periods to cover the additional amount to be paid.

Example 6: PIA – Lump Sum payment only

Paul is a self employed carpenter and has seen his income drop substantially over the last couple of years. He is married with two children, one in primary school and one in secondary. The PIP is satisfied that Paul's circumstances will not substantially improve over the next five years.

Paul's current insolvent position

Assets		Monthly Income	
PPR	€220,000.00	Monthly Net Income	€3,500.00
Shares	€ 20,000.00		
Second Home	€180,000.00		
Car	€ 12,000.00		
Total	€432,000.00		
Debts		Monthly Expenses	
Credit Card	€ 15,000.00	Total Set Costs	€2,034.53
Mortgage on PPR	€200,000.00	Both Mortgages	€3,500.00
Mortgage second home	€150,000.00	Reasonable Living Expenses	€5,534.53
Car Loan	€ 10,000.00		
Overdraft	€ 25,000.00	Net Disposable Income	
Revenue	€ 60,000.00*	(prior to servicing debt)	-€2,034.53
Revenue Pref Debt	€ 15,000.00*		
Total	€475,000.00		

* Revenue's debt is broken down as follows: Tax: €65,000, Interest: €10,000

PIP has recommended the following proposal:

In previous negotiations with the bank the term of Paul's mortgages were extended to the maximum. Paul cannot extend the term of his mortgages any further, so he is to sell his second home. The proceeds from the sale will pay off the mortgage on the second home in full and leave €30,000 to pay the other creditors. He will also sell his shares and trade in his car for a cheaper model. Even with the sale of the second home Paul will not be able to make the repayments on the mortgage of the PPR and the bank has agreed to reduce the interest rate to 2% for the remainder of the term of the mortgage. All the creditors have opted in and the arrangement is agreed.

Lump sum:

Sale of second home	€30,000.00
Shares	€20,000.00
Trade in of car	€ 8,000.00
Total	€58,000.00
Less PIP's fees	€ 6,000.00
Total for Creditors	€52,000.00
Revenue Preferential Debt	€15,000.00
Allocation to unsecured Debt	€37,000.00

Credit Card	$(€15,000.00 \div €110,000) \times €37,000$	€ 5,045.45
Car Loan	$(€10,000.00 \div €110,000) \times €37,000$	€ 3,363.64
Overdraft	$(€25,000.00 \div €110,000) \times €37,000$	€ 8,409.09
Revenue	$(€60,000.00 \div €110,000) \times €37,000$	€20,181.82
Total		€37,000.00

As there is no monthly payment, once the lump sum of €35,181.82 is received the remaining outstanding tax will be written out in full. See [Appendix 2](#) for note to be input on ITS and ICM.

Example 7: PIA – Change in Circumstances reduced payment– Variation of PIA – preferential debt not paid in full by lump sum.

Bob is a self employed architect, he is married with an infant. He now works for a firm of architects and is no longer registered for tax.

Bob's current insolvent position

<u>Assets</u>		<u>Monthly Income</u>	
PPR	€200,000.00	Monthly Net Income	€3,100.00
Shares	€ 13,000.00		
Car	€ 12,000.00		
Total	€432,000.00		
<u>Debts</u>		<u>Monthly Expenses</u>	
Credit Card	€ 10,000.00	Total Set Costs	€1,649.76
Mortgage on PPR	€230,000.00	Mortgage	€1,800.00
Car Loan	€ 11,000.00	Reasonable Living Expenses	€3,449.76
Revenue	€ 90,000.00*		
Revenue Pref Debt	€ 24,000.00*	Net Disposable Income	
Total	€475,000.00	(prior to servicing debt)	-€349.76

* Revenue's debt is broken down as follows: Tax: €98,000 Interest: €16,000

PIP has recommended the following proposal:

Bob sells his shares and trades in the car for a cheaper model. The bank has extended the life of the mortgage by 10 years and reduced the interest to 1.5% for the term of the arrangement. The bank has agreed to enter into the arrangement provided that that they receive all the proceeds of the sale of property. This has the effect of reducing the mortgage payment to €1,100 per month and provides the other creditors with a monthly payment of €350.24.

