Annual Report 2015

ISI

Tackling problem debt, together

Glossary of Terms

"The Acts"
Personal Insolvency Act 2012 - 2015.

Approved Intermediary
An Approved Intermediary is a person or class of persons authorised by the ISI to support a debtor to make an application for a Debt Relief Notice. A list of Approved Intermediaries is available on the ISI's website.

Back on Track
In 2014 the ISI launched an ongoing information campaign called 'Back on Track'. The website www.backontrack.ie was set up as part of the campaign to assist people in debt by offering clear and easy to follow information on the ISI's range of solutions.

Bankruptcy
Bankruptcy is a personal insolvency process available under the Bankruptcy Act 1988, as amended, where a person cannot pay his/her debts. In most cases, once a person has been made bankrupt, an official (the "Official Assignee") takes control of the person's property and realises that property to discharge debts of the bankrupt person.

Consultative Forum
A Consultative Forum was established following a Government announcement in May[1] on a number of new measures to support mortgage holders in arrears. The forum will keep the operational effectiveness of the ISI under review and make recommendations to the Minster as appropriate. It is representative of creditors, debtor representative groups, Personal Insolvency Practitioners and other key stakeholders.

CPD (Continual Professional Development)
CPD is any process or activity of a planned nature, which provides added value to the capability of a professional through the increase in knowledge, skills and personal qualities necessary for the execution of professional and technical duties, often termed competence.

The purpose of the Personal Insolvency Practitioner CPD scheme is to ensure that, on an ongoing basis, Personal Insolvency Practitioners are competent and capable of undertaking their role and keep themselves up to date with current relevant legislation, regulations and guidance.

Court Review (of PIA)
A Court review of proposed Personal Insolvency Arrangements which have been voted down at the statutory creditors' meeting. The process allows a Personal Insolvency Practitioner on instruction from his/her client (the debtor) to seek an order from the Court confirming the coming into effect of the proposed PIA. If the Court review is successful, the Court grants this order and the PIA comes into effect.

Debt Relief Notice (DRN)
A DRN is a solution for people with low income, no mortgage and very few assets. This solution allows for the write off of debts up to €35,000 and can be applied for through an Approved Intermediary.

[1] http://www.justice.ie/en/JELR/Pages/PR16000032

Debt Settlement Arrangement (DSA)

A DSA allows a debtor settle their unsecured debts over a period of time (usually up to 5 years), with any remaining balance written off.

Insolvency Service of Ireland (ISI)

The ISI is the statutory body established under the Personal Insolvency Act 2012. The functions of the ISI are set out in section 9 of the Act[2].

Official Assignee

The Official Assignee is a Court appointed official, based in the ISI, whose function is to get in and realise the property of a bankrupt, to ascertain the debts and liabilities and to distribute the assets in accordance with the provisions of Bankruptcy Act 1988.

Personal Insolvency Arrangement (PIA)

A PIA, while similar to a DSA in respect of unsecured debts, also deals with secured debts. Secured debts are restructured or settled during a PIA. It contains a number of protections for debtors in mortgage arrears who wish to retain their family home, where possible.

Personal Insolvency Practitioner (PIP)

A Personal Insolvency Practitioner (PIP) is a person authorised by the ISI under Part 5 of the Personal Insolvency Act 2012, to act as a PIP. A PIP liaises between the debtor and their creditors in relation to a PIA or DSA. A list of PIPs is available on the ISI website.

Protective Certificate (PC)

A PC is a certificate issued by the Court that offers a period of protection to a debtor from legal proceedings by creditors when applying for a DSA or PIA. Creditors cannot contact the person during this time. In general, a Protective Certificate remains in force for 70 days but it may be extended in limited circumstances.

Reasonable Standard of Living / Reasonable Living Expenses

The ISI is required under section 23 of the Act to prepare and issue guidelines as to what constitutes a reasonable standard of living and reasonable living expenses.

The guidelines are relevant to the assessment of a debtor's eligibility for a DRN, the formulation of DSA and PIA proposals and the Court's making of a bankruptcy payment order in Bankruptcy. In particular, they are intended to give direction to Approved Intermediaries and guidance to Personal Insolvency Practitioners in assessing, for relevant provisions of the Act, what may be considered 'reasonable' in the context of a standard of living and living expenses. The guidelines are available on the ISI's website.

[2] http://www.irishstatutebook.ie/eli/2012/act/44/section/9/enacted/en/html#sec9

Insolvency Service of Ireland
Annual Report 2015

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Foreword by the Director

The Insolvency Service of Ireland (ISI) was established on 1 March 2013 under the Personal Insolvency Act, 2012 (the "Act"). The ISI's objective is to restore people who are insolvent to solvency. The functions of the ISI are set out in section 9 of the Act.

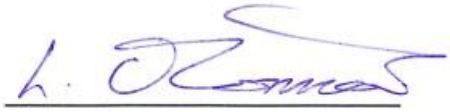
2015 saw some important policy initiatives and legislative enhancements around personal insolvency. In May, the Government announced a number of measures designed to assist those facing mortgage arrears. New legislation increased the debt limit to qualify for Debt Relief Notices, introduced a court review mechanism for creditor rejected Personal Insolvency Arrangements involving a family home and reduced the bankruptcy term to one year.

The ISI has been working closely with various stakeholders since then on a number of matters not least the debtor aid and support scheme[3] which is soon to be launched.

During 2015 the ISI helped almost 2,000 debtors secure permanent debt solutions that returned them to solvency, up 70% from 2014 and continues to be a catalyst for alternative repayment arrangements between debtors and creditors.

The achievements set out in this Report were thanks to dedicated and hard-working staff and the assistance of key stakeholders, including the Department of Justice and Equality, MABS and PIPs.

The ISI published its new Strategic Plan for 2016-2019 in March 2016. The plan sets out key objectives for the ISI for the next three years and builds upon the plan that was in effect during 2015.



Lorcan O'Connor
Director
29 April 2016

[3] http://www.justice.ie/en/JELR/Pages/PR16000032

The ISI – Our Vision and Mission during 2015

The ISI is an independent statutory body established in 2013 to deal with personal insolvency. While subsequently updated in our Strategic Plan 2016-2019, during 2015:

- our **Vision** was to create modern, fair and effective personal insolvency solutions facilitating economic activity, and
- our **Mission** was to provide quality insolvency solutions to debtors in a transparent and customer focused manner which was fair to all.

1.1 What We Do

The principal functions of the ISI are to:

- monitor the operation of the arrangements relating to personal insolvency - the Debt Relief Notice (DRN), the Debt Settlement Arrangement (DSA) and the Personal Insolvency Arrangement (PIA) provided for in the Personal Insolvency Acts 2012 to 2015 (the "Acts")
- consider applications for DRNs in accordance with the Acts
- process applications for Protective Certificates for DSAs and PIAs in accordance with the Act
- maintain the Registers of DRNs, Protective Certificates, DSAs and PIAs
- promote public awareness and understanding of matters relating to personal insolvency, and provide information on the working of the Acts and of the Bankruptcy Act 1988 and on related matters
- advise the Minister on any matter relating to its functions
- authorise, supervise and regulate a person or class of persons to perform the functions of an approved intermediary
- authorise, supervise and regulate individuals to carry on practice as personal insolvency practitioners
- prepare and issue guidelines as to what constitutes a reasonable standard of living and reasonable living expenses for debtors
- arrange for the provision of such education and training, in relation to the performance by them of their functions under the Acts, of approved intermediaries, personal insolvency practitioners and other persons, as it thinks fit
- contribute to the development of policy in the area of personal insolvency
- carry out any other duties and exercise any other powers assigned to it by or under the Acts
- administer the functions assigned to the Official Assignee (the functions of the Official Assignee are to get in and realise the property of a bankrupt, to ascertain the debts and

liabilities and to distribute the assets in accordance with the provisions of Bankruptcy Act 1988)

- compile, collect, analyse and disseminate information and statistics on the operation of the Acts and of the Bankruptcy Act 1998
- monitor and analyse developments, as respects the situation of insolvent debtors and trends in, and patterns of, debtor and creditor behaviour
- develop strategies for communicating with the public aimed at promoting the use of insolvency arrangements and enhancing their effective application

1.2 Key Business Areas

The key business areas of the ISI during 2015 were:[4]

Bankruptcy

Managing bankruptcy estates while providing debt relief to debtors.

Case Management

Processing the three debt relief solutions provided by the Acts (DRN, DSA and PIA).

Legal & Policy

Providing legal services to the ISI. Stakeholder engagement on policy matters.

Regulation

Providing an authorisation and supervision framework for Personal Insolvency Practitioners and Approved Intermediaries.

Corporate Affairs

Providing corporate governance and support services to the organisation.

[4] The ISI published its new Strategic Plan 2016-2019 in March 2016 - revised organisational structure at Appendix II.

2015 Statistics at a Glance

269 **Personal Insolvency Practitioners and Approved Intermediaries (responsible persons)** available to meet face-to-face with debtors, to find a solution to their debt problems

The ISI dealt with debt of **€2.7 billion** in 2015

The two ISI websites had almost **190,000 visits** and **1,100,000 pageviews** in 2015

71,740
DOWNLOADS OF PUBLICATIONS

The ISI's information line, which provides information to debtors, dealt with almost 13,000 phone calls and 5,000 email enquiries in 2015

76%

of Protective Certificates issued in 2015 were for PIAs, the solution that deals with mortgage debt and aims to keep the debtor in their family home

1,371

Protective Certificates issued in 2015

76.6% of DSA and PIA proposals supported by creditors

DRN, DSA and PIA

debt solutions approved in 2015 up by **120%** from 2014

479

Bankruptcies in 2015, **up by 7%,** from 448 in 2014, driven by the increase in debtor petitions, which represent 93% of 2015 bankruptcies

ISI application fees waiver extended and bankruptcy application costs further reduced to approximately **€270**

[Statistical Reports for 2015]

A Year in Review - Key Developments

1.3 Enhancements to ISI solutions

In May the Government agreed a number of new measures to support mortgage holders who are in arrears.

1.3.1 Court review of rejected PIAs

The Personal Insolvency (Amendment) Act 2015 introduced the opportunity for an insolvent person to apply for independent review by the Courts if their proposal for a Personal Insolvency Arrangement is rejected by their creditors, provided that the proposal includes mortgage arrears on their home. Associated amended Rules of Court were commenced in November 2015.

The revised process now allows a PIP on instruction from his/her client (the debtor) to seek an order from the Court confirming the coming into effect of the proposed PIA. If the Court review is successful, the Court grants this order and the PIA comes into effect.

1.3.2 Debt Relief Notice (DRN) Threshold

The Act was also amended to increase the debt threshold for a DRN eligibility from €20,000 to €35,000. This allows people with a low income and with few assets to have debts of up to €35,000 written off after a three year period.

1.3.3 Bankruptcy (Amendment) Act 2015

The Bankruptcy (Amendment) Act 2015 (the "2015 Act") was signed into law at the end of the year. The 2015 Act reduces the normal duration of bankruptcy from three years to one year. It reduces the impact of bankruptcy in certain circumstances, by providing for the re-vesting in the bankrupt person of their interest in their home, with a view to assisting an earlier return to solvency and to normal economic activity. It allows for an extended duration of bankruptcy where a bankrupt person does not cooperate with the bankruptcy process, or seeks to conceal income or assets. Other changes streamline and modernise existing bankruptcy procedures and strengthen or clarify the powers of the Official Assignee.

1.3.4 Establishment of Consultative Forum

A Consultative Forum was established in July to keep the operational effectiveness of the ISI under review. It is expected that the Consultative Forum will report to the Minister for Justice and Equality and make recommendations as appropriate. The Consultative Forum is representative of creditors, debtors, PIPs and debtor representative groups.

1.3.5 Introduction of CPD for Personal Insolvency Practitioners (PIPs)

During the year the ISI developed a continuous professional development (CPD) scheme for PIPs. The purpose of the CPD scheme is to ensure that, on an ongoing basis, PIPs

- are competent and capable of undertaking the role of a PIP
- keep themselves up to date with current relevant legislation, regulations and guidance

The scheme commenced on 1 January 2016.

