



The Insolvency
Service

Insolvency Practitioner Regulation Section
16th Floor
1 Westfield Avenue
Stratford
London
E20 1HZ

Email: Dear.IP@insolvency.gov.uk
www.gov.uk/government/organisations/insolvency-service

DEAR INSOLVENCY PRACTITIONER Issue 157 – January 2023

Dear Reader,

Please find enclosed the latest articles from the Insolvency Service:

| | |
|----------------------------|---|
| In this issue: | |
| Information/Notes page(s): | |
| Chapter 8 | Crown departments |
| Article 49 | New mailbox for VAT deregistration confirmation |
| Article 50 | Response to consultation on potential changes to the processing of Option to Tax (OTT) forms by the OTT National Unit |
| Chapter 10 | Disqualification |
| Article 55 | Conduct reporting in Bounce Back Loan cases |
| Chapter 12 | Gazette and advertisement |
| Article 12 | Accessing company law event information in The Gazette's company profiles |

49) New mailbox for VAT deregistration confirmation

Further to HMRC's bulletin issued on 12 January 2023, HMRC is trialling a dedicated mailbox for Insolvency Practitioners (IPs) to request VAT deregistration confirmation. This is only to be used when IPs have been unable to obtain a response through the normal channels.

The trial started on 9 January 2023 and will run until 9 April 2023.

It is part of HMRC's work to improve the IP's customer journey, in line with HMRC's Charter value of Making Things Easy.

Escalation route for case queries

HMRC has seen a significant increase in VAT deregistration case queries, and it is aware that some IPs are having difficulty accessing the VAT deregistration telephone lines. Whilst HMRC is working to fix this, it is aware that many of you are frustrated when simply looking for a deregistration date.

To help you, HMRC has set up a direct IP deregistration mailbox to request confirmation of deregistration dates.

Please only use the mailbox:

- When the VAT 7 was submitted more than 40 days ago,
- To request a deregistration date. All secondary questions will be unanswered and deleted so that HMRC can prioritise and quickly deal with providing deregistration confirmation.

The HMRC **Deregistration Contact form** must be fully completed with all information. The form is available in HMRC's bulletin of 12 January 2023.

Please ensure you use the Deregistration contact form and not the Cust Insol Mailbox contact form for escalations, as they require different details.

The contact form cannot be scanned as the system will not read the data.

In the email subject box write: **Insolvency Dereg. Date Request**.

What HMRC needs you to do

Contact forms should be e-mailed to vatderegrestatements@hmrc.gov.uk following the instructions below.

Step 1 – email contact form

- Complete the attached Dereg. contact form for each individual case,
- Use the email subject heading: '**Insolvency Dereg. Date Request**',
- Send the email to vatderegrestatements@hmrc.gov.uk attaching your completed contact form.

Step 2 – if you need to chase progress

If you have not had a response from your original referral within 15 working days, please escalate to InsolCustServices@hmrc.gov.uk.

The mailbox will be live until 9 April 2023. As this is a trial, we could make further changes.

Further questions

Please contact R3 or your representative group who will contact HMRC.

50) Response to consultation on potential changes to the processing of Option to Tax (OTT) forms by the OTT national unit

HMRC would like to thank stakeholders for their time in responding to the recent Option to Tax consultation.

The consultation period ended on 28 November 2022. Since then, HMRC has carefully considered the feedback provided and has decided to implement the proposed changes:

OTT Notification

HMRC will stop issuing Option to Tax Notification Receipt letters from 1 February 2023.

Within a Notification of an Option to Tax, the correct and valid option has been and remains the responsibility of the opter.

When a Notification of Option to Tax is submitted to optiontotaxnationalunit@hmrc.gov.uk, you will receive an automated email response. You should keep this automated response for your records. The date on the automated response will confirm to you the date HMRC has been notified.

A Notification sent by any other means will not receive an acknowledgement of receipt. HMRC will however respond if further information is required.

OTT Charter

HMRC will stop processing requests confirming the existence of an Option to Tax, unless certain circumstances are met, as set out below.

When notifying HMRC of your Option to Tax, it is, and will remain, your responsibility to keep such information as part of your business records. These should be kept for at least 6 years. For more information, please see:

- <https://www.gov.uk/guidance/record-keeping-for-vat-notice-70021#record--rules-for-all-vat-registered-businesses>, and
- <https://www.gov.uk/charge-reclaim-record-vat/keeping-vat-records>.

