

# DIPLOMA CENTRE

## Diploma in Insolvency Law & Corporate Restructuring



### MODULE 1: Introduction to Insolvency & Corporate Restructuring

SESSION 01	TIME	DELIVERY
Wednesday 06 October 2021	6:00pm – 8:30pm	Online only
<b>1 Introduction to the Diploma in Insolvency &amp; Corporate Restructuring:</b> the course syllabus, outcomes and methodology, resources available. <i>Cian Monahan, Solicitor, Course Leader</i>		
<b>2 An Overview of Insolvency Law in Ireland:</b> A brief outline to the complex area of corporate insolvency to include pre-insolvency considerations.		
<b>3 Current Trends in Corporate Restructuring and Insolvency in Ireland:</b> the role of a restructuring practitioner, insolvency statistics in Ireland, lifecycle of a distressed company, the impact of Covid 19 and future trends. <b>2hrs. Gen. CPD</b>		

### MODULE 2: Restructuring, Debt Recovery, Enforcement

SESSION 02	TIME	DELIVERY
Wednesday 13 October 2021	6:00pm – 8:00pm	Online only
<b>1 Practical &amp; Financial Aspects of both Formal &amp; Informal Restructuring:</b> Signs of company decline, formal and informal restructuring, practical considerations.		
<b>2 Taxation Issues:</b> <b>2hrs. Gen. CPD</b>		
SESSION 03	TIME	DELIVERY
Wednesday 20 October 2021	6:00pm – 8:00pm	Online only
<b>1 Mediation and Insolvency:</b> How mediation and multidisciplinary/ multi-agency collaboration can play an important part in the insolvency processes and recovery. Review of debt mediation processes in other jurisdictions, the proposed. Mediation legislation in relation to insolvency and the relevance of general mediation principles to practitioners. <b>2hrs. Gen. CPD</b>		
SESSION 04	TIME	DELIVERY
Wednesday 03 November 2021	6:00pm – 8:00pm	Online only
<b>1 Financing a Restructuring Process:</b> Acting for a company seeking to raise capital during a restructuring process, a company's authority to borrow, security for borrowing, ultra vires borrowing, debentures & floating charges, registration of charges.		
<b>2 Acquiring assets/ shares of an insolvent company:</b> Heads of terms, due diligence, purchase agreement, restrictive covenants. <b>2hrs. Gen. CPD</b>		
SESSION 05	TIME	DELIVERY
Wednesday 10 November 2021	6:00pm – 8:00pm	Online only
<b>1 Debt Recovery Practice &amp; Procedure:</b> the District Court & Circuit Court.		
<b>2 Debt Recovery Practice &amp; Procedure:</b> the High Court.		
<b>3 Enforcement of Judgments:</b> Against individuals & companies and enforcement of guarantees where guarantors were joint and several are of unequal covenant strength. <b>2hrs. Gen. CPD</b>		
SESSION 06	TIME	DELIVERY
Wednesday 17 November 2021	6:00pm-8:00pm	Online only
<b>1 International &amp; Cross Border Insolvency – Part I:</b>		

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### 2 *International & Cross Border Insolvency – Part II:*

2hrs. Gen. CPD

SESSION 07	TIME	DELIVERY
Wednesday 24 November 2021	6:00pm- 8:00pm	Online only

- 1 **Workshop 1:** A practical insight into module 2 which will be based around a negotiation of a restructuring followed by advice on proceedings.

1.5hrs. Gen. CPD & 1hr M&PD

### MODULE 3: Corporate Insolvency

SESSION 08	TIME	DELIVERY
Wednesday 01 December 2021	6:00pm- 8:00pm	Online only

- 1 **Examinership:** What is an examination, pre-conditions of examinership, role of the examiner, effect of protection, schemes of arrangement.
- 2 **Advising on the appointment of an Examiner:** When is examination appropriate, key parties involved, Part 10 of the Companies Act 2014, preparing the petition, preparing an independent expert's report.
- 3 **Small Company Administrative Rescue Process (SCARP):** The proposed new legislation for small and micro businesses, the process in action, safeguards to stakeholders, effect on creditors.
- 4 **Voluntary Schemes of Arrangement:** Sections 449 to 454 of the Companies Act 2014. The scheme of arrangement procedure, the costs involved and the advantages to these arrangements. (Online release only)

2hrs. Gen. CPD

SESSION 09	TIME	DELIVERY
Wednesday 08 December 2021	6:00pm – 8:00pm	Online only

- 1 **Acting during a Receivership:** Part 8 companies Act 2014, Methods of appointment, effect of the appointment of a receiver, powers and duties of the receiver, NAMA.
- 2 **NAMA Investigations:** Enforcement of Security and the Appointment of a Receiver by NAMA.

2hrs Gen. CPD

SESSION 10	TIME	DELIVERY
Wednesday 12 January 2022	6:00pm – 9:00pm	Online only

- 1 **Acting during Voluntary liquidations:** A practical insight into Members Voluntary Liquidations and Creditors Voluntary Liquidations, Part 11 of the Companies Act 2014, key parties involved, procedures, distribution of assets.
- 2 **Acting during Compulsory Liquidations:** What is a court liquidation and when it is used? The procedures involved, the powers and duties of a court appointed liquidator.
- 3 **Appointing a Liquidator:** members voluntary, creditors voluntary and court liquidations.
- 4 **Insolvency Litigation:** A look at insolvency litigation from the Liquidator's perspective and the Receiver's perspective to include recent case law and relevant statutory provisions.
- 5 **Floating Charges on Insolvency:** Creditor's remedies, floating charges, negative pledge clauses.

