



The Insolvency Service

Information Rights Team

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J Stewart
request-733222-3e55f72a@whatdotheyknow.com

Our ref: FOI20/21-207
Date: 22/03/2021

www.gov.uk/insolvency-service

Dear J Stewart

Re: Freedom of Information Act (FOIA) Request

Thank you for your email of 03 March in which you requested from the Insolvency Service:

- 1) *Can Insolvency Practitioners appointed a trustee by the court or by the Secretary of State use force and violence to obtain domestic property from individuals and families.*
- 2) *What punishment does the Insolvency Services inflict on rogue IP's who instruct enforcement agent thugs who drag people from their homes for a civil matter?*
- 3) *How many complaints has the Insolvency Services received regarding IP's criminal actions that have allowed thugs to inflict injuries and to terrorise their victims into being made unlawfully homeless to benefit a trustee and others by unjust means using force, threats and violence, when they know they can not use force to gain entry to domestic homes for a civil 'debt' including so-called High Court enforcement AGENTS.*
- 4) *How many IP's have been sent to prison for their part in these heinous crimes of assault, battery and theft or terrorising or blackmailing their victims into believing they have to leave their homes or they will be instructing thugs to use force against them.*

Your request has been dealt with under the Freedom of Information Act 2000 (FOIA).

I can confirm the agency holds some of the information that you have requested and have provided answers to your questions below:

- 1) In response to point one I direct you to the following sections of the Insolvency Act 1986 (IA86):

s305(2) IA86 The function of the trustee is to get in, realise and distribute the bankrupt's estate [...] and in the carrying out of that function and in the management of the bankrupt's estate the trustee is entitled [...] to use his own discretion.

s311(2) IA86 In relation to, and for the purpose of acquiring or retaining possession of the bankrupt's estate, the trustee is in the same position as if he were a receiver of

property appointed by the High Court; and the court may, on his application, enforce such acquisition or retention accordingly.

Therefore, in carrying out their duties as trustee, an insolvency practitioner may decide to apply to the court to enforce possession of any property comprised in the bankruptcy estate, and any order of the court may, ultimately, lead to the appointment of a High Court Enforcement Agent (HCEA). However, the Insolvency Service does not oversee the actions of High Court Enforcement Agents.

- 2) As the above legislation indicates, Insolvency Practitioners may apply for the appointment of a HCEA and therefore no punishment would be attached to such an action.
- 3) We have searched our systems for any complaints about an IP using a HCEA. We have not been able to find any complaints that are part of a referral, rejection or closure reasoning that are logged, as far back as 2015. This does not mean we have never received a complaint that has potentially included this issue but there are no currently recorded complaints directly linked to the use of HCEA.
- 4) No IPs have been sent to prison for the use of HCEA

If you are not satisfied with the response we have provided you and would like us to reconsider our decision by way of an internal review (IR), please contact our Information Rights Team at foi@insolvency.gov.uk or by post at:

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You also have the right to contact the Information Commissioner's Office (ICO) if you wish for them to investigate any complaint you may have regarding our handling of your request. However, please note that the ICO is likely to expect an IR to have been completed in the first instance.

Yours sincerely,

Information Rights Team
The Insolvency Service

The Department for Business, Energy and Industrial Strategy, Official receivers and the Adjudicator are Data Controllers in respect of personal data processed by the Insolvency Service. For the details about how personal data is processed by the agency, please see the full Insolvency Service Personal Information Charter here: <https://www.gov.uk/government/organisations/insolvency-service/about/personal-information-charter>