This means that Bob will pay:

Sale of Assets	€ 21,000.00
Monthly payments (€350.24 x 12) x 6	€ 25,217.28
Total	€ 46,217.28

The payments will be allocated to the debt as follows:

Less PIP fees	€ 6,000.00
Total for Creditors	€ 40,217.28
Revenue Pref Debt	€ 24,000.00
Revenue (€90,000 ÷ €111,000) x €16,217.28	€ 13,149.14
Credit Card (€10,000 ÷ €111,000) x €16,217.28	€ 1,461.02
Car Loan (€11,000 ÷ €111,000) x €16,217.28	€ 1,607.12
Total	€ 40,217.28

Breakdown of Revenue Debt:	Total Debt	Preferential	Unsecured Amount
VAT	€ 40,000.00	€10,000.00	€ 30,000.00
IT	€ 31,000.00	€ 7,600.00	€ 23,400.00
PREM	€ 27,000.00	€ 4,000.00	€ 23,000.00
Accrued Interest	€ 16,000.00	€2,400.00	€ 13,600.00
Total	€ 114,000.00	€ 24,000.00	€ 90,000.00

Amount to be paid:

€ 37,149.14

The sale of the assets is divided as follows:

PIP fees € 2,000

Revenue Preferential Debt €19,000

Revenue is happy to receive the balance of the preferential debt over the life of the arrangement.

Monthly payments are divided as follows:

PIP Fees $(€4,000 \div 72)$ € 55.56

Revenue Pref. Debt $(€5,000 \div 72)$ € 69.44

Revenue $(€90,000 \div €111,000) \times €225.24$ €182.63

Credit Card $(€10,000 \div €111,000) \times €225.24$ € 20.29

Car Loan $(€11,000 \div €111,000) \times €225.24$ € 22.32

Total €350.24

The caseworker will set up an instalment arrangement with a downpayment of €19,000 and 72 monthly payments of €252.07. (€69.44+€182.63)

24 months into the arrangement Bob loses his job and sets up as a self employed architect again. This substantially reduces his income and the PIP recommends a variation of the PIA.

Bob's insolvent position after 24 months.

<u>Assets</u>		<u>Monthly Income</u>	
PPR	€200,000.00	Monthly Net Income	€2,800.00
Car	€ 2,000.00		
Total	€ 202,000.00		
<u>Debts</u>		<u>Monthly Expenses</u>	
Credit Card	€ 9,513.04	Total Set Costs	€1,649.76
Mortgage on PPR	€207,050.00	Mortgage	€1,100.00
Car Loan	€ 10,464.32	Reasonable Living Expenses	€2,749.76
Revenue	€ 85,616.88*		
Revenue Pref Debt	€ 3,333.44*	Net Disposable Income	
Total	€475,000.00	(prior to servicing debt)	€ 50.24

* Revenue's debt is broken down as follows: Tax: €72,950.32 Interest: €16,000

The PIP has recommended extending the PIA to seven years. The bank have already extended the term of the mortgage and reduced the interest rate, however to ensure the success of the arrangement the bank have reduced the interest to .5% for the remaining 5 years of the PSA, the mortgage payment is now €950.

The new monthly payment will be: €200.24. (€2,800-€2599.76)

All the creditors agree to the variation arrangement. The PIP will receive the remainder of the fees due as additional work has been performed for the variation arrangement.

Bob was originally going to pay €40,217.28 of his debts but now will only be able to pay:

	Total
Original sale of Assets	€21,000.00
Payments already made ($€350.24 \times 24$)	€ 8,405.76
Payments at new rate ($€200.24 \times 60$)	<u>€12,014.40</u>
Total	€41,420.16
Less PIP's fees	<u>€ 6,000.00</u>
Total for Creditors	€35,420.16
Revenue Preferential Claim	<u>€24,000.00</u>
Total for Unsecured Creditors	€11,420.16

The monthly payment will be divided out as follows:

		Monthly Payt
PIP's Fees	($€2,666.56 \div 60$)	€44.44
Revenue Pref Debt	($€3,333.44 \div 60$)	€55.56
Revenue	($€85,616.88 \div €105,594.24$) \times €100.24	€81.27
Credit Card	($€ 9,513.04 \div €105,594.24$) \times €100.24	€ 9.04
Car Loan	($€10,464.32 \div €105,594.24$) \times €100.24	<u>€ 9.93</u>
Total		€200.24

The caseworker will set up an instalment arrangement with 60 monthly payments of €136.83 ($€55.56 + €81.27$). The additional tax debt not covered by the arrangement will be written-out.

