

Bretts Business Recovery: GUIDES: Voluntary Arrangements

A Voluntary Arrangement is a legally binding agreement between a company (CVA), partnership (PVA) or an individual (IVA), and their unsecured creditors, to repay all or part of their debt over a fixed period of time.

- Repayment may be made by means of a single lump sum payment, or by regular contributions from income.
- A CVA, PVA and an IVA (in the case of individuals who operate a business as sole traders) are ways to help businesses in distress, but which are fundamentally sound and viable.
- The viability of the business is shown by preparation of detailed cash flow forecasts for periods up to five years.
- Individuals who aren't trading as sole traders are also able to propose an IVA, and are required to provide proof of their income and expenditure.

A Voluntary Arrangement is administrated by a Licensed Insolvency Practitioner.

- The Practitioner acts in the capacity of Nominee, pending the approval of the Arrangement, and then as Supervisor once the Arrangement comes into effect.
- The Nominee assists the company, partnership or individual in preparing a proposal to be presented to the creditors for consideration.
- Apart from being unable to change the rights of secured or preferential creditors without their consent a proposal for a VA may take any form.
- The Nominee usually contacts the major creditors before sending out the proposal.
- This is to obtain their views as to whether they would be likely to support the proposed VA.
- The Nominee sends a copy of the proposal to all creditors, along with notice of a meeting of creditors at which they can approve, reject or modify the proposal.
- A proposal must be approved by 75% in value of creditors present or voting by proxy at the meeting of creditors.

The Supervisor's role is to monitor the VA to ensure that the company, partnership or individual complies with their obligations under the terms of the VA and to distribute funds to creditors.

The directors, partners or individual remains in control of their business during the VA period, but is required to provide the Supervisor with regular accounting information.

Once a VA is approved by unsecured creditors it binds all such creditors whether or not they voted or attended the creditors meeting.

Creditors who didn't receive notice of the meeting are also bound by the Arrangement.

However, they have a short period of time after they become aware of the meeting, to apply to the Court for the approval of the Arrangement to be reversed.

Such an application is only likely to succeed if the creditor proves they were unfairly prejudiced.

So once a VA is approved, creditors can't take any alternative action to recover their debt in full.

If the company, partnership or individual fails to comply with the terms of the Arrangement the Supervisor may, under the terms of the Arrangement, be empowered to present a petition for the company or partnership to be wound up or the partners or individual to be made bankrupt.

For More Information, Please Contact BBR Today

Main switchboard: +44 (0)808 168 7540

Email enquiries: enquiries@brettsbr.co.uk

Main Facsimile: + 44 (0)808 123 4567

Bretts Business Recovery, 141 Parrock Street , Gravesend, Kent DA12 1EY

BBR House, Magpie Lane, Little Warley, Brentwood, Essex CM13 3DT

Please call us on: 0808 168 7540 Or email us at: enquiries@brettsbr.co.uk www.brettsbr.co.uk