

Private & Confidential

request-604814-66683b83@whatdotheyknow.com

Freedom of Information Act (FOIA) - Request for information

Reference: FOI0962

4th October 2019

Dear Ms Williams,

Further to your request below:

Job Card INS3 (September 2010) - county court hearing centre office (Maidstone)

HMCTS have confirmed that this job card is still currently being used by HMCTS county court office staff when accepting a creditors' bankruptcy petition, can you please confirm if this Job Card has been updated and provide a copy. The county court became a single court in April 2014.

Can you also confirm whether the Official Receiver attached to the county court hearing centre at Maidstone has received any confirmations from the county court of a pending action in bankruptcy filed by Maidstone Borough Council in 2018/2019 as a creditor on a bankruptcy petition, please provide the PAB dates and the name of the Insolvency Office and date they were received.

Please also confirm if covering letters that are date stamped, in place of a creditors petition being dated and time stamped when received by the court office, is an acceptable practice and provide the section of the Insolvency Act and rules, that confirms that a creditors bankruptcy petition does not need to be marked with the date and time it was received by HMCTS staff, is a relevant court officer required to carry out this duty or is it just a general duty of court office staff.


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In addition to only a covering letter from Maidstone Borough Council's out-sourced solicitors being date stamped (without the time received) and not the bankruptcy petition being date or time stamped on receipt by the court, can you also confirm if 2 identical copies of the petition must be filed together or whether a non-identical (or blank copy) is acceptable and whether both should be dated/time stamped, and into which court, the county court or the Crown Court these covering letters /petitions must be sent to and received by.

How is it possible for MBC external solicitors to have their covering letters stamped by the Crown Court at Maidstone and this crown court date used on the petition as a date of filing?

Are your Official Receivers aware of these practices who have access as a court officer to the bankruptcy cases, how many have they received prior to and including 2018/2019?

Is there any policy or safeguards in place to stop collusion within the system?

The Legal Ombudsman (LeO) confirms it does hold the information.

It appears your query should be directed to the County Court regarding Job Card, filed pending action in bankruptcy, PAB dates and the name or date of insolvency.

I have ask the data analysis team to conduct further search around any complaints recorded against MBC External Solicitors and can confirm the Legal Ombudsman does not have any complaints recorded against MBC External Solicitors.

If you are unhappy with our response or the handling of your request and wish to request an internal review of our decision, please write to:-

Legal Ombudsman
Information Rights and Security Team
POBOX 6803
Wolverhampton
B30 9ED
infosec@legalombudsman.org.uk

If following the review, you remain unhappy with the outcome, you have the right of recourse with the Information Commissioner's Office (ICO). They can be contacted at:

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF.

Email: casework@ico.org.uk

Telephone: 0303 123 1113.

Generally the ICO cannot provide a decision until you have exhausted the review process within the Legal Ombudsman.

Yours sincerely,

Lourenizta Haye

Data Protection and Information Compliance Officer

Email: infosec@legalombudsman.org.uk



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