10. Setting up an Instalment Arrangement in ICM for a DSA or PIA

- It should be noted that an insolvency arrangement can be paid monthly or quarterly depending on the terms of the arrangement. The caseworker should adjust the dates on the payment schedule to match the details provided by the PIP.

The following material is either exempt from or not required to be published under the Freedom of Information Act 2014.

[...]

A more recent version of this manual is available.

Contacts:

Queries may be directed to:

Keith O' Sullivan (061) 488061, kosull01@revenue.ie

Paddy Purtill (061) 488291, ppurtill@revenue.ie

Contact for AI/PIP: C-Gs Insolvency Unit (VPN 55861),

E-mail: personalinsolvency@revenue.ie

Appendix 1: Letters for Arrangements

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[...]

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Proxy Form.

INSTRUMENT APPOINTING A PROXY

IN THE MATTER OF A PURSUANT TO THE PERSONAL INSOLVENCY ACT 2012 AND THE PERSONAL INSOLVENCY ACT 2012 (PROCEDURES FOR THE CONDUCT OF CREDITORS' MEETINGS) REGULATIONS 2013

AND IN THE MATTER OF Name of taxpayer

OF Address of taxpayer, A DEBTOR

_____ [name of proxy] of _____ [address of proxy]
is hereby appointed agent and proxy for the undersigned in the above matter, to represent and vote for the undersigned [in favour of (Yes)] / [against (No)] / [in favour of (Yes) or against (No) as such proxy in his or her discretion shall determine]* the approval of a proposal at the to be held in respect thereof on DATE OF MEETING.

_____ [signature of creditor]

_____ [Name in block capitals]

_____ [signature of Witness]

_____ [Witness name in block capitals]

Dated _____

***strike out whatever is not desired**

Please be advised that this proxy does not constitute an acceptance of any proposal, amended or otherwise, which is different from that which was submitted to the Revenue Commissioners on [date proposal received].

Instructions (will not be on the proxy form):

If Revenue is voting in favour of the arrangement then the PIP's name and address are input in the spaces provided and a line is put through '[against (No)] / [in favour of (Yes) or against (No) as such proxy in his or her discretion shall determine]'.

If Revenue is voting against the arrangement the name of the person(s) attending the meeting on Revenue's behalf and the C-G's office address are input in the spaces provided and a line is put through '[in favour of (Yes)]/[against (No)]'. This gives the Revenue official attending the scope to vote either way if circumstances change between the notification of our refusal and the actual voting at the creditor's meeting.

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[...]

Appendix 6: Glossary

Approved Intermediary (AI)

An AI is authorised and regulated by the Insolvency Service of Ireland and has functions under the Act with respect to a DRN. The AI will be the person who advises the debtor directly and negotiates the arrangement with the creditors on his/her behalf.

Excluded Debts

These debts cannot be included in any insolvency arrangement:

Family maintenance payments under Court orders

Court fines in respect of criminal offences

Liabilities arising out of personal injury or wrongful death claims awarded by the Court

Liabilities arising from loans obtained by fraud

Excludable Debts

These debts can only be included in an insolvency arrangement with the creditors consent:

- Taxes, duties, levies owed or payable to the State
- Local government charges
- Amounts due to the Health Service Executive under the Nursing Home Support Scheme
- Annual service charges to owner's management companies (apartments and housing estates)
- Liabilities arising under the Social Welfare Consolidation Act 2005
- Local authority rates
- Household charges

Insolvency Service of Ireland (ISI)

The ISI is the statutory body established under the Act which is responsible for, amongst other things, monitoring the operation of the arrangements relating to personal insolvency provided for in the Act; the authorisation and regulation of Personal Insolvency Practitioners and certain other functions specified in the Act.

Insolvent

A person is insolvent if they are unable to pay their debts in full as they fall due.

New Arrangements

"New arrangements" refers to the three new measures introduced under the Act—the Debt Relief Notice (DRN); Debt Settlement Arrangement (DSA) and Personal Insolvency Arrangement (PIA).

Personal Insolvency Practitioner (PIP)

A PIP is authorised and regulated by the Insolvency Service of Ireland and has functions under the Act with respect to a PIA or DSA. The PIP will be the person who advises the debtor directly and negotiates the arrangement with the creditors on his/her behalf.

Preferential Debt

A preferential debt is a debt which has priority for payment before other debts.