1.3.6 Enhanced Communications Planning

The ISI's approach to communications reflects the organisation's objective to be fair and transparent in its interactions with external audiences. It is important that the unique benefits of an ISI solution become more widely known.

Included in the Government's May decision was a requirement for a sustained ISI awareness campaign.

Recognising the important role of communicating effectively, the ISI established a Communications Project Group in October. The group comprises cross-divisional representatives of the organisation and is tasked with planning and coordinating communications activities to ensure that key messages are disseminated through the appropriate channels to each stakeholder in a cohesive way.

Under this stream of work, planning and execution of a variety of outreach and awareness-raising initiatives are ongoing. This includes delivering presentations to organisations, liaising with the media, development and rollout of information campaigns, identifying information requirements and making improvements to ISI websites, publications and related information sources. The ISI continues to promote and expand its 'Back on Track' campaign at every opportunity.

In the last quarter of the year as a follow up action to the Government's decision in May 2015 on strengthening support for those in home mortgage arrears, ISI staff attended a large number of courthouses around the country. The primary purpose was, in conjunction with Money Advice and Budgeting Service (MABS), to provide on-site information and assistance to those people whose homes were at risk of being repossessed by their secured lender. This initiative increased awareness of the services provided by the ISI.

A Year in Review - Organisational Developments

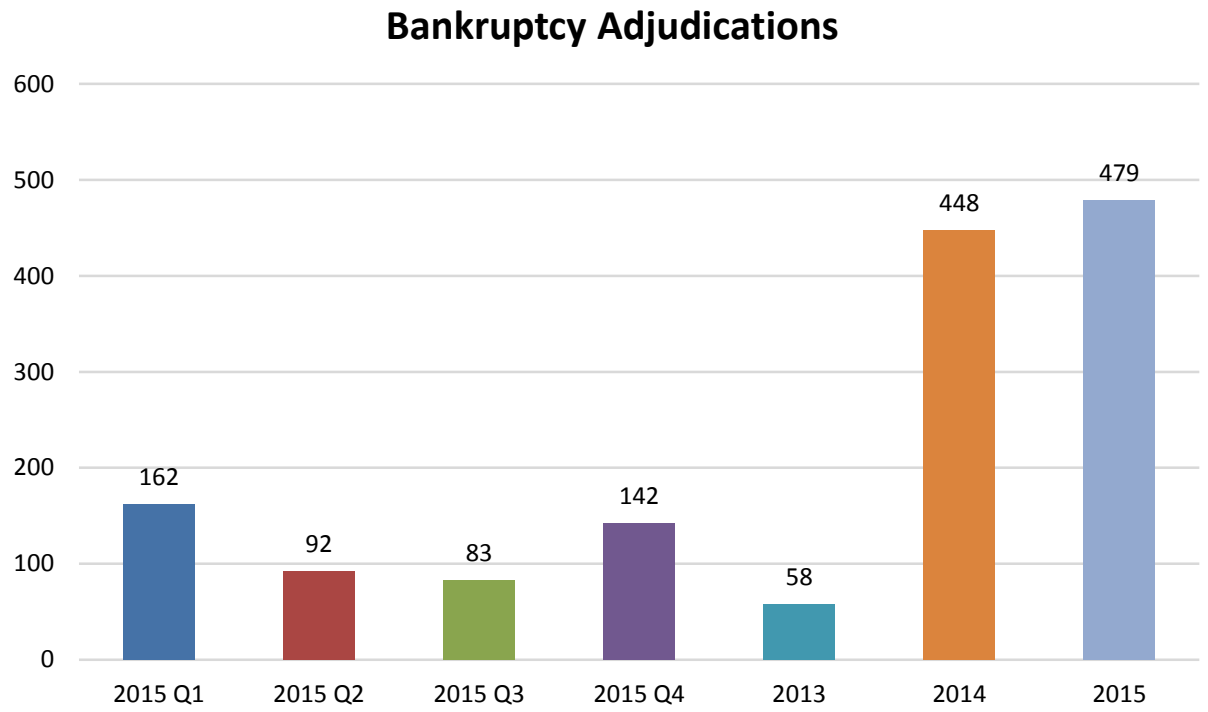
The ISI continued to review and enhance its internal processes to ensure it carried out its functions in an efficient, effective and customer-focused manner.

1.4 Bankruptcy

The year saw further growth in bankruptcy cases and greater demand for the services of the Bankruptcy division across all areas of its operations.

1.4.1 Trends

The total number of bankruptcies at 479 was an increase of 7% on the 2014 figure of 448, which was itself a 672% increase on 2013. Of note was the increasing number of debtors petitioning the High Court for their own bankruptcies, which accounted for 93% of total bankruptcies.



1.4.2 Change Management

The division conducted a full review of internal work procedures and underwent major restructuring. A new ICT system was implemented together with a complete revision of policy, process and procedure under a Change Management process. By the end of the year, the division comprised three main activity areas (or case teams):

- Case Management
- Asset Management
- Finance

In-house and external training was provided to staff to support them in their new roles.

1.4.3 Enforcement

Bankruptcy is a process that delivers debt relief to bankrupts while transferring all their assets to the Official Assignee. The integrity of the system depends on bankrupts making full disclosure and cooperating with the Official Assignee. In many instances, investigations have resulted in finding undisclosed assets such as bank accounts, cars, properties, rental income, and transfers of assets prior to bankruptcy. Proceedings for non-cooperation have led to imprisonment and bankruptcy term extension period orders.

1.4.4 Communication with stakeholders

Throughout the year, updated information regarding primary legislation, Rules of Court and bankruptcy practices was provided to practitioners, the public and the media.

A seminar was held for PIPs, financial advisors and legal practitioners on the bankruptcy process. Feedback from this was fed into our reform process in relation to legislation, Court Rules and internal practices.

It is planned that a further seminar will be held in 2016.

1.5 Legislation/Policy improvements

1.5.1 Legislation

In accordance with the ISI's function to contribute to the development of policy in the area of personal insolvency, the ISI was consulted by the Department of Justice and Equality on proposals for the reform of bankruptcy and a review of the current personal insolvency legislation.

1.5.2 PIA/Bankruptcy Comparison Case Studies

The ISI developed two Personal Insolvency Arrangement (PIA) case studies to assist PIPs in making comparisons to the financial outcome for creditors in bankruptcy. The main aim in developing the two scenarios was to bring greater clarity and consistency to the PIA/bankruptcy comparison calculation for the benefit of all stakeholders. The case studies were published in September 2015

and highlighted the manner in which a comparison with an alternative outcome for creditors in bankruptcy might be made.

1.5.3 Reasonable Living Expenses (RLE)

As required under legislation, the Guidelines on a Reasonable Standard of Living and Reasonable Living Expenses were updated in July to reflect changes made in the Budget and in particular the increase in child benefit. In addition, a new interactive five-step RLE calculator and simplified guide were developed for the www.backontrack.ie website.

1.5.4 Written statement disclosing all of the debtor's financial affairs

The Personal Insolvency Act, 2012 (Written Statement Disclosing all of the Debtor's Financial Affairs) Regulations 2015 (S.I. No. 416 of 2015) came into operation on 5 October.

These Regulations prescribe the information to be contained in the written statement of a debtor who wishes to become a specified debtor under a DRN or, as applicable, a party, as a debtor, to a DSA or PIA, disclosing all of their financial affairs, including information in relation to creditors, debts and assets.

1.5.5 Prescribed Fees Regulations

The Personal Insolvency Act, 2012 (Prescribed Fees) Regulations 2015 (S.I. No. 620 of 2015) came into effect on 22 December. These Regulations set out the fees applicable in respect of an application for a DRN and an application for a Protective Certificate in relation to a DSA or a PIA. The Regulations also provide for a temporary waiver of fees for any such application made after the date of the coming into operation of these Regulations and on or before 31 December 2017.

1.6 Regulation

1.6.1 Authorisation and Supervision of PIPs

A key objective of the Regulation division is to provide a comprehensive supervision framework designed to protect the integrity of the role of PIPs and to ensure the service delivered to debtors and creditors is of a high standard and in compliance with legislation. Authorised PIPs are obliged to comply with the Acts and any associated regulations.

At the end of 2015 there were 141 authorised PIPs.

The Regulation division commenced its 2015 programme of supervisory visits in April.

The purpose of the programme was to:

- maintain a strong regulatory relationship with PIPs
- provide for open communication between PIPs and the ISI
- help identify at an early stage any issues or obstacles preventing the personal insolvency arrangements or market from operating effectively

41 PIPs were subject to supervisory visits in 2015.

In May the Regulation team wrote to all PIPs requesting them to complete an annual compliance confirmation statement and an information return for the year 2014.

As part of ongoing supervision of PIPs, the Regulation team also monitored the websites and advertising of PIPs to ensure they were in compliance with legislation and regulations.

One formal complaint against a PIP was received in 2015 which the ISI determined as being capable of being resolved by mediation or other informal means.

1.6.2 Monitoring Unauthorised Activity

The Regulation team continued to monitor unauthorised activity. During the year six entities, who were presenting themselves as PIPs in contravention of the Act, were contacted and instructed to cease all unauthorised activity.

1.6.3 Approved Intermediaries

At the end of 2015 there were 52 MABS companies and the Irish Mortgage Holders Association (IMHO) authorised to provide approved intermediary (AI) services around the country. Behind that figure of 53 AIs sits 128 responsible persons who carry out the work on behalf of their nominated AI companies.

Ongoing contact and meetings with MABS and the Citizens Information Board were held throughout the year in relation to AI activities.

1.7 Case Management

The ISI is responsible for the processing of debt solution applications which are then transmitted to the Circuit Court, and in some cases the High Court, for determination. Following Court decisions the ISI continues to provide the required support throughout the lifecycle of an arrangement, which can last up to a maximum of six years for a DSA and seven years for a PIA.

During the year the ISI continued to support PIPs with a €750 payment for any case where a proposal, which offered a better return than would be available to creditors in bankruptcy, was rejected by creditors at a creditors' meeting.

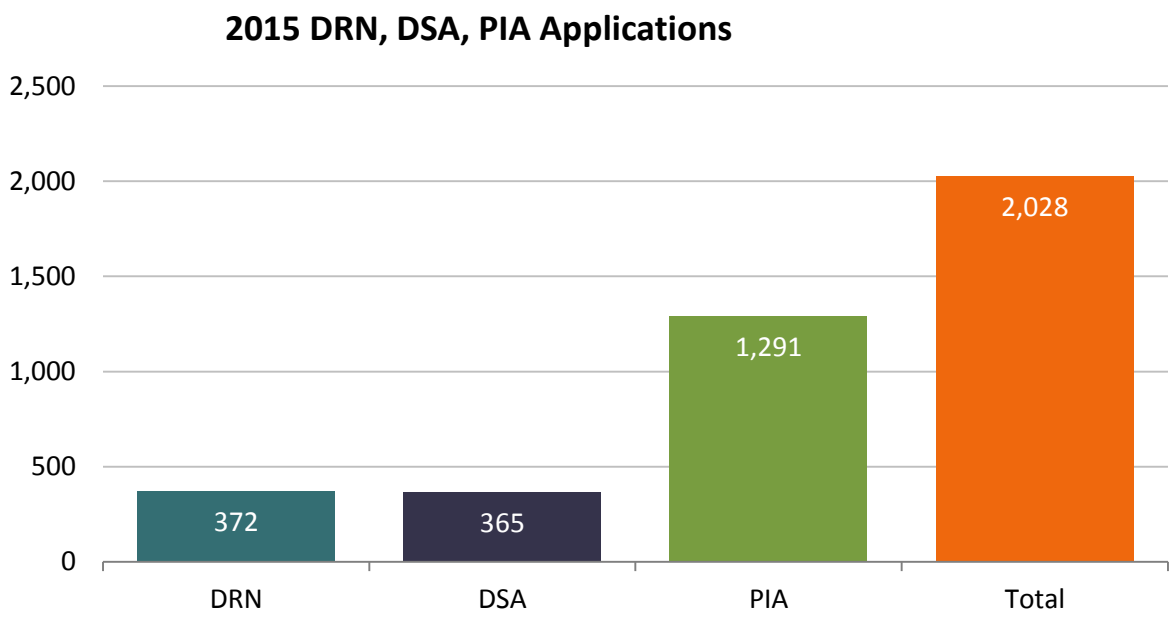
In addition, the Case Management division engaged in a number of networking events with both PIPs and AIs with a view to keeping them informed and up to date on topical issues relating to the personal insolvency environment, the legislation and the Court processes applied to applications.

