



STATUTORY INSTRUMENTS.

**S.I. No. 335 of 2013**



PERSONAL INSOLVENCY ACT 2012 (PROCEDURES FOR THE  
CONDUCT OF CREDITORS' MEETINGS) REGULATIONS 2013

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CONDUCT OF CREDITORS' MEETINGS) REGULATIONS 2013

I, ALAN SHATTER, Minister for Justice and Equality, in exercise of the powers conferred on me by Sections 74 and 111 of the Personal Insolvency Act 2012 (No. 44 of 2012) hereby make the following regulations:

*Citation and Purpose.*

1. (1) These Regulations may be cited as the Personal Insolvency Act 2012 (Procedures for the Conduct of Creditors' Meetings) Regulations 2013.

(2) These Regulations are made for the purposes of Section 74 and Section 111 of the Personal Insolvency Act 2012 (No. 44 of 2012).

*Scope.*

2. These Regulations apply to meetings of creditors called pursuant to Sections 70, 82, 106 and 119 of the Personal Insolvency Act 2012.

*Definitions.*

3. In these Regulations, unless the context otherwise requires:

“Act” means the Personal Insolvency Act 2012 (No. 44 of 2012);

“chairperson” means the personal insolvency practitioner for the time being standing appointed pursuant to the Act in respect of the debtor (party, or who wishes to become party), to the Debt Settlement Arrangement or Personal Insolvency Arrangement the subject of the relevant creditors' meeting;

“creditors' meeting” means a meeting of creditors called pursuant to Sections 70, 82, 106 or 119 of the Act and includes any sitting following the adjournment thereof;

“electronic address” means any address or number used for the purposes of sending or receiving documents or information by electronic means; and

“instrument appointing a proxy” has the meaning given to it in regulation 6(2).

*Venue.*

4. (1) In fixing the venue for a creditors' meeting, the chairperson shall have regard to the convenience of creditors.

(2) A creditors' meeting shall be scheduled for commencement between 9 a.m. and 4 p.m. on a working day.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 3rd September, 2013.*

*Voting.*

5. Each creditor participating at a creditors' meeting at which a vote is held shall be entitled, in respect of each debt owed to such creditor, to vote once only in respect of the relevant resolution. Upon request by the chairperson, he or she shall vote without undue delay by stating to the chairperson whether he or she is in favour of or against the relevant resolution (or words to the like effect).

*Resolutions.*

6. No resolution shall be passed at any meeting to which these Regulations apply save for a single resolution approving a Debt Settlement Arrangement or Personal Insolvency Arrangement or a variation of either such arrangement.

*Proxies.*

7. (1) Votes at a creditors' meeting may be given either personally or by proxy.

(2) Every notice summoning a creditors' meeting shall be accompanied by an instrument under which a creditor may appoint a proxy to attend such meeting and vote on such creditor's behalf thereat (an instrument appointing a proxy), which instrument appointing a proxy shall be in the form set out in the Schedule to these Regulations or in such form, substantially to like effect, which the chairperson in his or her sole discretion shall allow.

(3) An instrument appointing a proxy shall be completed in writing under the hand of the creditor or, if such creditor is a company or other body corporate, under the hand of the secretary or other person duly authorised by the company or other body corporate.

(4) Each completed instrument appointing a proxy shall be delivered to the office of the personal insolvency practitioner for the time being standing appointed pursuant to the Act in respect of the debtor in respect of the proposed or, as applicable, existing Debt Settlement Arrangement or Personal Insolvency Arrangement the subject of the relevant creditors' meeting, no later than 4 p.m. on the last working day before the day on which the creditors' meeting is scheduled to be held. The address of such office shall be specified in the notice summoning the creditors' meeting. Where such notice also specifies an electronic address for the delivery of a completed instrument appointing a proxy, such instrument may be delivered by electronic means to such office by sending a copy of such instrument to such electronic address.

(5) The chairperson may, unless evidence to the contrary is shown and the chairperson has notice of this evidence, accept a completed instrument appointing a proxy which has been delivered in accordance with these Regulations as evidence that the appointee named therein has been validly appointed by the creditor concerned.

*Creditor abstinence not to be counted as vote.*

8. Where a creditor abstains from voting at a creditors' meeting, such abstinence shall not be counted as a vote by such creditor.

*Chairperson to be physically present in State.*

9. Nothing in these Regulations shall permit the chairperson to be outside the State during the holding of a creditors' meeting.

SCHEDULE

INSTRUMENT APPOINTING A PROXY

IN THE MATTER OF A CREDITORS' MEETING 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 debtor] OF \_\_\_\_\_[address of debtor], 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 creditors' meeting to be held in respect thereof on \_\_\_/\_\_\_/\_\_\_ [insert date of meeting], or at any adjournment of such meeting.

\_\_\_\_\_ [Signature of creditor]

\_\_\_\_\_ [Name in block capitals]

\_\_\_\_\_ [Signature of Witness]

\_\_\_\_\_ [Witness Name in block capitals]

Dated \_\_\_/\_\_\_/\_\_\_

\*Strike out whatever is not desired.



GIVEN under my Official Seal,  
30 August 2013.

ALAN SHATTER,  
Minister for Justice and Equality.

BAILE ÁTHA CLIATH  
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