

Frequently Asked Questions - IRDA's Impact on: (a) Approved Liquidators and (b) Public Accountants under the Accountants Act, for the purpose of becoming Judicial Managers and/or Trustees in Bankruptcy (TIB) and not to perform audits of financial statements

Registration

S/n	Question	Answer
1.	Can I apply to be an approved liquidator with ACRA and at the same time apply to be an Insolvency Practitioner with Ministry of Law (MinLaw) so that I can perform all liquidation cases?	<p>No. ACRA will not be accepting new applications to be an approved liquidator when the Insolvency, Restructuring and Dissolution Act (IRDA) comes into effect.</p> <p>Individuals are required to be registered as Insolvency Practitioners with the MinLaw to act as a liquidator for new winding up cases that are commenced on or after the IRDA comes into effect.</p> <p>Only persons in the "List of approved liquidators under section 9(1) of the Companies Act vide G.N. 638/2020" can be appointed as liquidators of any winding up cases commenced under the Companies Act or Limited Liability Partnerships Act and were outstanding at the time the IRDA comes into effect, including as replacement liquidators of such cases when the appointed liquidators resign or cease to be approved liquidators.</p>
2.	Can I apply to ACRA to be a public accountant (PA) for the purpose of becoming a Judicial Manager (JM) / Trustee in Bankruptcy (TIB) (JM-PA) and at the same time apply to be an Insolvency Practitioner with the Ministry of Law (MinLaw) so that I can perform all judicial management / trustee in bankruptcy cases?	<p>No. ACRA will not be accepting new applications to be a public accountant for the purpose of becoming a Judicial Manager (JM) and Trustee in Bankruptcy (TIB) when the Insolvency, Restructuring and Dissolution Act (IRDA) comes into effect.</p> <p>Individuals are required to be registered as Insolvency Practitioners with the MinLaw to act as a JM/TIB for new JM or TIB cases that are commenced on or after the IRDA comes into effect.</p>
3.	I have been an approved liquidator and/or a public accountant for the purpose of becoming a Judicial Manager (JM) / Trustee in Bankruptcy (TIB) i.e. JM-PA. Why do I now need to register with the Ministry of Law (MinLaw) to continue doing what I have been doing?	<p>The Insolvency, Restructuring and Dissolution Act (IRDA) consolidates the written laws relating to personal and corporate insolvency and debt restructuring into a single piece of legislation. The IRDA also establishes a regulatory regime for insolvency practitioners (IPs).</p> <p>Under the IRDA, individuals who wish to act as a liquidator, JM or TIB are required to be registered as Insolvency Practitioners with the MinLaw for the purpose of undertaking new winding up, JM or TIB cases that are commenced on or after the IRDA comes into effect.</p>

S/n	Question	Answer
4.	Are the requirements to be an Insolvency Practitioner the same as being an approved liquidator or public accountant for the purpose of becoming a Judicial Manager / Trustee in Bankruptcy i.e. JM-PA?	For more information on the requirements to be an Insolvency Practitioner, you may refer to the Ministry of Law website at https://lripd.mlaw.gov.sg .
5.	As I am an approved liquidator and/or a public accountant for the purpose of becoming a Judicial Manager (JM) / Trustee in Bankruptcy (TIB) i.e. JM-PA, will I get automatically approved as an Insolvency Practitioner?	No. For more information on the requirements to be an Insolvency Practitioner, you may refer to the Ministry of Law website at https://lripd.mlaw.gov.sg .
6.	I am an approved liquidator and/or a public accountant for the purpose of becoming a Judicial Manager (JM) / Trustee in Bankruptcy (TIB) i.e. JM-PA. I wish to act as liquidator or JM or TIB for cases that commenced under the Insolvency, Restructuring and Dissolution Act (IRDA). Is there any transitional period?	<p>The IRDA provides for a transitional period of 6 months during which you may act as a liquidator or JM or TIB for cases commenced under the IRDA while you apply to the Ministry of Law to be registered as Insolvency Practitioners (IP). However, should your IP application be rejected, you will have to cease your appointment for these cases commenced under the IRDA.</p> <p>If you have undertaken appointments in cases commenced under the IRDA during the 6-month transitional period, you will be required to hold a valid IP licence in order to continue administering these cases after the transitional period.</p>

Renewal

S/n	Question	Answer
7.	My approved liquidator licence will be expiring on 31 March 2021/2022/2023. Do I need to renew my licence if the winding up of the company for which I was appointed as liquidator before the commencement of the Insolvency, restructuring and Dissolution Act (IRDA), is not yet completed?	<p>You do not need to renew your existing approved liquidator licence upon its expiry.</p> <p>Your approved liquidator licence will remain valid unless it is cancelled voluntarily or revoked by ACRA on grounds such as bankruptcy etc..</p>
8.	My approved liquidator licence will only be expiring on 31 March 2021/2022/2023. Can I retain my licence even if I was not appointed as a liquidator of any winding up cases that commenced under the	Yes. You may retain your liquidator licence if you are not appointed as a liquidator of any winding up cases commenced under the Companies Act or Limited Liability Partnerships Act which are pending completion when the IRDA comes into effect You may act as replacement liquidator for cases