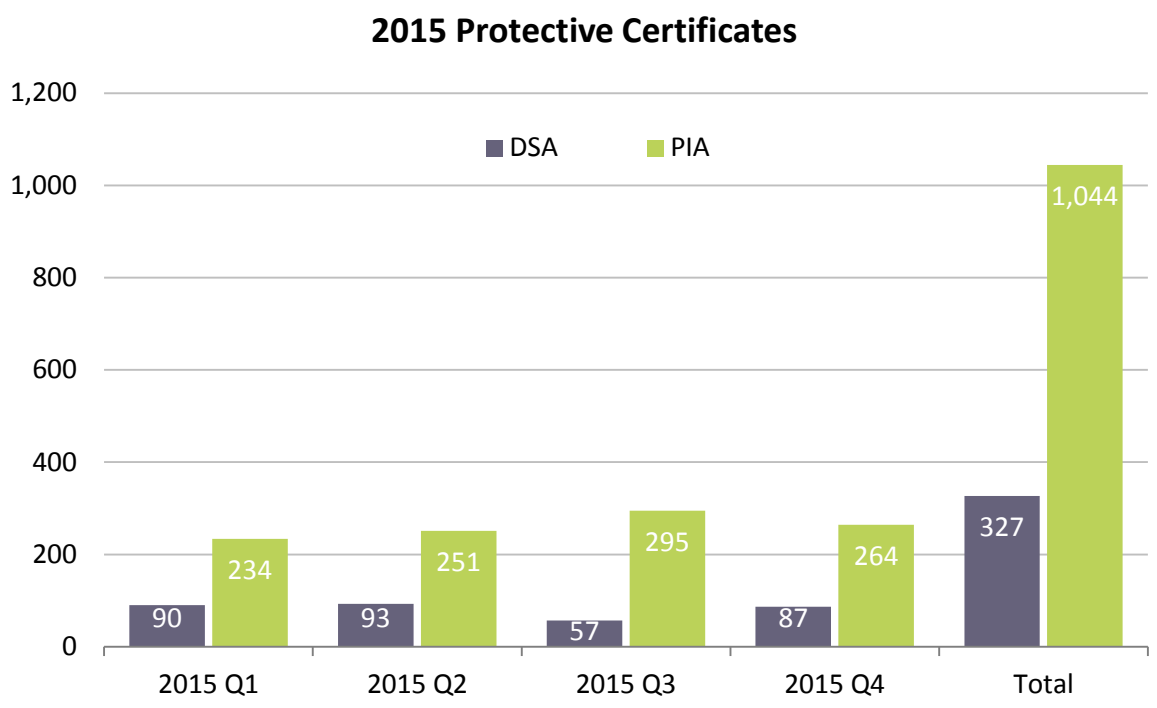
The division maintains close contacts with the Courts Service.

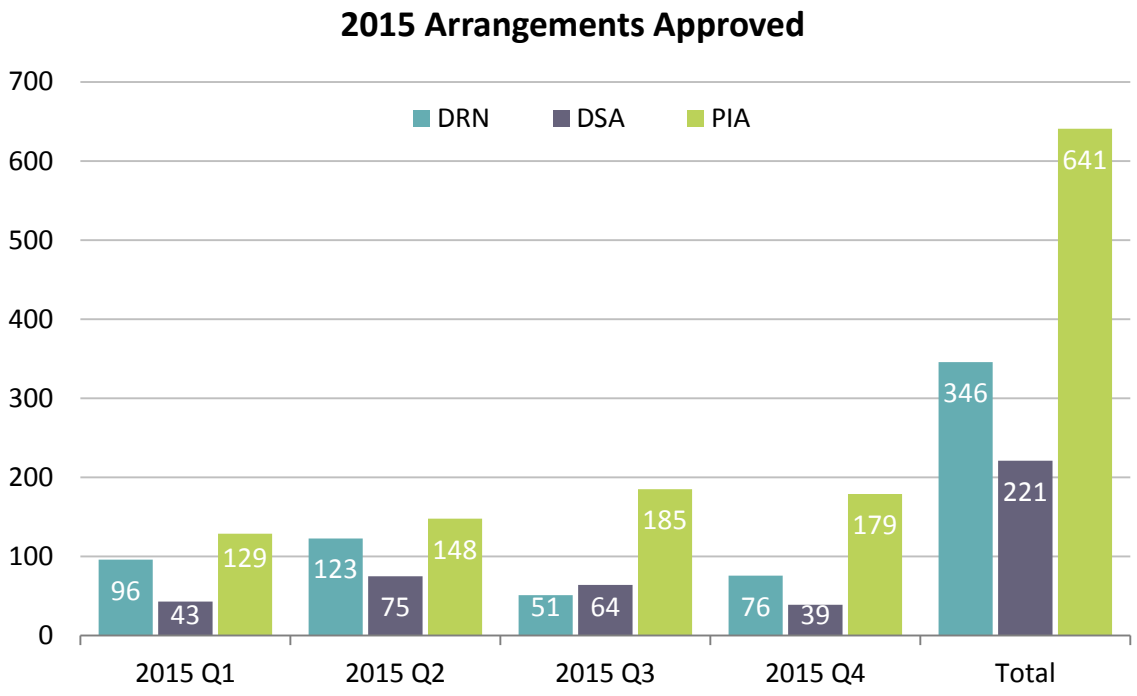
Throughout the year the division provided regular guidance to PIPs and AIs by way of electronic newsletters. The division also held a number of regional meetings where they met with PIPs to discuss topical issues and developments in personal insolvency and the processes that are applied to applications. The division also held regular meetings with MABS, AIs and other stakeholders.

1.7.1 Increase in Applications

Over the course of the year, the ISI received 2,028 applications, 1,371 Protective Certificates were issued and 1,208 arrangements were approved at creditors' meetings and by the Courts.




2015 Protective Certificates
1,200
1,000
800
600
400
200
0
DSA
PIA
90
234
93
251
57
295
87
264
327
1,044
2015 Q1
2015 Q2
2015 Q3
2015 Q4
Total


2015 Arrangements Approved
700
600
500
400
300
200
100
0
DRN
DSA
PIA
96
43
129
123
75
148
51
64
185
76
39
179
346
221
641
2015 Q1
2015 Q2
2015 Q3
2015 Q4
Total

Protected Disclosures Act

There were no protected disclosures made to the ISI in 2015.

SEAI obligation

1.8 Overview of Energy Usage in 2015

The ISI must report annually on the energy consumption of the office and the initiatives undertaken to improve our energy performance. The table below sets out the return made by the ISI to the Sustainable Energy Authority of Ireland (SEAI) in compliance with Statutory Instrument 542 of 2009 for 2015.

	Electricity	Gas
2015	287,105 kWh	457,693 kWh

Contact Us

Information Line:	076 106 4200 / +353 76 106 4200
Freetext:	Freetext ISI to 50015
Email:	info@isi.gov.ie / press@isi.gov.ie
Websites:	www.isi.gov.ie / www.backontrack.ie
Facebook:	Back-On-Track

Appendix I

List of relevant legislation updates made in 2015

Acts and Statutory Instruments (S.Is.)

- Personal Insolvency (Amendment) Act 2015 (No. 32 of 2015)
- Bankruptcy (Amendment) Act 2015 (No. 60 of 2015)
- Personal Insolvency (Amendment) Act 2015 (Commencement) Order 2015 (S.I. No. 414 of 2015)
- Personal Insolvency Act, 2012 (Written Statement Disclosing All of the Debtor's Financial Affairs) Regulations 2015 (S.I. No. 416 of 2015)
- Circuit Court Rules (Personal Insolvency) 2015 (S.I. No. 506 of 2015)
- Rules of the Superior Courts (Personal Insolvency) 2015 (S.I. No. 507 of 2015)
- Personal Insolvency (Amendment) Act 2015 (Commencement) (No. 2) Order 2015 (S.I. No. 514 of 2015)
- Personal Insolvency Act, 2012 (Prescribed Fees) Regulations 2015 (S.I. No. 620 of 2015)

List of ISI publications (re)issued in 2015

'Back on Track' Publications

- Dealing with Debt
- Debt Relief Notice (DRN)
- Debt Settlement Arrangement (DSA)
- Personal Insolvency Arrangement (PIA)
- A Guide to Personal Insolvency Practitioners (PIPs)
- Information about Bankruptcy
- Back on Track Guide - Information about Bankruptcy
- Back on Track Guide - After you are made Bankrupt
- Detailed Guide to Bankruptcy

Web pages added during 2015

- Repossessions page on www.backontrack.ie
- Bankruptcy information on www.backontrack.ie
- RLEs – Calculator to both www.isi.gov.ie and www.backontrack.ie

Publication of revised guidelines to Reasonable Living Expenses and a Reasonable Standard of Living

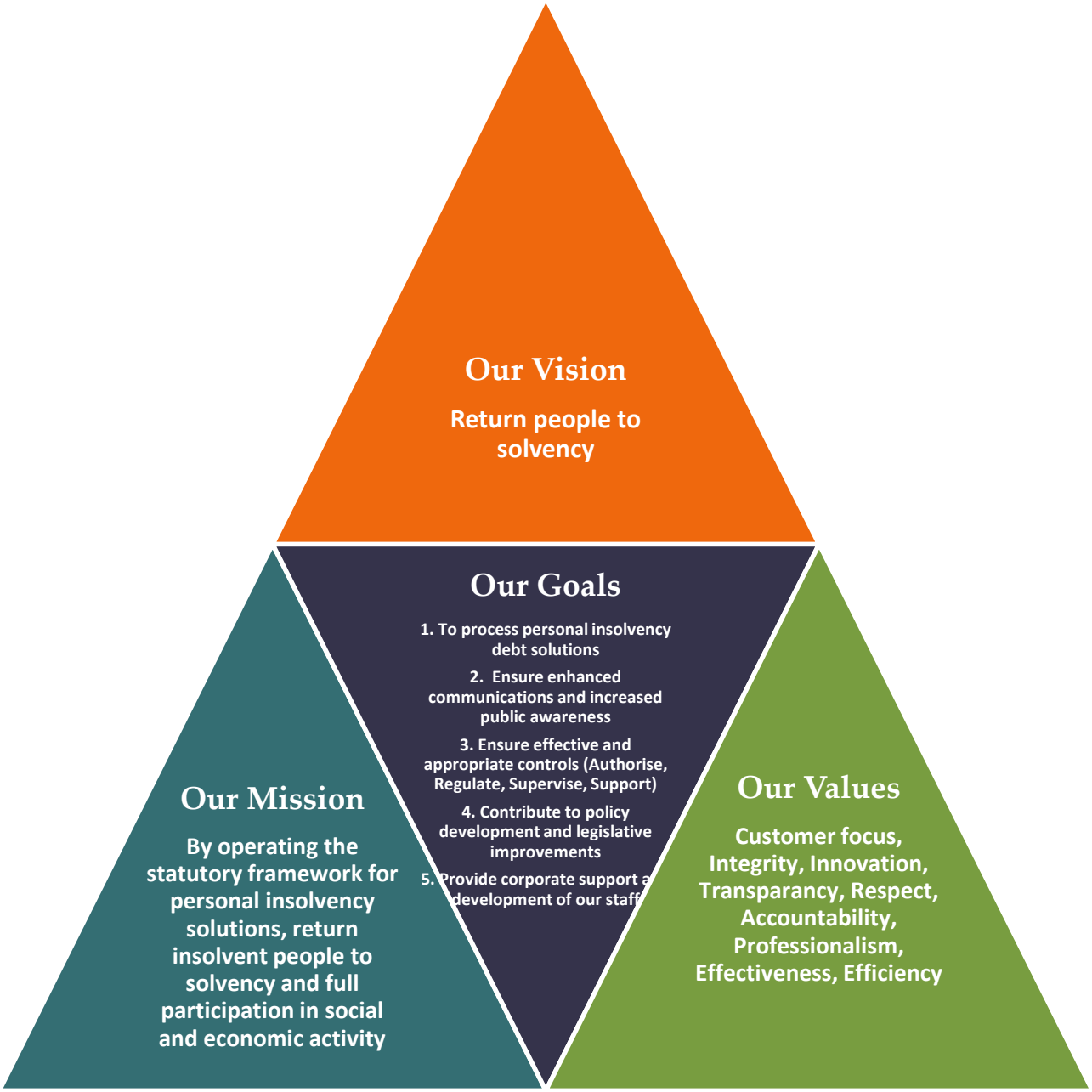
- Reasonable Living Expenses Guidelines and Background Information

Statistical Reports for 2015

- Quarter 1 Statistical Report
- Quarter 2 Statistical Report
- Quarter 3 Statistical Report
- Quarter 4 Statistical Report

Appendix II: ISI Vision, Mission, Goals & Values 2016 - 2019

The following sets out a summary of our Vision, Mission, Values and Goals, taken from the ISI's Strategic plan 2016 – 2019. The Key Performance Indicators to underpin these goals are set out in the Strategic Plan.