In Revenue's case preferential debt is:

- The VAT/PREM/RCT tax debt for twelve months prior to the date the protective certificate issues from the Court.
- The twelve month IT/CGT period with the largest tax debt.
- Interest on all periods listed in the claim.

Prescribed Financial Statement (PFS)

Every applicant for an insolvency arrangement must complete a PFS. It is a sworn document that contains details of all assets, liabilities, income and expenditure of the individual applying for an insolvency arrangement. This is used to establish the individual's eligibility to participate in an arrangement, the possible level of payments and to identify the liabilities that will be discharged at the end of the process.

Protective Certificate

A Certificate issued by a Court which protects the debtor against legal proceedings or other actions by a creditor in respect of debts for a limited time while a PIA or DSA is being put in place.

Reasonable Living Expenses

These expenses include set costs, mortgage payments, rental payments, childcare and special circumstances costs.

Secured Creditor

A creditor who holds a specific claim (usually a property interest) over one or more of a debtor's assets as security for a secured debt. An example would be a mortgage or charge over a house.

Secured debt

A debt backed or secured by an asset to reduce the risk associated with the debt by use of arrangements which make the asset available to the secured creditor to discharge the debt before general/unsecured creditors (e.g. a mortgage or charge over a house used as security for a housing loan). If the debtor defaults or fails to meet one of the terms of repayment, the bank may seize the debtors' house to sell, using the proceeds towards the settlement of outstanding debts.

Set Costs

The costs attributed to a typical household are termed 'set costs'. e.g. food, clothing, household expenses. These costs do not include mortgage payments, rental payments, childcare and special circumstances costs.

Specified date

In the case of a DRN the specified date is the date that the formal request is made by the AI. In relation to Debt Settlement Arrangements and Personal Insolvency Arrangements, the specified date is the date the protective certificate issues from the Court.

Specified debt

In relation to a Debt Relief Notice, specified debt is the debt listed on the Debt Relief Notice and will not include any debt due after the formal request for a DRN.

In relation to Debt Settlement Arrangements and Personal Insolvency Arrangements, specified debt means a debt that is specified in the Protective Certificate as being subject to that certificate. Any debt due after the date Revenue opts into a DSA/PIA will be considered current taxes and will have to be paid by the individual.

Unsecured creditor

A creditor who does not have a specific claim (usually a property interest) over the debtor's assets.

Unsecured debt

A debt where the unsecured creditor would not be entitled to seize specific assets if the debtor fails to make repayments because that creditor does not hold security over those assets.

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[...]

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Appendix 8: ISI Summary of the New Insolvency Processes

Debt Relief Notice (DRN)

- You may apply for a **DRN** if you have:
 - ❑ debts below €20,000,
 - ❑ a low income, and
 - ❑ few assets.
- Your **DRN** can include some secured debts and unsecured debts (such as credit card loans, utility bills, store cards and personal loans).
- Your **DRN** will normally last for 3 years. After this, the money you owe to the creditors named in your **DRN** will be cleared as long as you meet all the conditions in your **DRN**.
- During this time the unsecured creditors named in your **DRN** cannot take any legal or debt collection action against you.
- You must apply for a **DRN** through an **Approved Intermediary (AI)**. This is someone authorised by us to submit **DRN** applications. You can find a list of AIs on our website www.isi.gov.ie.
- We will put your details on a public Register of Debt Relief Notices. (It will include your name, address, year of birth and the date of the **DRN**). Anyone can view this register.
- Your **DRN** will finish earlier than 3 years if you pay back half of what you owe.
- You can only have one **DRN** in your lifetime.

Debt Settlement Arrangement (DSA)

- A **DSA** is only for unsecured debts. These include credit card loans, personal loans, store cards and business loans. You cannot include secured debts such as your mortgage.
- A **DSA** will normally last up to 5 years (or 6 years in some cases). During this time the unsecured creditors named in your **DSA** cannot take any legal or debt collection action against you.
- A **DSA** allows you to pay off as much of your unsecured debt as you can, with the outstanding balance after 5 years (or 6 years in some cases), written out.
- You must apply for a **DSA** through a **Personal Insolvency Practitioner (PIP)**. This is someone licensed by us to make **DSA** or **PIA** applications. You can find a list of PIPs on our website www.isi.gov.ie.
- **Here is how it works:**
 1. You apply for a **DSA** through your **PIP**.
 2. If the ISI and the Court are happy with your application, your **PIP** gets 70 days to develop a proposal, to be put to your creditors.
 3. You have to agree to the proposal.
 4. Creditors representing 65% of your debt must agree with the proposal.
 5. The ISI and the Court carry out final reviews of your case and you will then get a **DSA**.
 6. We will put your details on a public Register of Debt Settlement Arrangements. (It will include your name, address, year of birth and the date of the **DSA**). Anyone can view the register.
- You can only have one **DSA** in your lifetime.