S/n	Question	Answer
	Companies Act or Limited Liability Partnerships Act which are pending completion when the Insolvency, Restructuring and Dissolution Act (IRDA) comes into effect?	commenced under the under the Companies Act or Limited Liability Partnerships Act or liquidator of winding up cases in relation to Variable Capital Companies (VCC) and its sub funds during the interim period until the VCC Act has been updated to allow IPs to undertake such work. .
9.	In time to come, my liquidator licence would have a past expiry date even though I have winding up cases that commenced under the Companies Act or Limited Liability Partnerships Act and remained outstanding at the time the Insolvency, Restructuring and Dissolution Act (IRDA) comes into effect. How would others know that I am still an approved liquidator?	<p>All existing approved liquidators when the IRDA comes into effect will be declared by the Minister by way of order under section 9(1) of the Companies Act to be a specified class of persons to continue as approved liquidators.</p> <p>This list of approved liquidators will be published on ACRA's website and updated when the approved liquidator licence is cancelled voluntarily or revoked by ACRA on grounds such as bankruptcy.</p>
10.	<p>I am a public accountant for the purpose of becoming a Judicial Manager (JM) / Trustee in Bankruptcy (TIB) i.e. JM-PA. My PA registration will be expiring on 31 December of the year.</p> <p>Do I need to renew my certificate of registration as a public accountant if the JM/TIB cases that commenced before the Insolvency, Restructuring and Dissolution Act (IRDA) comes into effect are not yet completed?</p>	If you are appointed as a JM/TIB of companies placed under judicial management or a bankruptcy order before the commencement of the IRDA, for which the JM/TIB work is ongoing, you will be allowed, upon application for renewal, to renew your PA registration until the completion of these cases.
11.	I am a public accountant for the purpose of becoming a Judicial Manager (JM) / Trustee in Bankruptcy (TIB) i.e. JM-PA. My registration will be expiring on 31 December of the year. I do not have any ongoing JM/TIB work for which I was appointed before the Insolvency, Restructuring and Dissolution Act (IRDA) comes into effect. Can I renew my certificate of registration as a public accountant?	You will not be allowed to renew your PA registration when your current certificate of registration as a PA expires.
12.	When will I cease to be a public accountant for the purpose of	You will cease to be a PA when your current certificate of registration as a PA expires.

S/n	Question	Answer
	becoming a Judicial Manager / Trustee in Bankruptcy (TIB) (i.e. JM-PA) if I am not appointed as JMs/TIBs of companies placed under judicial management or a bankruptcy order for which the JM/TIB work was ongoing at the time the Insolvency, Restructuring and Dissolution Act (IRDA) comes into effect?	

Cessation

S/n	Question	Answer
13.	After the completion of my last case in which I was appointed as a Judicial Manager (JM) / Trustee in Bankruptcy (TIB) of companies placed under judicial management or a bankruptcy order before the commencement of the Insolvency, Restructuring and Dissolution Act, do I need to apply to cancel my registration as a public accountant?	You may apply to cancel your registration as a public accountant.
14.	After the completion of my last case in which I was appointed as liquidator of a company that was placed under winding up before the time the Insolvency, Restructuring and Dissolution Act (IRDA) comes into effect, do I need to apply to revoke my approved liquidator licence?	<p>No, you will not be required to apply to revoke your approved liquidator licence.</p> <p>Upon completion of the last case in which you were appointed as liquidator of a company that was placed under winding up before the time the IRDA comes into effect (pre-IRDA), you could also take on winding up cases in relation to Variable Capital Companies and its sub funds (VCC) during the interim period until the VCC Act has been updated to allow IPs to undertake such work can do so.</p> <p>You could also act as replacement liquidator in pre-IRDA cases.</p>
15.	I only want to complete the existing cases where I was appointed as a liquidator of companies placed under winding up or as a Judicial Manager (JM)/ Trustee in Bankruptcy (TIB) of companies placed under judicial management or a bankruptcy order before the commencement of the Insolvency,	You do not need to register as an Insolvency Practitioner with the MinLaw if you only intend to complete the existing pre-IRDA cases and not to act as a liquidator, JM or TIB for new cases that commence after the IRDA comes into effect.

S/n	Question	Answer
	Restructuring and Dissolution Act (IRDA), do I need to register with the Ministry of Law (MinLaw)?	
16.	I intend to resign as a liquidator of companies placed under winding up or as a Judicial Manager (JM)/ Trustee in Bankruptcy (TIB) of companies placed under judicial management or a bankruptcy order before the commencement of the	<p>The company can select another approved liquidator under this list "List of approved liquidators under section 9(1) of the Companies Act vide G.N. 638/2020"</p> <p>Only persons in this class of approved liquidators can be appointed as liquidators of any winding up cases commenced under the Companies Act or Limited Liability Partnerships Act outstanding at the time the IRDA comes into effect, including as replacement liquidators of such cases when the appointed liquidators resign or cease to be approved liquidators.</p> <p>For JM/TIB, the company can select another JM/TIB under the list of "Public Accountants registered for the purpose of becoming Judicial Managers pursuant to section 227B(3)(a) of the Companies Act and/or Trustees in Bankruptcy pursuant to section 34(a)(i) of the Bankruptcy Act" which is published on ACRA's website.</p>