If a request is made under one of the following conditions, then HMRC will check to see if it holds a record of an Option to Tax for the relevant property:

1. The effective opted date is likely to be over 6 years ago; or
2. If you have been appointed as a Land and Property Act Receiver, or an Insolvency Practitioner to administer the property in question.

If these conditions are met, a request to confirm that an Option to Tax is in place on the relevant property must be accompanied by a letter or deed of appointment of your role, as otherwise HMRC will be unable to assist.

You should also provide the following details:

- Name of the Business/person who had opted to tax the property
- A VAT Registration Number (if applicable)
- The full address of the land/property in question, including postcode
- The effective date of the Option to Tax if known
- The date you first charged VAT on the opted land/property
- The date the property was acquired and/or a loan was taken out by the opter on the relevant property.

The changes will commence from 1 February 2023.

55) Conduct reporting in Bounce Back Loan cases

The Insolvency Service has begun sharing information with the relevant office holders about corporate entities that received Bounce Back Loans (BBLs) or other support under the Government's Covid support measures in 2020 and 2021. The purpose of the information provided is to assist the office holder by making them aware that the corporate entity has received assistance from a Covid support scheme. We expect this to be useful in instances where this information has been difficult to obtain, or where it has been deliberately concealed from the office holder.

Reporting requirements and indicators of misconduct

When reporting misconduct in relation to a Covid Support scheme, there needs to be clear evidence indicating that the corporate entity may have either made a false application, for instance inflated turnover figures for the purpose of a loan, or that the funds have not been used for a legitimate business purpose. Other indicators of misconduct could include obtaining multiple Covid support scheme loans, there being no evidence of an entity being established and actively trading at 30 March 2020, and there being no evidence that the business was impacted by the coronavirus.

When considering the turnover of a company in relation to the loan application, office holders will wish to be aware that this should be for the period between 1 January 2019 and 31 December 2019. Although this may not be in line with accounting periods, some assessment can be made from income paid into the company bank account, and/or where trading commenced later in 2019 or early 2020. Using accounts with a period ending from the latter half of 2020 would not be appropriate as by that time turnover would have been impacted by the pandemic.

The existence of an outstanding loan at the point the corporate entity entered insolvency proceedings is not enough in itself to constitute misconduct if the loan application and the use of the funds were legitimate. Such cases would not need to be reported.

Reporting suspected misconduct

When reporting suspected misconduct in respect of a Covid support scheme, office holders should do this using section 13 of the Director Conduct Report form (Finance Support Schemes) which has an option to include Covid support schemes. Office holders should no longer use section 12 (Other Investigations) to report misconduct relating to Covid support schemes.

Where an office holder becomes aware that the corporate entity received a Covid support scheme, and identifies potential misconduct in relation to this scheme after they have submitted their Director Conduct Report, they should report this as new information using the contact option at the bottom of each page in the Director Conduct Reporting Service. Users will need to be logged-in to use this facility.

Any enquiries regarding this article should be directed towards email:
intelligence.insolvent@insolvency.gov.uk

12) Accessing company law event information in The Gazette's company profiles

Gazetted company law document information, alongside other key details, is now available in beta via [The Gazette's](#) company profiles.

The Gazette, the UK's official public record, has launched the beta release of company law events on their free [company profiles](#) service and is seeking user feedback.

The Gazette publishes a company profile for every UK company registered with Companies House. Each company has its own profile page showing Gazette notices which, since the release of the company law events, contain all required Gazetted company documents under the Companies Act 2006 in a handy timeline of company event activity. This includes popular data such as:

- incorporation date,
- notification of director changes,
- company strike-off information,
- details of event-based filings to Companies House.

The company profiles also include additional information, sourced from Companies House, such as:

- director names,
- registered office details,
- account filing details,
- nature of business, shown with Gazette notices on a handy timeline of company event activity.

The Gazette company law events use information extracted from the official filings that are published in The Gazette by Companies House under sections 1064 and 1077 of the Companies Act 2006.

Share your feedback

As part of the launch, The Gazette is seeking feedback on the company profiles and is inviting Insolvency Practitioners to [complete a survey](#) sharing their experience of navigating and using them. User feedback is important to develop the service further.

- You can find out more about the new company law events and how to find them by going to [The Gazette launches new company law events](#).

- Visit the [company profiles](#).
- Take the [survey](#).

The pdf company law supplement remains the official notification under The Companies Act 2006, which can be found using the 'View company law official notification' action on each extract/record.

Any enquiries regarding this article should be directed towards the following email: rebecca.downie@williamslea.com

General enquiries may be directed to the following email: customer.services@thegazette.co.uk or telephone: 0333 200 2434