Personal Insolvency Arrangement (PIA)

- A **PIA** can include both secured debts (such as mortgages) and unsecured debts (such as credit card and personal loans).
- A **PIA** will normally last up to 6 years (but can be 7 years in some cases). During this time the creditors named in your **PIA** cannot take any legal or debt collection action against you.
- A **PIA** allows you to settle and or restructure your debts over a period of 6 years (but can be 7 years in some cases).
- You must apply for a **PIA** through a **Personal Insolvency Practitioner (PIP)**. This is someone licensed by us to make **DSA** or **PIA** applications. You can find a list of PIPs on our website www.isi.gov.ie.
- **Here is how it works:**
 1. You apply for a **PIA** through your **PIP**.
 2. If the ISI and the Court are happy with your application, your **PIP** gets 70 days to develop a proposal, to be put to your creditors.
 3. You have to agree to the proposal.
 4. Creditors representing 65% of your debt must agree with the proposal. This must include 50% of your secured debt and 50% of your unsecured debt.
 5. The ISI and the Court will carry out final reviews of your case and you will then get a **PIA**.
 6. We will put your details on a public Register of Personal Insolvency Arrangements. (It will include your name, address, year of birth and the date of the **PIA**). Anyone can view the register.
- You can only have one **PIA** in your lifetime.

Appendix 9: Steps involved in Personal Insolvency Arrangements

Step	Action Required
Once initial contact is made and the PIP/AI are confirmed to be acting on taxpayer's behalf all further contact should be through the MyEnquiries service. AI/PIP informally contacts C-G's Insolvency Unit. Note: The initial contact by the PIP may be notice of the issue of a Protective Certificate by the Courts.	C-G's Insolvency Unit to contact relevant DMU and set up Insolvency Workitem DMU caseworker to contact AI/PIP and request confirmation that PIP/AI can act on taxpayer's behalf. Once received caseworker will: <ul style="list-style-type: none"> ➤ Input a note on ITS and ICM, assign the PIP as the IT agent. ➤ Remind the AI/PIP that they have two weeks to submit formal request and what information must accompany the request. ➤ Give details of tax debts to date and any missing returns. ➤ Contact the relevant enforcement agency if necessary. ➤ Provide PIP with the relevant enforcement agency's contact details.
AI/PIP submits formal request, DMU caseworker has 21 days to notify the AI/PIP of decision. Insolvency Unit will update the Insolvency workitem.	DMU caseworker will: <ul style="list-style-type: none"> ➤ Inform C-G's Insolvency Unit that the request is received. ➤ Input a note on ITS and ICM. ➤ Review information received to ensure all the necessary information has been provided. ➤ Email letter to AI/PIP if information is missing. ➤ Notify AI that 70 day setting up period has begun. ➤ Contact the relevant enforcement agency if necessary. ➤ Review case and decide whether to agree to the DRN or opt in/out to the DSA/PIA.
DMU caseworker notifies AI of decision to consent to the DRN and reminds AI of when the 70 day setting up period will finish. Insolvency Unit will update the Insolvency workitem.	DMU caseworker will: <ul style="list-style-type: none"> ➤ Inform C-G's Insolvency Unit that Revenue consents to the DRN. ➤ Input a note on ITS and ICM. ➤ Issue a final demand including interest on the outstanding debt for inclusion in the DRN. ➤ Contact the relevant enforcement agency if necessary.
DMU caseworker notifies AI of decision not to consent to the DRN and reminds AI of when the 70 day setting up period will finish. Insolvency Unit will update the Insolvency workitem.	DMU caseworker will: <ul style="list-style-type: none"> ➤ Inform C-G's Insolvency Unit that Revenue does not consent to the DRN. ➤ Input a note on ITS and ICM. ➤ Issue a final demand including interest on the outstanding debt. ➤ Contact the relevant enforcement agency if necessary. <p>The debt cannot be enforced until the 70 day setting up period has expired.</p>
AI notifies Revenue that the DRN has been set up Insolvency Unit will update the Insolvency workitem.	DMU caseworker will: <ul style="list-style-type: none"> ➤ Inform C-G's Insolvency Unit that the DRN has been set up. ➤ Input a note on ITS and ICM. ➤ Contact the relevant enforcement agency and withdraw enforcement if necessary.