3hrs Gen. CPD

SESSION 10a	TIME	DELIVERY
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<b>Wednesday 12 January 2022</b>	<b>6pm Release</b>	<b>Online Only</b>
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- 1 **Corporate Compliance I:** corporate governance and secretarial management generally during the winding-up process, including reckless trading, fraudulent trading and failure to keep adequate accounting records.
- 2 **Corporate Compliance II:** restriction and disqualification applications, carrying on business in breach of a restriction order, acting in breach of a restriction or disqualification order and acting under a disqualified person.  
**ONLINE RELEASE ONLY**

**2hrs. Gen. CPD**

<b>SESSION 11</b>	<b>TIME</b>	<b>DELIVERY</b>
<b>Wednesday 19 January 2022</b>	<b>6pm Release</b>	<b>Online only</b>

- 1 **ODCE Investigations:** Insolvency related functions of the ODCE.
- 2 **Contractual & Equitable Remedies:** Litigation arising from breach of contract & remedies available under contract/ damages/ claiming interest under a contract/statute/ termination of a contract/ dealing with bounced and stopped cheques/ Statute of Limitations/arbitration.
- 3 **Employee Issues on Insolvency:** Employee claims on Insolvency including the insolvency fund/transfer of undertaking/claims for arrears/advising in relation to redundancy situations/collective redundancies/industrial relations issues.
- 4 **A focus on the financial services and banking sector:** The Role of the Central Bank.  
**ONLINE RELEASE ONLY**

**3.5hrs Gen. CPD**

<b>SESSION 12</b>	<b>TIME</b>	<b>DELIVERY</b>
<b>Wednesday 19 January 2022</b>	<b>6:00pm- 8:00pm</b>	<b>Online only</b>

- 1 **Workshop 2:** The procedures involved in relation to the corporate insolvency options outlined in module 3. The first half of the workshop will look at the area of liquidation followed by examinership.

**1.5hrs. Gen. CPD & 1hr M&PD**

### MODULE 4: Personal Insolvency

<b>SESSION 13</b>	<b>TIME</b>	<b>DELIVERY</b>
<b>Wednesday 26 January 2022</b>	<b>6:00pm- 8:00pm</b>	<b>Online only</b>

- 1 **Overview of the Personal Insolvency Act 2012:** the role, aim and obligations of the Personal Insolvency Practitioner, the Insolvency Service, proposals for Arrangements, debt relief notices, debt settlement arrangements, personal insolvency arrangements, assets, the family home, post Arrangement. Creditors meetings and enforcement options for Creditors. The MARP Process, Pre-insolvency issues, Codes, Consumer Credit Acts and key points for consideration.

**2hr. Gen. CPD**

<b>SESSION 14</b>	<b>TIME</b>	<b>DELIVERY</b>
<b>Wednesday 02 February 2022</b>	<b>6:00pm – 8:00pm</b>	<b>Online only</b>

- 1 **Commercial and banking considerations:** security reviews, facility offers and letters, guarantees, personal guarantees, secured and unsecured debts, creditors, objections, practical considerations.

**Interaction between Creditors and Personal Insolvency Practitioners under the Personal Insolvency Act 2012:** review of debt settlement arrangements and personal insolvency arrangements from a creditor's perspective – both secured and unsecured debts; challenges, concerns and some uncertain aspects the new debt arrangements present to creditors; protections afforded to creditors and options open to creditors when challenging a debt settlement arrangements/personal insolvency arrangements; drafting and presenting proposals as part of a debt settlement arrangement/personal insolvency arrangement.

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2hrs. Gen. CPD

SESSION 15	TIME	DELIVERY
Wednesday 09 February 2022	6:00pm – 8:00pm	Online only
1 <b>Bankruptcy Law:</b> Practice and procedures. Acts of bankruptcy, proceedings, adjudication, post bankruptcy, assets, pensions, the family home, buy to let properties, potential conflicts of interest. Procedures and Rules. Bankruptcy tourism. Short case study.		

2hrs. Gen. CPD

SESSION 16	TIME	DELIVERY
Wednesday 23 February 2022	6:00pm – 8:00pm	Online only
1 <b>Workshop 3:</b> A practical application of the legislation with respect to personal insolvency applications covered in module 04.		

1.5hrs. Gen. CPD & 1hr M&PD

SESSION 17	TIME	DELIVERY
Wednesday 02 March 2022	6:00pm – 8:00pm	Online only
1 <b>Workshop 4:</b>		

1.5hrs. Gen. CPD & 1hr M&PD

### FINAL ASSIGNMENT/EXAM

Please note that topics & dates may be subject to change. Draft timetable as of March 2021

\* Gen = General, M&PD = Management and Professional Development, Reg = Regulatory and eLearning = eLearning CPD credits. **CPD Note:** The number of hours of CPD that you may claim in relation to your diploma/certificate course will depend on the way in which you access each of the individual sessions. For further information please visit the course homepage on our website: [www.lawsociety.ie/diplomacentre](http://www.lawsociety.ie/diplomacentre)