Organisation Structure 2016

The following diagram sets out the key business areas of the ISI.

Lorcan O'Connor
Director

Christopher Lehane
Official Assignee Bankruptcy

Responsible for the administration of bankruptcy estates under Bankruptcy Acts 1988-2015

Randall Plunkett
Case Management

Responsible for managing and processing the three debt relief solutions under the Personal Insolvency Acts 2012 & 2015 and operating the Information Line

John Farrell**
Regulation and Policy

Provide a comprehensive authorisation and supervision framework for practitioners. Contribute to the development of policy and advise the Minister on any matters relating to the functions of the ISI

Liza Doyle
Legal Services

Responsible for the provision of legal services to all divisions of the ISI

Sean Murphy
Corporate Affairs

Responsible for all governance matters and the provision of a range of support services to the ISI

Members of Senior Management Team*

*In the absence of a Statutory Board, the ISI has established a Senior Management Team (SMT). The SMT meet under the chairmanship of the Director. All major strategic matters facing the ISI are considered at formal meetings of the SMT which meets at regular intervals.

** Updated to reflect the appointment of the Head of Regulation and Policy in May 2016.

Tuarascáil Bhliantúil 2015

ISI

Dul i ngleic le fiachas le chéile

Gluais Téarmaí

"Na hAchtanna"
Na hAchtanna um Dhócmhainneacht Phearsanta 2012 - 2015.

Idirghabhálaí Ceadaithe
Is é atá in Idirghabhálaí Ceadaithe ná duine nó aicme daoine atá údaraithe ag an ISI chun tacú le féichiúnaí iarratas ar Fhógra Faoisimh Fiachais a dhéanamh. Tá liosta d'Idirghabhálaithe Ceadaithe ar fáil ar shuíomh Gréasáin an ISI.

Back on Track
Sheol an ISI feachtas leanúnach faisnéise darb ainm 'Back on Track' sa bhliain 2014. Bunaíodh an suíomh Gréasáin www.backontrack.ie mar chuid den fheachtas arb é is aidhm dó cabhrú le daoine i bhfiacha ach faisnéis shoiléir shothuigthe a chur ar fáil faoi na réitigh éagsúla a thairgeann an ISI.

Féimheacht
Is é atá i bhféimheacht ná próiseas dócmhainneachta pearsanta atá ar fáil faoin Acht Féimheachta, 1988, arna leasú, i gcásanna nach féidir le duine na fiacha atá air/uirthi a íoc. Sa chuid is mó de chásanna, a luaithe atá féimheach déanta de dhuine, glacann oifigeach an ("Sannaí Oifigiúil") rialú ar mhaoin an duine agus réadaíonn sé an mhaoin sin chun fiacha an fhéimhigh a íoc.

Fóram Comhairleach
Bunaíodh Fóram Comhairleach tar éis fógra a rinne an Rialtas i mí na Bealtaine[5] faoi roinnt bearta nua lena dtabharfaí tacaíocht do shealbhóirí morgáiste i riaráiste. Déanfaidh an fóram éifeachtacht oibriúcháin an ISI a choinneáil faoi athbhreithniú agus déanfaidh sé moltaí don Aire nuair is cuí. Déantar ionadaíocht san fhóram do chreidiúnaithe, do ghrúpaí ionadaíocha féichiúnaithe, do Chleachtóirí Dócmhainneachta Pearsanta agus do gheallsealbhóirí tábhachtacha eile.

FGL (Forbairt Ghairmiúil Leanúnach)
Is é atá i bhforbairt ghairmiúil leanúnach ná próiseas nó gníomhaíocht atá pleanáilte lena gcuirtear breisluach le cumas gairmí trí mhéadú a dhéanamh ar an eolas, na scileanna agus na cáilíochtaí pearsanta a theastaíonn le haghaidh dualgais ghairmiúla agus theicniúla a chomhlíonadh, rud ar a dtugtar 'inniúlacht' go minic.

Is é cuspóir na scéime um fhorbairt ghairmiúil leanúnach do Chleachtóirí Dócmhainneachta Pearsanta ná a chinntiú go mbíonn Cleachtóirí Dócmhainneachta Pearsanta inniúil agus in ann tabhairt faoina ról agus go gcoinníonn siad ar an eolas maidir leis an reachtaíocht, na rialacháin agus an treoir ábhartha reatha.

Athbhreithniú Cúirte (ar Chomhshocraíocht Dócmhainneachta Pearsanta (PIA))
Athbhreithniú Cúirte ar Chomhshocraíochtaí beartaithe Dócmhainneachta Pearsanta ar vótáladh ina n-aghaidh ag an gcruinniú reachtúil creidiúnaithe. Leis an bpróiseas seo, cumasaítear Cleachtóir Dócmhainneachta Pearsanta, ar threoir a fháil óna chliant/cliant (an féichiúnaí), ordú a iarraidh ón gCúirt lena ndeimhnítear teacht in éifeacht na Comhshocraíochta beartaithe Dócmhainneachta Pearsanta. Má éiríonn leis an athbhreithniú Cúirte, deonóidh an Chúirt an t-ordú sin agus tiocfaidh an Chomhshocraíocht Dócmhainneachta Pearsanta in éifeacht.

[5] http://www.justice.ie/en/JELR/Pages/PR16000032

Fógra Faoisimh Fiachais (DRN)

Is é atá i bhFógra Faoisimh Fiachais (DRN) ná réiteach do dhaoine atá ar ioncam íseal, nach bhfuil morgáiste acu agus atá ar bheagán sócmhainní. Leis an réiteach seo, is féidir fiacha suas go dtí €35,000 a dhíscríobh agus is féidir iarratas a dhéanamh air trí Idirghabhálaí Ceadaithe.

Comhshocraíocht Socraíochta Fiachais (DSA)

Le Comhshocraíocht Socraíochta Fiachais (DSA), cumasaítear féichiúnaí a bhfiacha neamhurraithe a ghlanadh thar thréimhse ama (5 bliana ar a mhéad de ghnáth) agus díscríobhfar aon iarmhéid atá fágtha.

Seirbhís Dócmhainneachta na hÉireann (an ISI)

Is é atá i Seirbhís Dócmhainneachta na hÉireann ná comhlacht reachtúil a bunaíodh faoin Acht um Dhócmhainneacht Phearsanta 2012. Is in alt 9 den Acht[6] a leagtar amach feidhmeanna an ISI.

Sannaí Oifigiúil

Is é atá sa Sannaí Oifigiúil ná oifigeach arna cheapadh ag an gCúirt agus a oibríonn san ISI. Tá sé mar fheidhm aige/aici dul isteach agus maoin an fhéimhigh a réadú, na fiacha agus na dliteanais a fháil amach agus na sócmhainní a dháileadh de réir fhorálacha an Achta Féimheachta, 1988.

Comhshocraíocht Dócmhainneachta Pearsanta (PIA)

Cé go bhfuil sí cosúil le DSA ó thaobh fiacha neamhurraithe de, déileáiltear le fiacha urraithe le PIA freisin. Déantar fiacha urraithe a athstruchtúrú nó a ghlanadh le linn PIA. Cuimsíonn sí roinnt cosaintí d'fhéichiúnaithe i riaráiste morgáiste ar mian leo áras an teaghlaigh a choinneáil, nuair is féidir.

Cleachtóir Dócmhainneachta Pearsanta (PIP)

Is é atá i gCleachtóir Dócmhainneachta Pearsanta (PIP) ná duine atá údaraithe ag an ISI faoi Chuid 5 den Acht um Dhócmhainneacht Phearsanta 2012 chun gníomhú mar PIP. Déanann PIP idirchaidreamh idir an féichiúnaí agus a chreidiúnaithe/creidiúnaithe i dtaca le PIA nó DSA. Tá liosta de PIPanna ar fáil ar shuíomh Gréasáin an ISI.

Deimhniú Cosantach (PC)

Is é atá i nDeimhniú Cosantach (PC) ná deimhniú a n-eisíonn an Chúirt é agus lena dtugtar tréimhse cosanta d'fhéichiúnaí ar imeachtaí dlíthiúla arna dtionscnamh ag creidiúnaithe agus é/í ag déanamh iarratas ar DSA nó ar PIA. Ní fhéadfaidh creidiúnaithe teagmháil a dhéanamh leis an duine le linn na tréimhse sin. Go ginearálta, bíonn Deimhniú Cosantach i bhfeidhm ar feadh 70 lá ach féadfar é a shíneadh i gcúinsí teoranta.

Caighdeán Maireachtála Réasúnach/Costais Mhaireachtála Réasúnacha

Ceanglaítear ar an ISI faoi alt 23 den Acht treoirlínte a ullmhú agus a eisiúint maidir le cad is caighdeán maireachtála réasúnach ann agus maidir le cad is costais mhaireachtála réasúnacha ann.

Baineann na treoirlínte le hábhar maidir le hincháilitheacht féichiúnaí le haghaidh DRN a mheasúnú, le tograí DSA agus PIA a cheapadh agus le hordú íocaíochta féimheachta i bhFéimheacht a bheith á dhéanamh ag an gCúirt. Is é an aidhm atá leo go háirithe treoir a thabhairt d'Idirghabhálaithe Ceadaithe agus do Chleachtóirí Dócmhainneachta Pearsanta agus iad ag measúnú, le haghaidh fhorálacha ábhartha an Achta, cad é atá i gceist le 'réasúnach' maidir le caighdeán maireachtála agus le costais mhaireachtála. Tá na treoirlínte ar fáil ar shuíomh Gréasáin an ISI.

[6] http://www.irishstatutebook.ie/eli/2012/act/44/section/9/enacted/en/html#sec9

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Bunaíodh Seirbhís Dócmhainneachta na hÉireann (an ISI) an 1 Márta 2013 faoin Acht um Dhócmhainneacht Phearsanta 2012 ("an tAcht"). Is é cuspóir an ISI daoine atá dócmhainneach a thabhairt ar ais chun sócmhainneachta. Is in alt 9 den Acht a leagtar amach feidhmeanna an ISI.

Rinneadh roinnt tionscnaimh thábhachtacha bheartais agus feabhsuithe reachtacha sa bhliain 2015 maidir le dócmhainneacht phearsanta. I mí na Bealtaine, d'fhógair an Rialtas roinnt beart arb é is aidhm dóibh cabhrú le daoine atá i riaráiste morgáiste. Le reachtaíocht a tugadh isteach le déanaí, méadaíodh an teorainn fiachais chun cáiliú le haghaidh Fógraí Faoisimh Fiachais, tugadh isteach meicníocht athbhreithnithe cúirte le haghaidh Comhshocraíochtaí Dócmhainneachta Pearsanta lena mbaineann áras teaghlaigh ar vótáil creidiúnaithe ina n-aghaidh agus laghdaíodh an téarma féimheachta go bliain amháin.