	<ul style="list-style-type: none"> ➤ Write-out all the debt specified in the DRN. ➤ Remind AI that all future tax returns must be paid and filed on time. ➤ Close case.
Caseworker notifies PIP that Revenue is opting into the PIA/DSA Insolvency Unit will update the Insolvency workitem.	DMU caseworker will: <ul style="list-style-type: none"> ➤ Inform C-G's Insolvency Unit that Revenue is opting into the DSA/PIA. ➤ Input a note on ITS and ICM. ➤ Issue a final demand including interest on the outstanding debt for inclusion in the Protective Certificate. ➤ Contact the relevant enforcement agency if necessary.
Caseworker notifies PIP that Revenue is opting out of the PIA/DSA Insolvency Unit will update the Insolvency workitem.	DMU caseworker will: <ul style="list-style-type: none"> ➤ Inform C-G's Insolvency Unit that Revenue is opting out of the DSA/PIA. ➤ Input a note on ITS and ICM. ➤ Issue a final demand with the notification letter. ➤ Contact the relevant enforcement agency if necessary. <p>If a protective cert is in place the debt cannot be enforced until the 70 days expires.</p>
PIP notifies that a Protective Certificate has issued Insolvency Unit will update the Insolvency workitem.	DMU caseworker will: <ul style="list-style-type: none"> ➤ Inform C-G's Insolvency Unit that the protective Certificate has issued ➤ Input a note on ITS and ICM. ➤ Contact the relevant enforcement agency if necessary. ➤ Place a STOP 10 on all periods included in the Protective Certificate. ➤ Remind PIP that all future tax returns must be filed and paid while the PC is in place. ➤ Remind PIP that any additional information requested must be filed within the 70 days. ➤ Completes the Proof of debt and the Preferential Debt Claim when Revenue is opting in.
PIP submits all additional information including payment proposal. Insolvency Unit will update the Insolvency workitem.	DMU caseworker will: <ul style="list-style-type: none"> ➤ Input a note on ITS and ICM. ➤ Review information received to ensure all the necessary information has been provided. ➤ Email letter to AI/PIP if information is missing. ➤ Review case and decide whether to vote in favour or against the DSA/PIA.
PIP notifies that a creditors' meeting is to be held and requests how Revenue will vote at the meeting. Insolvency Unit will update the Insolvency workitem.	DMU caseworker will: <ul style="list-style-type: none"> ➤ Inform C-G's Insolvency Unit that the creditors' meeting is to be held. ➤ Input a note on ITS and ICM. ➤ Inform the PIP of Revenue's decision and complete the proxy form.
Revenue votes against the DSA/PIA but a sufficient number of creditors vote in favour of the DSA/PIA Insolvency Unit will update the Insolvency workitem.	DMU caseworker will: <ul style="list-style-type: none"> ➤ Inform C-G's Insolvency Unit that Revenue voted against the DSA/PIA however as a sufficient number of creditors vote in favour of the DSA/PIA we are bound by its terms.

Revenue votes against the DSA/PIA and a sufficient number of creditors vote against the DSA/PIA Insolvency Unit will update the Insolvency workitem.	DMU caseworker will: <ul style="list-style-type: none"> ➤ Inform C-G's Insolvency Unit that Revenue voted against the DSA/PIA and it was not agreed. ➤ Remove STOP 10s and continue on with collection of tax debt ➤ Contact the relevant enforcement agency if necessary.
PIP notifies that the arrangement has been approved by the ISI and the Courts. Insolvency Unit will update the Insolvency workitem.	DMU caseworker will: <ul style="list-style-type: none"> ➤ Inform C-G's Insolvency Unit that the DSA/PIA is in place. ➤ Input a note on ITS and ICM. ➤ Contact the relevant enforcement agency and send them the terms of the DSA/PIA. ➤ Write-out all the debt specified in the DSA/PIA that is not being paid. ➤ Remind PIP that all future tax returns must be paid and filed on time. ➤ Set up Instalment Arrangement to collect the taxes being paid under the DSA/PIA.