

Type of Order: DISCIPLINARY CONSENT ORDER

Date of Order: 14 October 2021

Committee name: REGULATION AND CONDUCT COMMITTEE ('the Committee')

Details of IP: **Gareth Neill**, formerly of **Aperture**, a former IPA member, and Licensed Insolvency Practitioner (IP).

Summary of complaint: This Order is made in relation to a complaint that:

- 1: Mr Neill failed to ensure that appropriate procedures were followed to make certain that a Debtor was aware of and agreed to the proposed IVA, in breach of SIP 3.1 and / or the Fundamental Principle of Professional Competence and Due Care.
- 2: Mr Neill's Nominee's Report and internal documentation incorrectly indicated that there had been discussions or a meeting with the Debtor, in breach of SIP 3.1 and / or the Fundamental Principle of Professional Competence and Due Care.
- 3: Mr Neill failed to ensure that appropriate due diligence was carried out to confirm the Debtor's identity in accordance with The Money Laundering Regulations 2007.

Accordingly, Mr Neill was found liable to disciplinary action under the IPA's Articles of Association.

Summary of sanctions: The Common Sanctions Guidance provides for a severe reprimand and a fine of £5,000 as a starting point where there has been a serious failure to comply with the fundamental principle of professional competence and due care and a severe reprimand and a fine of £5,000 as a starting point where there has been a serious failure to comply with the principles of a SIP, the Insolvency Act and rules and regulations thereunder.

The Committee considered that the minimal chance of repetition following Mr Neill's retirement from insolvency practice and Aperture ceasing to trade was a mitigating factor. However, the potential loss to the Debtor and impact on his credit rating was considered an aggravating factor. In respect of allegation 3, the Committee considered the breach was aggravated as inadequate due diligence meant the issues identified in allegations 1 and 2 were not averted. The seriousness of breaches of Money Laundering Regulations was taken into account.

The Committee imposed a disciplinary order that Mr Neill be severely reprimanded in respect of each of the three allegations, fined £5,000 in respect of each of allegations 1 and 2 and £7,500 in respect of allegation 3, and pay £5,115 towards the costs.