Tá an ISI ag obair go dlúth le geallsealbhóirí éagsúla ón uair sin i leith ar roinnt ábhar, go háirithe an scéim um chúnamh agus tacaíocht d'fhéichiúnaithe[7] a sheolfar ar ball.

Sa bhliain 2015, chabhraigh an ISI le geall le 2,000 féichiúnaí réitigh bhuana fiachais a fháil lenar tugadh ar ais chun sócmhainneachta iad, ar méadú 70% ón mbliain 2014 é, agus tá sí ag leanúint ar aghaidh ag spreagadh comhshocraíochtaí malartacha aisíocaíochta idir féichiúnaithe agus creidiúnaithe.

Is a bhuí leis an bhfoireann thiomanta dhícheallach agus leis an gcabhair a fuarthas ó gheallsealbhóirí tábhachtacha, lena n-áirítear an Roinn Dlí agus Cirt agus Comhionannais, an tSeirbhís Bhuiséadta agus Chomhairle Airgid (MABS) agus PIPanna a bhíothas in ann na héachtaí a leagtar amach sa Tuarascáil seo a bhaint amach.

D'fhoilsigh an ISI a Plean Straitéiseach nua don tréimhse 2016-2019 i mí an Mhárta 2016. Leagtar amach sa phlean na príomhchuspóirí don ISI sna trí bliana romhainn agus déantar forbairt leis ar an bplean a bhí in éifeacht sa bhliain 2015.

Lorcan O'Connor
Stiúrthóir
29 Aibreán 2016

[7] http://www.justice.ie/en/JELR/Pages/PR16000032

An ISI – Ár bhFís agus Misean sa bhliain 2015

Comhlacht neamhspleách reachtúil a bunaíodh in 2013 chun déileáil le dócmhainneacht phearsanta is ea an ISI. Cé gur athraíodh chun dáta iad inár bPlean Straitéiseach 2016-2019, b'amhlaidh sa bhliain 2015:

- gurbh é ár bh**Fís** ná réitigh dhócmhainneachta pearsanta a chruthú a bheadh nua-aimseartha, cothrom agus éifeachtach agus a d'éascódh gníomhaíocht eacnamaíoch, agus
- gurbh é ár **Misean** ná réitigh dhócmhainneachta ar ardchaighdeán a chur ar fáil d'fhéichiúnaithe ar bhealach a bheadh trédhearcach, dírithe ar an gcustaiméir agus cothrom do gach duine.

1.1 Céard a Dhéanaimid

Is iad seo a leanas príomhfheidhmeanna an ISI:

- faireachán a dhéanamh ar oibriú na socruithe a bhaineann le dócmhainneacht phearsanta dá bhforáiltear sna hAchtanna um Dhócmhainneacht Phearsanta, 2012 go 2015 ("na hAchtanna"), is iad sin: an Fógra Faoisimh Fiachais (DRN), an Chomhshocraíocht Socraíochta Fiachais (DSA) agus an Chomhshocraíocht Dócmhainneachta Pearsanta (PIA)
- iarratais ar DRNanna a mheas de réir na nAchtanna
- iarratais ar Dheimhnithe Cosantacha do DSAnna agus do PIAnna a phróiseáil de réir an Achta
- Cláir na DRNanna, na nDeimhnithe Cosantacha, na DSAnna agus na PIAnna a choinneáil ar bun
- feasacht agus tuiscint an phobail a chur chun cinn ar ábhair a bhaineann le dócmhainneacht phearsanta agus faisnéis a chur ar fáil faoi oibriú na nAchtanna, oibriú an Achta Féimheachta, 1988, agus faoi ábhair ghaolmhara
- comhairle a chur ar an Aire faoi aon ní a bhaineann lena feidhmeanna
- daoine nó aicme daoine a údarú na feidhmeanna atá ag idirghabhálaí ceadaithe a chomhlíonadh agus maoirseacht agus rialáil a dhéanamh orthu ina leith sin
- daoine aonair a údarú cleachtas a sheoladh mar chleachtóirí dócmhainneachta pearsanta agus maoirseacht agus rialáil a dhéanamh orthu ina leith sin
- treoirlínte a ullmhú agus a eisiúint maidir le cad is caighdeán maireachtála réasúnach ann agus maidir le cad is costais mhaireachtála réasúnacha ann
- soláthar oideachais agus oiliúna den sórt sin a bhaineann le comhlíonadh a bhfeidhmeanna faoi na hAchtanna a eagrú d'idirghabhálaithe ceadaithe, do chleachtóirí dócmhainneachta pearsanta agus do dhaoine eile, de réir mar is cuí léi

- cur le beartas a fhorbairt sa réimse dócmhainneachta pearsanta
- aon dualgais eile a chomhlíonadh agus aon chumhachtaí eile a shanntar dó leis na hAchtanna nó faoi na hAchtanna a fheidhmiú
- na feidhmeanna a shanntar don Sannaí Oifigiúil a riar (is iad feidhmeanna an tSannaí Oifigiúil dul isteach agus maoin an fhéimhigh a réadú, na fiacha agus na dliteanais a fháil amach agus na sócmhainní a dháileadh de réir fhorálacha an Achta Féimheachta, 1988)
- faisnéis agus staitisticí faoi oibriú na nAchtanna agus faoi oibriú an Achta Féimheachta, 1998, a thiomsú, a bhailiú, a anailísiú agus a scaipeadh
- faireachán agus anailís a dhéanamh ar fhorbairtí maidir le cás na bhféichiúnaithe dócmhainneacha agus maidir le treochtaí agus patrúin in iompraíocht féichiúnaithe agus creidiúnaithe
- straitéisí a fhorbairt le haghaidh cumarsáid a dhéanamh leis an bpobal d'fhonn úsáid na gcomhshocraíochtaí dócmhainneachta a chur chun cinn agus a gcur i bhfeidhm éifeachtach a fheabhsú

1.2 Príomhréimsí Gnó

Ba iad seo a leanas na príomhréimsí gnó de chuid an ISI sa bhliain 2015:[8]

Féimheacht

Eastáit féimheachta a bhainistiú le linn faoiseamh fiachais a chur ar fáil d'fhéichiúnaithe.

Bainistíocht Cásanna

Na trí réiteach faoisimh fiachais a chuirtear ar fáil leis na hAchtanna a phróiseáil (DRN, DSA agus PIA).

Dlí agus Beartas

Seirbhísí dlí a chur ar fáil don ISI. Teagmháil le geallsealbhóirí ar ábhair bheartais.

Rialáil

Creat údaraithe agus maoirseachta a chur ar fáil le haghaidh Cleachtóirí Dócmhainneachta Pearsanta agus Idirghabhálaithe Ceadaithe.

[8] D'fhoilsigh an ISI a Plean Straitéiseach nua 2016-2019 i mí an Mhárta 2016 - tá an struchtúr athbhreithnithe eagrúcháin le fáil in Aguisín II.

Gnóthaí Corparáideacha

Seirbhísí rialachais chorparáidigh agus tacaíochta a chur ar fáil don eagraíocht.

Staitisticí do 2015 ar Sracfhéachaint

269 **Líon na gCleachtóirí Dócmhainneachta Pearsanta agus na nIdirghabhálaithe Ceadaithe (daoine freagracha)** a bhí ar fáil chun bualadh aghaidh ar aghaidh le féichiúnaithe chun teacht ar réiteach ar a bhfadhbanna fiachais

Dhéileáil an ISI le fiachas **€2.7 billiún** in 2015

Tugadh geall le **190,000 cuairt** ar an dá shuíomh Gréasáin de chuid an ISI agus amharcadh ar leathanaigh na suíomhanna **1,100,000 uair** in 2015

71,740
LÍON NA nUAIREANTA A ÍOSLÓDÁLADH FOILSEACHÁIN

Sa bhliain 2015, déileáladh le geall le 13,000 glao teileafóin agus le geall le 5,000 ceist ríomhphoist ar líne faisnéise an ISI, rud ar a gcuirtear faisnéis ar fáil d'fhéichiúnaithe

76%

Céatadán na nDeimhnithe Cosantacha a eisíodh do PIAnna in 2015; is ionann an PIA agus an réiteach lena ndéileáiltear le fiachas morgáiste agus lena bhféachann leis an bhféichiúnaí a choinneáil in áras an teaghlaigh

1,371

Líon na nDeimhnithe Cosantacha a eisíodh in 2015

Líon na réiteach fiachais **DRN, DSA agus PIA** a ceadaíodh in 2015, ar méadú **120%** é ó 2014

Ghlac creidiúnaithe le **76.6%** de thograí DSA agus PIA

479

Líon na bhFéimheachtaí in 2015. B'ionann é sin agus **méadú 7%** ar na 448 gcinn a bhí ann in 2014. Bhí an méadú sin faoi réir méadú i líon na n-achainíocha féichiúnaithe, a bhí freagrach as 93% de na féimheachtaí uile in 2015

Síneadh tarscaoileadh táillí iarratais an ISI agus laghdaíodh costais iarratais féimheachta tuilleadh go thart ar **€270**

[Tuarascálacha Staidrimh do 2015]

Bliain faoi Athbhreithniú - Príomhfhorbairtí

1.3 Feabhsuithe ar réitigh an ISI

I mí na Bealtaine, d'aontaigh an Rialtas roinnt bearta nua lena dtabharfaí tacaíocht do shealbhóirí morgáiste i riaráiste.

1.3.1 Athbhreithniú Cúirte ar PIAnna ar vótáladh ina n-aghaidh

Leis an Acht um Dhócmhainneacht Phearsanta (Leasú), 2015, tugadh an deis isteach do dhuine dócmhainneach a iarraidh go ndéanfadh na Cúirteanna athbhreithniú neamhspleách má dhiúltaíonn a gcreidiúnaithe dá dtogra le haghaidh Comhshocraíochta um Dhócmhainneacht Phearsanta, ar an gcoinníoll go n-áirítear riaráistí morgáiste ar a n-áras sa togra. Cuireadh tús le Rialacha Cúirte leasaithe bainteach leis sin i Samhain 2015.

Leis an bpróiseas athbhreithnithe, cumasaítear PIP, ar threoir a fháil óna chliant/cliant (an féichiúnaí), ordú a iarraidh ón gCúirt lena ndeimhnítear teacht in éifeacht na Comhshocraíochta beartaithe Dócmhainneachta Pearsanta. Má éiríonn leis an athbhreithniú Cúirte, deonóidh an Chúirt an t-ordú sin agus tiocfaidh an Chomhshocraíocht Dócmhainneachta Pearsanta in éifeacht.

1.3.2 Tairseach an Fhógra Faoisimh Fiachais (DRN)

Leasaíodh an tAcht chun méadú a dhéanamh ar an tairseach fiachais d'incháilitheacht le haghaidh DRN freisin. Méadaíodh í ó €20,000 go €35,000. Cuireann sé sin ar chumas daoine atá ar ioncam íseal agus ar bheagán sócmhainní a iarraidh go ndíscríobhfar fiacha is fiú €35,000 ar a mhéad tar éis tréimhse trí bliana.

1.3.3 An tAcht Féimheachta (Leasú) 2015

Síníodh an tAcht Féimheachta (Leasú) 2015 ("Acht 2015") isteach sa dlí ag deireadh na bliana. Le hAcht 2015, laghdaítear gnáthfhad na féimheachta ó thrí bliana go bliain amháin. Laghdaítear leis an Acht an tionchar atá ag féimheacht i gcúinsí áirithe trí fhoráil a dhéanamh d'athdhílsiú a árais/hárais don fhéimheach d'fhonn cabhrú leis/léi dul ar ais chun sócmhainneachta agus chuig gnáthghníomhaíocht eacnamaíoch go luath. Foráiltear leis d'fhad sínte féimheachta i gcásanna nach gcomhoibríonn an féimheach leis an bpróiseas féimheachta nó ina bhféachann sé/sí le hioncam nó le sócmhainní a cheilt. Le hathruithe eile a dhéantar ann, déantar na nósanna imeachta reatha féimheachta a chuíchóiriú agus a athchóiriú agus neartaítear nó soiléirítear cumhachtaí an tSannaí Oifigiúil.

