

Great Insolvency Scam

Bankruptcy courts.

Insolvency fraud is a crime which involves the stealing of assets and funds from individuals and businesses using insolvency law and the judicial system as the means through which to commit the crime.

The *modus operandi* (method of offence) by which the crime is committed is that what is written on the Statutory Demand is a false representation of facts, which brings the matter within the ambit and scope of the Fraud Act 2006, but the fact the Statutory Demand contains a false representation of facts which is being passed off as genuine, brings the Statutory Demand within the ambit and scope of the Forgery and Counterfeiting Act 1981.

Fraud by false representation carries a maximum penalty on conviction on indictment of a term of imprisonment not exceeding 10 years.

Making a false instrument carries a maximum penalty on conviction on indictment of a term of imprisonment not exceeding 10 years.

Using a false instrument with intent to deceive or defraud carries a maximum penalty on conviction on indictment of a term of imprisonment not exceeding 10 years.

The venue for the hearing of bankruptcy petitions, in the case of individual bankruptcies, is one of the County Court Hearing Centres authorised under the Insolvency Rules 2016. In cases of individual bankruptcy, the High Court only has jurisdiction in cases of Criminal Bankruptcy, where a debtor is outside the UK when the Petition is issued and where proceedings brought by HMRC of individual bankruptcy proceedings being pushed through the High Court when the High Court has no jurisdiction to do so.

What is also of concern is that the judges who sit in the bankruptcy courts have, in the past, been solicitors or barristers within firms of Insolvency Practitioners and is not beyond the realms of possibility that bias or undue partiality enters the equation.

It has also been noted that the Certificates of Appointment of so-called 'trustees in bankruptcy' are often suspects. In many cases, the certificate lacks a court seal, but there is evidence emerging that the signatures on Certificates of Appointment are not on the list of authorised signatories held by the Insolvency Service.

This raises questions as to just how many other suspect certificates of appointments are in circulation and how much money and property those holding such Certificates of Appointment and claiming to be 'trustees in bankruptcy' have taken from victims of fraudulent bankruptcy. These suspect certificates are likely to be False Instruments in accordance with the Forgery and Counterfeiting Act 1981.

Falsely claiming to be acting under the authority or process of a court is a criminal offence carrying a maximum penalty on conviction on indictment of a term of imprisonment not exceeding 7 years.

Please name the court, case number, judge(s) name(s), law firm(s), name(s) of insolvency practitioner(s) and accountancy firm(s).

The following are some of the things to look out for when questioning the authenticity of a court document:

- Absence of a court seal
- Court seal which is not in keeping with those used by HMCTS
- Court seal which looks as if it has been copied and pasted in electronically
- Absence of court postal address and name of court admin staff who produced the document (County Court) at bottom of form
- Absence of court form number, effective date and revision date at bottom of form
- Absence of words 'Crown Copyright' at bottom of the form

On examination of Civil Procedures Rules in CPR 2.6 (2)(b), the permitting of electronic stamping of documents leaves it wide open for the dishonest and the disreputable to create apparently-sealed court documents and then pass them off as genuine.

In CPR 2.6(3), the permitting of a document to be admitted into evidence which purports to be sealed leaves it open for the dishonest and the disreputable to defraud with impunity and with little fear of being challenged.

These two rules in particular, have allowed the dishonest and the disreputable to asset-strip people from all walks of life, causing psychological torture to them in the process. Those affected include individuals, families, small businesses and even large successful companies, but the worst effect is on families which have been ripped apart by this insidious fraud.