

CASE LAW

- MVLS & LIABILITY FOR IPS
- CHALLENGE TO REMUNERATION FROM FIXED CHARGE ASSETS
- BANKRUPTCY, FAILURE TO COOPERATE & COSTS
- DIRECTOR PERSONALLY LIABLE FOR COSTS
- COMI & JERSEY-BASED COMPANY

LEGAL UPDATES

- ADMS ENERGY ACT
- CO. HSE, IDENTITY VERIFICATION
- CO. HSE & LLPs & UNREGISTERED CO.
- CO. HSE FEE CHANGES
- NORTHERN IRELAND
- DIGITAL MARKETING
- PRACTICE STATEMENT

GENERAL INFORMATION

- GUIDANCE: IVAS JOINT NOMINEE AGREEMENTS
- MVL TO CVL CONVERSION
- PERSONAL INSOLVENCY & CAR FINANCE CLAIMS
- IGP 5 - DEALING WITH COMPLAINTS
- EAS

- HR1
- HMRC INSOLVENCY
- VAT 700/56
- HMRC GUIDANCE IN PERSONAL INSOLVENCY
- COVID VOLUNTARY REPAYMENT SCHEME
- CODE OF ETHICS
- AML SUPERVISION
- AML

TECHNICAL UPDATE

MVLs & liability for IPs

In the case of [Pagden & Ors v Fry & Anor \[2025\] EWHC 2316 \(Ch\)](#) the court determined that the pre-appointment letter of engagement cannot limit the liability of the MVL former liquidator.

Challenge to remuneration from fixed charge assets

In the case of [Pagden & Anor v Ridgley \[2025\] EWHC 2674 \(Ch\)](#) the court of appeal upheld the original decision that the remuneration from the fixed charge assets could not be challenged using R18.34. It is interesting it was considered that it could be challenged under [IA 1986, Sch B1, paras 74 and 75](#); the court's overall control over administration proceedings; and the principle in *Ex Parte James*. (1874) LR 9 Ch App 609.

Bankruptcy, failure to cooperate & costs

In the case of [Armstrong \(as trustee in bankruptcy of Vanessa Temblett\) v Temblett \(bankrupt\) and another \[2025\] EWHC 1649 \(Ch\)](#) the debtor and her husband had failed to cooperate and their various actions and accusations impeded the Trustee in dealing with the debtor's interest in the property in a timely and cost-effective manner. The judge found that these actions had increased the costs unnecessarily, leading to the realisations from the property being absorbed by the Trustee's costs and expenses. The judge

made it clear that the order for possession would proceed even if there would be no funds available for creditors.

Director personally liable for costs

In the case of [Settle v Sandstone Legal Ltd v Sandstone Legal Ltd \[2025\] EWHC2771 \(Ch\)](#) the court held that they could make a personal costs order against the director of the company who made the application and sought a pre-pack sale to benefit himself because he was "the 'real party' over that period, seeking to benefit personally from his proposed pre-pack administration and conducting the litigation on self-serving evidence which he knew to be materially false, without proper regard for the interests of the company or the creditors as a whole".

COMI & Jersey-based company

In the case of [Re Petrofac Ltd \[2025\] EWHC 2887 \(Ch\)](#) the court determined that a Jersey company's COMI was the UK based on negotiations and communication with creditors, physical meetings and the senior management of the company being based in the UK. The court rejected the articles of association of the company and the restriction within there about board meetings in the UK, since the Recast Regulation test does not give weight to where board meeting resolutions occur.

Administrations for Energy Act 2023 licence holders

[The Carbon Dioxide Transport and Storage \(Licensed Operators\) Administration \(England and Wales\) Rules 2025](#) SI2025/1135 comes into force on the 19 November 2025.