1.3.4 Bunú an Fhóraim Chomhairligh

Bunaíodh Fóram Comhairleach i mí Iúil chun éifeachtacht oibriúcháin an ISI a choinneáil faoi athbhreithniú. Táthar ag súil go dtuairisceoidh an Fóram Comhairleach don Aire Dlí agus Cirt agus Comhionannais agus go ndéanfaidh sé moltaí nuair is cuí. Déantar ionadaíocht san Fhóram Comhairleach do chreidiúnaithe, d'fhéichiúnaithe, do Chleachtóirí Dócmhainneachta Pearsanta agus do ghrúpaí ionadaíocha féichiúnaithe.

1.3.5 FGL a Thabhairt Isteach do Chleachtóirí Dócmhainneachta Pearsanta (PIPanna)

Le linn na bliana, d'fhorbair an ISI scéim um fhorbairt ghairmiúil leanúnach (FGL) do PIPanna. Is é cuspóir na scéime um fhorbairt ghairmiúil leanúnach a chinntiú

- go mbíonn PIPanna inniúil agus in ann tabhairt faoina ról mar PIP
- go gcoinníonn PIPanna ar an eolas maidir leis an reachtaíocht, na rialacháin agus an treoir ábhartha reatha

Cuireadh tús leis an scéim an 1 Eanáir 2016.

1.3.6 Pleanáil Fheabhsaithe Cumarsáide

Léiríonn an cur chuige a ghlacann an ISI i leith cumarsáide an cuspóir atá ag an eagraíocht a bheith cothrom agus trédhearcach agus í ag idirghníomhú le spriocphobail sheachtracha. Tá sé tábhachtach go bhfuil an pobal ar an eolas faoi na buntáistí ar leith a bhaineann le réiteach de chuid an ISI.

Cuireadh in iúl sa chinneadh ón Rialtas i mí na Bealtaine go raibh sé riachtanach don ISI tabhairt faoi fheachtas marthanach feasachta.

Bhunaigh an ISI Grúpa Tionscadail Chumarsáide i mí Dheireadh Fómhair chun aitheantas a thabhairt don tábhacht a bhaineann le cumarsáid éifeachtach. Cuimsíonn an grúpa ionadaithe trasrannóige na heagraíochta agus tá sé mar chúram air gníomhaíochtaí cumarsáide a phleanáil agus a chomhordú chun a chinntiú go scaiptear teachtaireachtaí tábhachtacha ar gach geallsealbhóir ar bhealach comhtháite trí na cainéil chuí.

Faoin sruth oibre sin, tá pleanáil agus cur i bhfeidhm á ndéanamh ar thionscnaimh éagsúla for-rochtana agus mhúscailte feasachta. Áirítear leis sin láithreoireachtaí a thabhairt d'eagraíochtaí, idirchaidreamh a dhéanamh leis na meáin, feachtais faisnéise a fhorbairt agus a chur i bhfeidhm, riachtanais faisnéise a shainaithint agus feabhas a chur ar shuíomhanna Gréasáin, ar fhoilseacháin agus ar fhoinsí gaolmhara faisnéise de chuid an ISI. Bíonn an ISI ag leanúint lena feachtas 'Back on Track' a chur chun cinn agus a leathnú.

Sa ráithe dheiridh den bhliain, d'fhreastail baill foirne den ISI ar líon ard tithe cúirte timpeall na tíre mar bheart a lean as cinneadh an Rialtais i mí na Bealtaine 2015 á rá go neartófaí tacaíocht dóibh sin i riaráiste morgáiste tí. Ba é an príomhchuspóir ná faisnéis agus cabhair ar an láithreán a chur ar fáil i gcomhar leis an tSeirbhís Bhuiséadta agus Chomhairle Airgid (MABS) do na daoine sin a raibh a dteach i mbaol a athshealbhaithe ag a n-iasachtóir urraithe. Leis an tionscnamh sin, méadaíodh an fheasacht ar na seirbhísí a chuireann an ISI ar fáil.

Bliain faoi Athbhreithniú - Forbairtí Eagraíochta

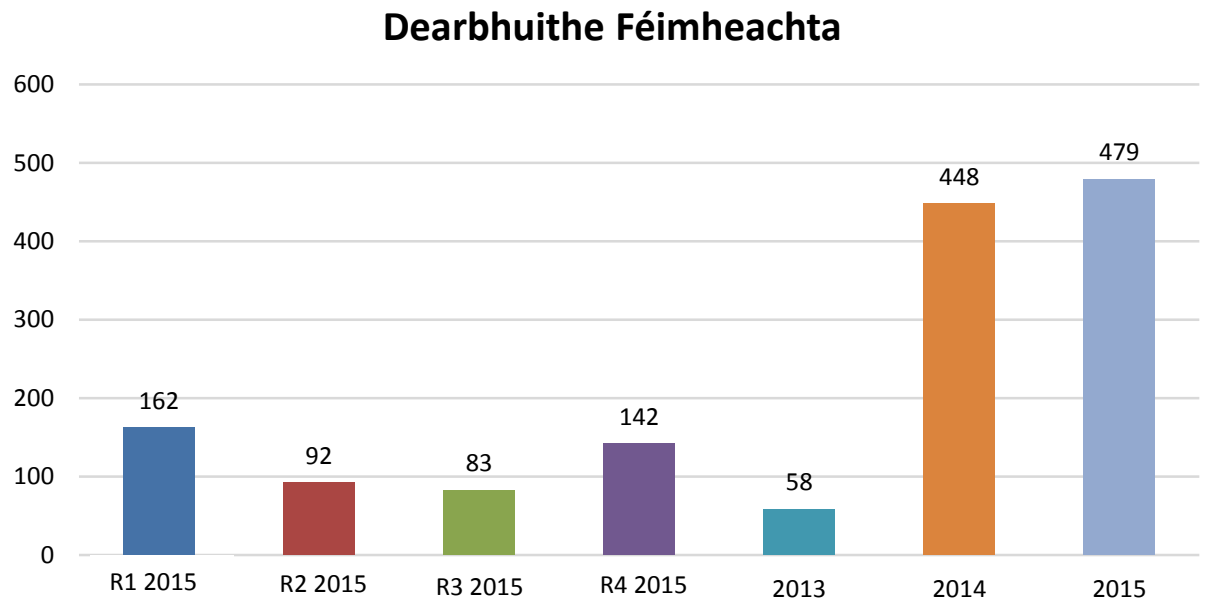
Lean an ISI dá próisis inmheánacha a athbhreithniú agus a fheabhsú chun a chinntiú go gcomhlíonann sí a feidhmeanna ar bhealach atá éifeachtúil, éifeachtach agus dírithe ar chustaiméirí.

1.4 Féimheacht

Bhí méadú breise ann sa bhliain i líon na gcásanna féimheachta agus bhí éileamh breise ann lena linn ar sheirbhísí na rannóige Féimheachta ar fud gach réimse dá cuid oibríochtaí.

1.4.1 Treochtaí

Méadú 7% ar na 448 bhféimheacht a bhí ann in 2014, ar méadú 672% é ó 2013, a bhí i líon iomlán na bhféimheachtaí (479). Cuid suntais a bhí i líon méadaitheach na bhféichiúnaithe a bhí ag cur achainí faoi bhráid na hArd-Chúirte le haghaidh a bhféimheachtaí féin. B'ionann an líon sin agus 93% de na féimheachtaí ar fad.



1.4.2 Bainistíocht Athraithe

Rinne an rannóg athbhreithniú iomlán ar nósanna imeachta inmheánacha oibre agus chuaigh sí faoi mhór-athstruchtúrú. Cuireadh córas nua TFC chun feidhme agus rinneadh athbhreithniú iomlán faoi phróiseas Bainistíocht Athraithe ar bheartais, ar phróisis agus ar nósanna imeachta. Faoi dheireadh na bliana, chuimsigh an rannóg trí phríomhréimse gníomhaíochta (nó foirne cáis). Ba iad sin:

- Bainistíocht Cásanna
- Bainistíocht Sócmhainní
- Airgeadas

Cuireadh oiliúint inmheánach agus oiliúint sheachtrach ar fáil do bhaill foirne chun tacú leo ina róil nua.

1.4.3 Forfheidhmiú

Is é atá i bhféimheacht ná próiseas a sholáthraíonn faoiseamh fiachais d'fhéichiúnaithe agus ina n-aistrítear a sócmhainní go léir chuig an Sannaí Oifigiúil ag an am céanna. Chun sláine an chórais a choinneáil ar bun, caithfidh féimhigh nochtadh iomlán a dhéanamh agus comhoibriú leis an Sannaí Oifigiúil. I roinnt mhaith cásanna, aimsíodh in imscrúduithe go raibh sócmhainní neamhnochta ann, lenar áiríodh cuntais bhainc, carranna, réadmhaoine, ioncam cíosa agus aistrithe sócmhainní roimh fhéimheacht. Ba iad nósanna imeachta i gcás neamh-chomhoibriú ba chúis le príosúnacht agus le horduithe um théarma féimheachta a shíneadh i gcúinsí roimhe seo.

1.4.4 Cumarsáid le geallsealbhóirí

Cuireadh faisnéis nuashonraithe ar fáil ar fud na bliana do chleachtóirí, don phobal agus do na meáin maidir le reachtaíocht phríomhúil, Rialacha Cúirte agus cleachtais féimheachta.

Cuireadh seimineár ar an bpróiseas féimheachta ar siúl le haghaidh PIPanna, comhairleoirí airgeadais agus cleachtóirí dlí. Úsáideadh aiseolas ón seimineár sin mar ionchur inár bpróiseas athchóirithe maidir le reachtaíocht, Rialacha Cúirte agus cleachtais inmheánacha.

Tá sé beartaithe go reáchtálfar seimineár eile sa bhliain 2016.

1.5 Reachtaíocht/Feabhsuithe Beartais

1.5.1 Reachtaíocht

De réir fheidhm an ISI chun cur le beartas a fhorbairt sa réimse dócmhainneachta pearsanta, chuaigh an Roinn Dlí agus Cirt agus Comhionannais i ndáil chomhairle leis an ISI i dtaca le tograí ar fhéimheacht a athchóiriú agus ar athbhreithniú ar an reachtaíocht reatha um dhócmhainneacht phearsanta.

1.5.2 Cás-Staidéir Chomparáide ar PIAnna/ar Fhéimheacht

D'fhorbair an ISI dhá chás-staidéar ar Chomhshocraíochtaí Dócmhainneachta Pearsanta (PIA) chun cabhrú le PIPanna an toradh airgeadais do chreidiúnaithe i bhféimheacht a chur i gcomparáid. Bhí

sé mar chuspóir príomha ag forbairt an dá chás ná tuilleadh soiléireachta agus comhsheasmhachta a thabhairt don ríomh comparáide PIA/féimheachta le leas gach geallsealbhóra. Foilsíodh na cás-staidéir i mí Mheán Fómhair 2015 agus leagadh béim iontu ar an dóigh a bhféadfaí comparáid a dhéanamh le toradh malartach do chreidiúnaithe i bhféimheacht.

1.5.3 Costais Mhaireachtála Réasúnacha

Mar a ceanglaíodh faoin reachtaíocht, athraíodh na Treoirlínte maidir le Caighdeán Maireachtála Réasúnach agus maidir le Costais Mhaireachtála Réasúnacha chun dáta i mí Iúil chun athruithe a rinneadh sa Bhuiséad, go háirithe an méadú ar shochar linbh, a léiriú. De bhreis air sin, forbraíodh áireamhán idirghníomhach nua cúig chéim chun Costais Mhaireachtála Réasúnacha a ríomh mar aon le treoir shimplithe le haghaidh an tsuímh Ghréasáin www.backontrack.ie.

1.5.4 Ráiteas scríofa lena nochtfar gnóthaí airgeadais uile an fhéichiúnaí

Tháinig na Rialacháin fán Acht um Dhócmhainneacht Phearsanta, 2012 (Ráiteas Scríofa lena Nochtfar Gnóthaí Airgeadais Uile an Fhéichiúnaí), 2015 (I.R. Uimh. 416 de 2015), i bhfeidhm an 5 Deireadh Fómhair.

