



The Insolvency  
Service

FOI&DPA Officer  
The Insolvency Service  
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[www.gov.uk/insolvency-service](http://www.gov.uk/insolvency-service)

Mr Ed Boyce

Email: request-506157-20f16dda@whatdotheyknow.com

Your ref:

Our ref: 2018-458

e-mail: FOI@insolvency.gsi.gov.uk

Date: 07 September 2018

Dear Mr Boyce

### **Freedom of Information Act 2000 – Request for information.**

I refer to your email dated 6 August 2018 regarding a request for information held by the Insolvency Service. You requested the following information:

- *Please provide under FOIA how many debtors' petitions have been received by Chatham Office Insolvency and Southend Office Insolvency Service in September 2016, in connection with solicitors firm J E Baring & Co and Michael Abram Goldstein IP.*
- *Name the Official Receiver in each office.*
- *Date a debtor's petition was received and the office that received it.*
- *The date the petition was filed by a debtor and how and where it was filed ( the county court or money claims centres etc ) and if a debtor signed /approved the petition.*
- *The date a bankruptcy order was made on behalf of the debtor and the name of the county court, specifically any made in the county court hearing centre at Maidstone.*
- *List the fee paid and date it was received by your office.*
- *Please include any debtor applications (include the date) by a debtor to make themselves bankrupt after April 2016 to the Adjudicator instead of the county court, especially for bankruptcy orders made in the month of May 2016 received by Official Receiver at Southend Justin Dionne or Chatham Office by Andrew Stanley, after the county court's authority to deal with administrative insolvency matters for debtor petitions was removed*

### **Our response:**



The Government Standard

**A BEIS SERVICE**

The information you have requested are refused on the following grounds:

The Official Receiver is an officer of the court. FOI requests do not apply to courts and tribunals because these are governed by their existing rules (the Civil Procedure Rules in respect of the High Court and county courts).

The Insolvency Act 1986 states that "in the exercise of the functions of his office, a person holding the office of official receiver shall also be an officer of the court in relation to which he exercises those functions" and when he/she is thus acting as statutory office holder, the official receiver is accountable to the court in respect of actions taken. The official receiver is not listed in the schedules of FOIA and is therefore not a "public authority" for the purposes of the FOIA, therefore your request is refused.

If you are dissatisfied with the decision provided by the Insolvency Service you have the right to appeal to the Information Commissioner who can be contacted at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Regards

Data Protection & Freedom of Information Team