Companies House, identity verification & prohibitions

[The Economic Crime and Corporate Transparency Act 2023 \(Commencement No 6 and Transitional Provisions\) Regulations 2025](#) comes into force 18 November 2025 and some of the interesting changes include:

- [ECCTA 2023, s 4](#) (proposed officers: identity verification)
- [ECCTA 2023, s 7](#) (persons with initial significant control: identity verification)
- [ECCTA 2023, s 31](#) (disqualification for persistent breaches of companies legislation: GB)
- [ECCTA 2023, s 43](#) (prohibition on director acting unless ID verified)
- [ECCTA 2023, s 44](#) (prohibition on acting unless directorship notified)
- [ECCTA 2023, s 64](#) (identity verification of persons with significant control)

Companies House & LLPs & unregistered companies

[The Companies and Limited Liability Partnerships \(Annotations, Application and Modification of Company Law](#)

and Consequential Amendments) Regulations 2025 has yet to come into force, but when it does it will require Companies House to verify individuals' identities in respect of unregistered companies and LLPs.

Companies House fee changes

The Companies House fee changes are effective 1 February 2026.

Northern Ireland

The Insolvency Practitioners (Recognised Professional Bodies) (Revocation of Recognition) (No. 2) Order (Northern Ireland) 2025 came into force on 5 November and the Law Society of Northern Ireland ceased to be a recognised professional body.

Digital Marketing

The Digital Markets, Competition and Consumers Act 2024 came into force on 6 April 2025. If you publish reviews on your website in respect of your service you will be impacted. ICAS has published guidance.

Practice Statement Part 26A Restructuring

The Practice Statement from the Chancellor of the High Court: Part 26 of the Companies Act 2006 was published on 18 September 2025.

Guidance: IVAs joint Nominee agreements

Guidance has been issued jointly by ICAS, ICAEW and IPA as the insolvency Recognised Professional Bodies, setting out expectations in relation to joint nominee agreements for individual voluntary arrangements.

MVL to CVL conversion and the 12 month rule

Following the case of Re Noal SCSp the RPBs have issued guidance on the regulatory approach to be adopted.

Personal insolvency & car finance claims

Guidance has been issued by the RPBs following the judgment in Hopcraft to review all personal insolvency cases to identify those potentially affected and we await further guidance from the FCA.

Insolvency Guidance Paper 5 - Dealing with complaints

The updated Insolvency Guidance Paper - Dealing with Complaints was published on 1 October 2025.

Insolvency Service - EAS

The transition to the new case management system, INSSight, has now begun and new templates to be used from Monday 3rd November are:

- MVL & CVL unclaimed funds: CAU103

HR1

From 30 November 2025 HR1 forms will only be accepted if submitted digitally.

HMRC Insolvency Guidance

The following bulletin have been published:

- Insolvency practitioner bulletin 7 (2025): Pre-Pack Sales insolvency
- Insolvency practitioner bulletin 8 (2025): Members Voluntary Liquidation (MVL) and Notices of Intended Dividends (NOIDs)

VAT 700/56

The guidance in VAT Notice 700/56 was updated September and October 2025.

- Requisition for BACS payment: CAU105

HMRC guidance in personal insolvency

The guidance previously issued relating to tax and personal insolvency was updated in Oct 2025 in respect of question 34.

COVID Voluntary Repayment Scheme

The government is promoting a voluntary repayment of COVID funds where the funds should not have been obtained.

Code of Ethics

The new Code of Ethics ICAEW and the new Code of Ethics IPA went live on 1 October 2025. If you are still unsure about the impact, you may find my "Updated Code of Ethics" webinar useful, which is available to members.

AML Supervision

A consultation opened into the FCA taking over professional services firms' anti-money laundering and counter-terrorist financing supervision and closes 24/12/2025.

AML

The UK Financial Intelligence Unit have produced a series of short videos. If you are seeking a more insolvency specific AML update Michelle has recently recorded a webinar for members.



Joanne Harris has 24 years' experience in insolvency dealing with all case types. She was formerly a Director of Technical and Compliance in a top 20 firm before starting her own business to supply technical services for insolvency practitioners without a compliance resource.

Joanne is also a partner of both The Compliance Alliance and JOH Consultancy which offer a range of services that may be tailored to an individual IP's needs.