Forordaítear leis na Rialacháin sin an fhaisnéis atá le tabhairt sa ráiteas scríofa ó fhéichiúnaí ar mian leis/léi a bheith ina fhéichiúnaí/féichiúnaí sonraithe faoi Fhógra Faoisimh Fiachais (DRN) nó, de réir mar is infheidhme, ina pháirtí/páirtí, mar fhéichiúnaí, i gComhshocraíocht Socraíochta Fiachais (DSA) nó i gComhshocraíocht Dócmhainneachta Pearsanta (PIA), rud ina nochtfar gnóthaí airgeadais uile an fhéichiúnaí agus ina dtabharfar faisnéis maidir le creidiúnaithe, le fiachais agus le sócmhainní.

1.5.5 Na Rialacháin maidir le Táillí Forordaithe

Tháinig na Rialacháin fán Acht um Dhócmhainneacht Phearsanta, 2012 (Táillí Forordaithe), 2015 (I.R. Uimh. 620 de 2015), i bhfeidhm an 22 Nollaig. Leagtar amach leis na Rialacháin sin na táillí is infheidhme maidir le hiarratas ar DRN agus le hiarratas ar Dheimhniú Cosantach i dtaca le DSA nó le PIA. Foráiltear leis na Rialacháin freisin go bhféadfar táillí i leith iarratais den sórt sin a tharscaoileadh ar feadh tréimhse shealadach tar éis theacht i bhfeidhm na Rialachán an 31 Nollaig 2017 nó roimh an dáta sin.

1.6 Rialáil

1.6.1 Cleachtóirí Dócmhainneachta Pearsanta a Údarú agus Maoirseacht a Dhéanamh Orthu

Príomhchuspóir de chuid na rannóige Rialála is ea creat cuimsitheach maoirseachta a chur ar fáil atá ceaptha chun ionracas ról na gCleachtóirí Dócmhainneachta Pearsanta a chosaint agus a chinntiú

gur ar ardchaighdeán agus ar aon dul leis an reachtaíocht atá an tseirbhís a sholáthraítear d'fhéichiúnaithe agus do chreidiúnaithe. Tá oibleagáid ar Chleachtóirí údaraithe Dócmhainneachta Pearsanta cloí leis na hAchtanna agus le haon rialacháin ghaolmhara.

Bhí 141 Chleachtóir údaraithe Dócmhainneachta Pearsanta ann ag deireadh na bliana 2015.

Ba i mí Aibreáin a chuir an rannóg Rialála tús lena clár cuairteanna maoirseachta do 2015.

Ba iad seo a leanas cuspóirí an chláir sin:

- caidreamh rialála láidir a choinneáil le PIPanna
- cumarsáid oscailte a éascú idir PIPanna agus an ISI
- cabhrú le sainaithint a dhéanamh, ag luathchéim, ar aon saincheisteanna nó ar aon bhacainní a chuireann cosc ar chomhshocraíochtaí dócmhainneachta pearsanta agus ar an margadh dócmhainneachta pearsanta feidhmiú go héifeachtach

Cuireadh 41 Chleachtóir Dócmhainneachta Pearsanta faoi réir cuairteanna maoirseachta in 2015.

I mí na Bealtaine, scríobh an fhoireann Rialála chuig gach Cleachtóir Dócmhainneachta Pearsanta chun iarraidh orthu ráiteas bliantúil faoi dheimhniú comhlíonta agus tuairisceán faisnéise a chomhlánú don bhliain 2014.

Mar chuid den mhaoirseacht leanúnach a dhéantar ar PIPanna, rinne an fhoireann Rialála faireachán ar shuíomhanna Gréasáin agus ar ábhair phoiblíochta na PIPanna chun a chinntiú go raibh an reachtaíocht agus na rialacháin á gcomhlíonadh acu.

Fuarthas gearán foirmiúil amháin in aghaidh PIP in 2015, rud ar chinn an ISI gur ghearán é a d'fhéadfaí a réiteach trí idirghabháil nó trí mhodhanna neamhfhoirmiúla eile.

1.6.2 Faireachán a Dhéanamh ar Ghníomhaíocht Neamhúdaraithe

Lean an fhoireann Rialála le faireachán a dhéanamh ar ghníomhaíocht neamhúdaraithe. Le linn na bliana, rinneadh teagmháil le sé eintiteas a bhí ag gníomhú mar PIPanna de shárú ar an Acht agus tugadh ordú dóibh scor de gach gníomhaíocht neamhúdaraithe.

1.6.3 Idirghabhálaithe Ceadaithe

Ag deireadh na bliana 2015, bhí údarás ag 52 chuideachta de chuid MABS agus ag Eagraíocht Sealbhóirí Morgáiste na hÉireann seirbhísí Idirghabhálaí Cheadaithe a chur ar fáil ar fud na tíre. Taobh amuigh de na 53 Idirghabhálaí Cheadaithe sin, tá 128 nduine ann a chuireann an obair i gcrích thar ceann a gcuideachtaí ainmnithe is Idirghabhálaithe Ceadaithe.

Bhí teagmháil leanúnach agus cruinnithe leanúnacha ann le MABS agus leis an mBord um Fhaisnéis do Shaoránaigh le linn na bliana maidir le gníomhaíochtaí idirghabhálaí cheadaithe.

1.7 Bainistíocht Cásanna

Tá an ISI freagrach as iarratais ar chomhshocraíochtaí socraíochta fiachais a phróiseáil. Ina dhiaidh sin, cuirtear iad ar aghaidh chuig an gCúirt Chuarda, agus chuig an Ard-Chúirt i gcásanna áirithe, lena gcinneadh. Tar éis breitheanna Cúirte, leanann an ISI den tacaíocht riachtanach a chur ar fáil le linn shaolré na comhshocraíochta, rud a d'fhéadfadh bheith ann ar feadh suas le sé bliana i gcás DSA agus ar feadh suas le seacht mbliana i gcás PIA.

Le linn na bliana, lean an ISI ar aghaidh le híocaíocht €750 a dheonú do PIPanna i leith aon cháis inar dhiúltaigh creidiúnaithe, ag cruinniú creidiúnaithe, do thogra arbh fhearr an toradh a bheadh air ná an ceann a bheadh ar fáil do chreidiúnaithe i gcás féimheachta.

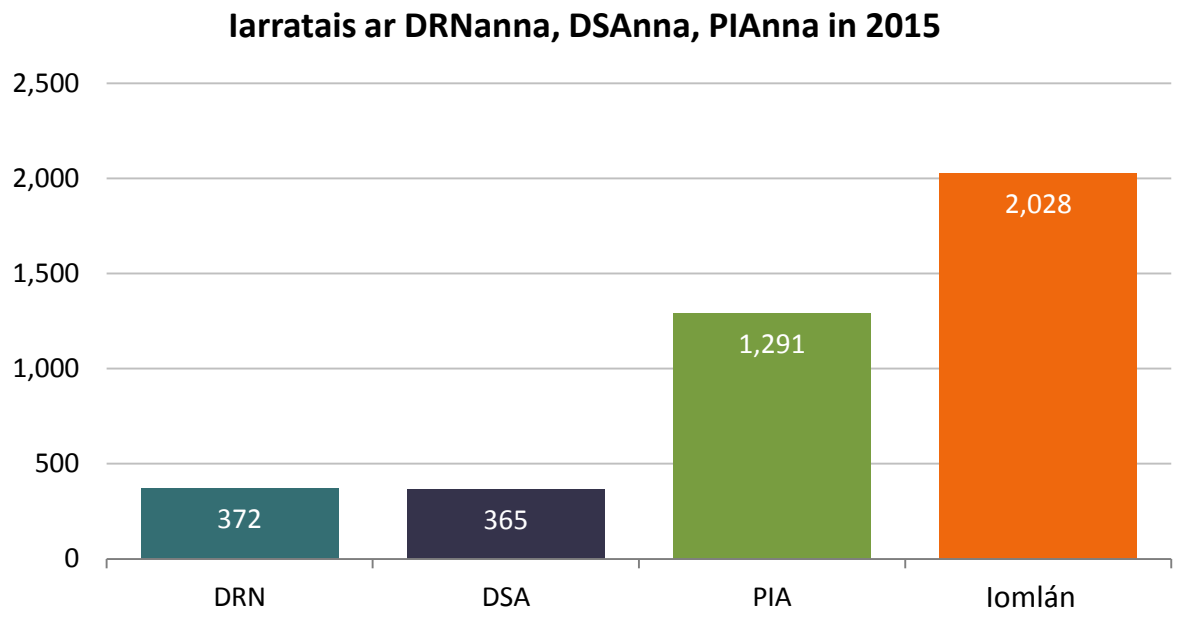
Ina theannta sin, chuaigh an rannóg Bainistíocht Cásanna i mbun roinnt imeachtaí líonraithe le Cleachtóirí Dócmhainneachta Pearsanta agus le hIdirghabhálaithe Ceadaithe araon d'fhonn iad a choinneáil ar an eolas faoi shaincheisteanna tráthúla a bhaineann leis an timpeallacht dócmhainneachta pearsanta, leis an reachtaíocht agus leis na próisis Chúirte a chuirtear i bhfeidhm i leith iarratas.

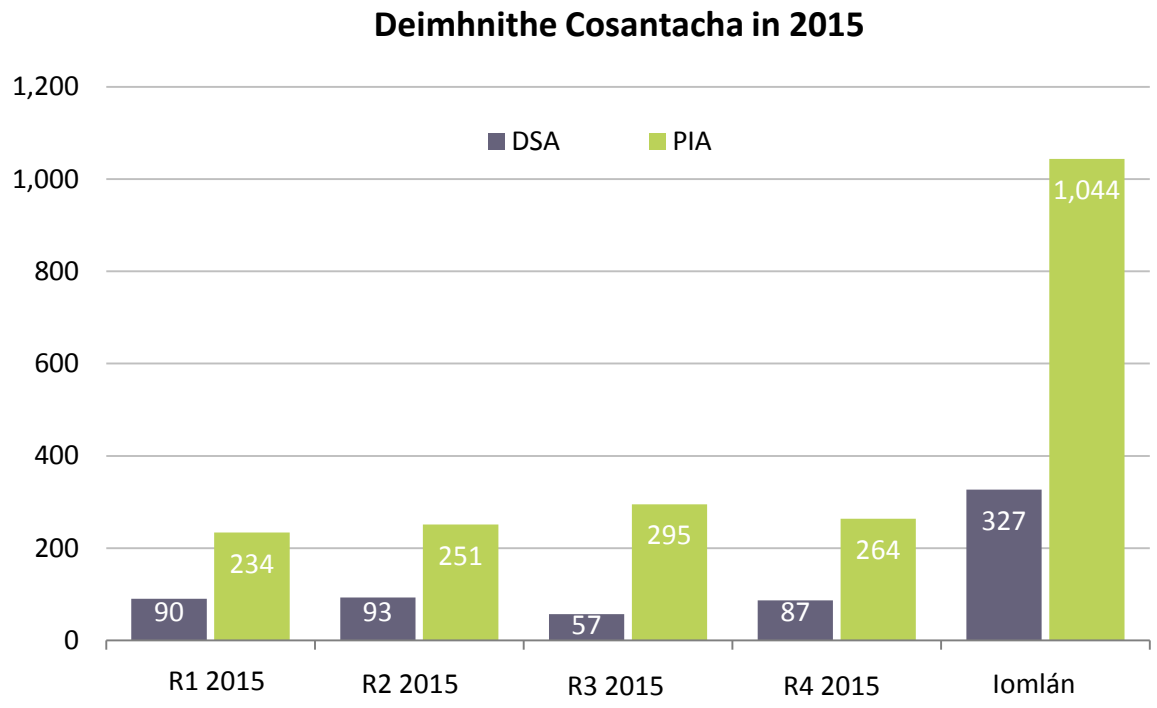
Coimeádann an rannóg dlúth-theagmháil ar bun leis an tSeirbhís Chúirteanna.

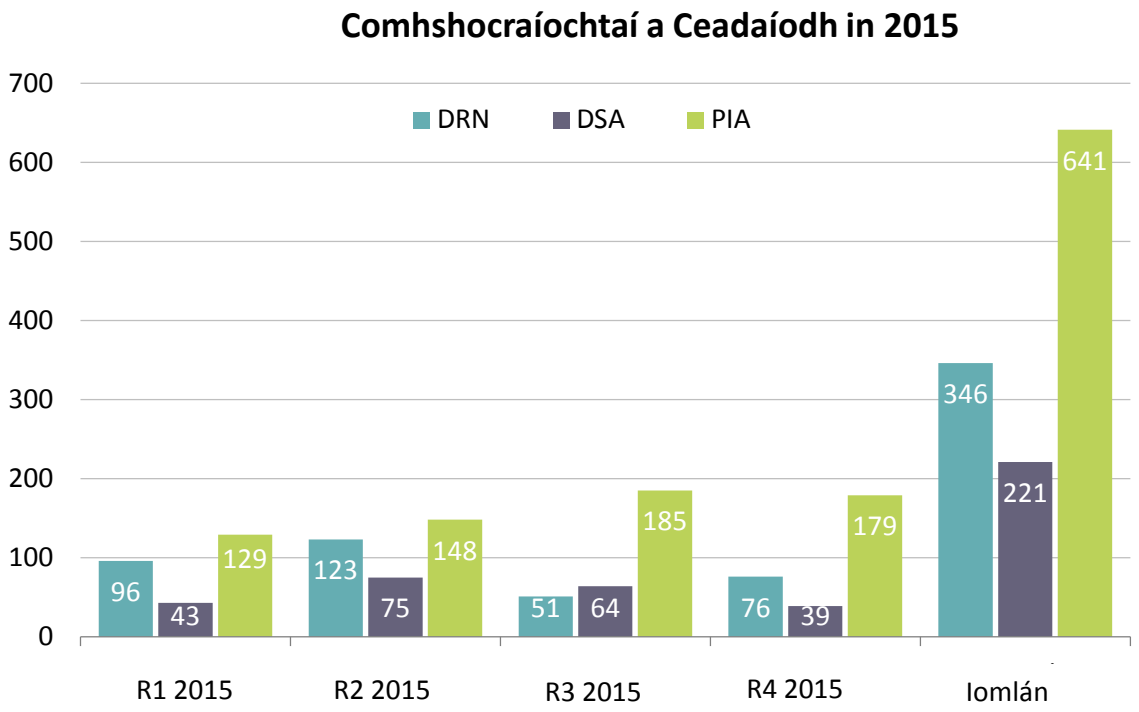
Chuir an rannóg treoir rialta ar fáil do Chleachtóirí Dócmhainneachta Pearsanta agus d'Idirghabhálaithe Ceadaithe ar fud na bliana trí bhíthin ríomh-nuachtlitreacha. Chomh maith leis sin, reáchtáil an rannóg roinnt cruinnithe réigiúnacha mar ar bhuail sí le Cleachtóirí Dócmhainneachta Pearsanta chun plé a dhéanamh ar shaincheisteanna tráthúla agus ar fhorbairtí maidir le dócmhainneacht phearsanta agus ar na próisis a chuirtear i bhfeidhm maidir le hiarratais. Chuir an rannóg cruinnithe rialta ar siúl le MABS, le hIdirghabhálaithe Ceadaithe agus le geallsealbhóirí eile freisin.

1.7.1 Méadú in Iarratais

Le linn na bliana, fuair an ISI breis agus 2,028 n-iarratas; eisíodh 1,371 Dheimhniú Chosantacha agus ceadaíodh 1,208 gcomhshocraíocht ag cruinnithe creidiúnaithe agus sna Cúirteanna.






Comhshocraíochtaí a Ceadaíodh in 2015
700
600
500
400
300
200
100
0
DRN
DSA
PIA
96
43
129
123
75
148
51
64
185
76
39
179
346
221
641
R1 2015
R2 2015
R3 2015
R4 2015
Iomlán

An tAcht um Nochtadh Cosanta

Ní dhearnadh aon nochtadh cosanta ar bith don ISI sa bhliain 2015.

Oibleagáid i leith Údarás Fuinnimh Inmharthana na hÉireann

1.8 Forbhreathnú ar Úsáid Fuinnimh in 2015

Ní mór don ISI tuairisc a thabhairt gach bliain ar úsáid fuinnimh na hoifige agus ar na tionscnaimh a bhíonn á ndéanamh chun feabhas a chur ar a feidhmíocht fuinnimh. Leagtar amach sa tábla thíos an tuairisceán do 2015 a chuir an ISI faoi bhráid Údarás Fuinnimh Inmharthana na hÉireann (SEAI) de réir Ionstraim Reachtúil Uimh. 542 de 2009.

	Leictreachas	Gás
2015	287,105 kWh	457,693 kWh

Déan Teagmháil Linn

Líne Faisnéise: 076 106 4200 / +353 76 106 4200

Saorthéacs: Seol téacs saor in aisce chuig an ISI ar 50015

Ríomhphost: info@isi.gov.ie / press@isi.gov.ie

Suíomhanna Gréasáin: www.isi.gov.ie / www.backontrack.ie

Facebook: Back-On-Track

Aguisín I

Liosta de na nuashonruithe ábhartha reachtaíochta a rinneadh in 2015

Achtanna agus Ionstraimí Reachtúla (I.R.)

- An tAcht um Dhócmhainneacht Phearsanta (Leasú), 2015 (I.R. Uimh. 32 de 2015)
- An tAcht Féimheachta (Leasú), 2015 (I.R. Uimh. 60 de 2015)
- An tOrdú fán Acht um Dhócmhainneacht Phearsanta (Leasú), 2015 (Tosach Feidhme), 2015 (I.R. Uimh. 414 de 2015)
- Na Rialacháin fán Acht um Dhócmhainneacht Phearsanta, 2012 (Ráiteas Scríofa lena Nochtfar Gnóthaí Airgeadais Uile an Fhéichiúnaí), 2015 (I.R. Uimh. 416 de 2015)
- Na Rialacha Cúirte Cuarda (Dócmhainneacht Phearsanta), 2015 (I.R. Uimh. 506 de 2015)
- Rialacha na nUaschúirteanna (Dócmhainneacht Phearsanta), 2015 (I.R. Uimh. 507 de 2015)
- An tOrdú fán Acht um Dhócmhainneacht Phearsanta (Leasú), 2015 (Tosach Feidhme), (Uimh. 2) 2015 (I.R. Uimh. 514 de 2015).
- Na Rialacháin fán Acht um Dhócmhainneacht Phearsanta, 2012 (Táillí Forordaithe), 2015 (I.R. Uimh. 620 de 2015).

Liosta foilseachán de chuid an ISI a (ath)eisíodh in 2015

Foilseacháin 'Back on Track'

- Dealing with Debt
- Debt Relief Notice (DRN)
- Debt Settlement Arrangement (DSA)
- Personal Insolvency Arrangement (PIA)
- A Guide to Personal Insolvency Practitioners (PIPs)
- Information about Bankruptcy
- Back on Track Guide - Information about Bankruptcy
- Back on Track Guide - After you are made Bankrupt
- Debtors Guide to Bankruptcy

Leathanaigh Ghréasáin a cruthaíodh le linn 2015

- Leathanach maidir le cúrsaí athshealbhaithe ar www.backontrack.ie
- Faisnéis faoi chúrsaí féimheachta ar www.backontrack.ie
- Áireamhán chun Costais Mhaireachtála Réasúnacha a ríomh, atá ar fáil ar www.isi.gov.ie agus ar www.backontrack.ie araon.

Foilsiú treoirlínte athbhreithnithe maidir le Costais Mhaireachtála Réasúnacha agus le Caighdeán Maireachtála Réasúnach

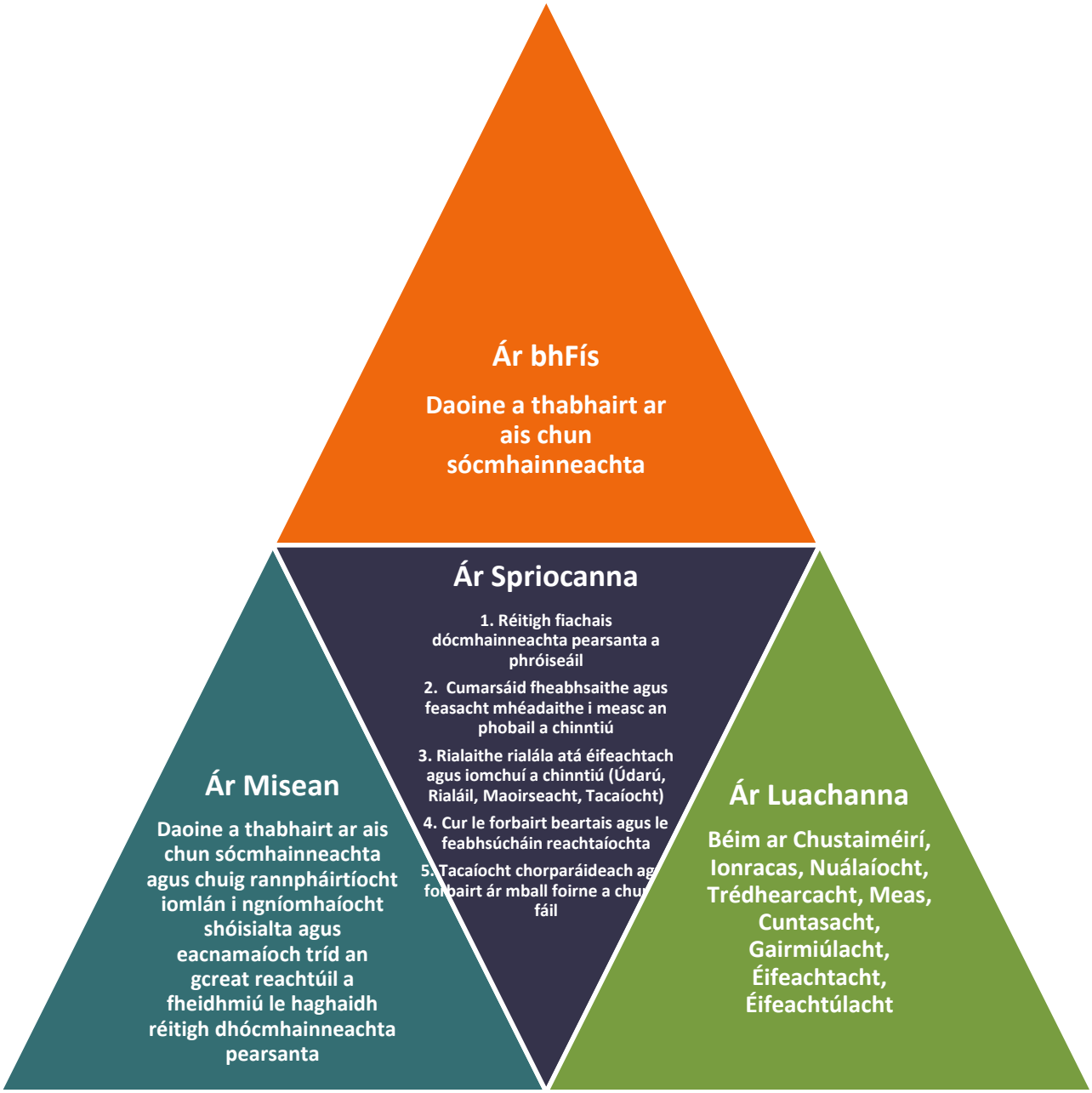
- Reasonable Living Expenses Guidelines agus Background Information

Tuarascálacha Staidrimh do 2015

- Tuarascáil Staidrimh - Ráithe 1
- Tuarascáil Staidrimh - Ráithe 2
- Tuarascáil Staidrimh - Ráithe 3
- Tuarascáil Staidrimh - Ráithe 4

Aguisín II: Fís, Misean, Spriocanna agus Luachanna an ISI don tréimhse 2016 - 2019

Tugtar achoimre thíos ar ár bhFís, ar ár Misean, ar ár Luachanna agus ar ár Spriocanna, agus iad tógtha as Plean Straitéiseach an ISI don tréimhse 2016 – 2019. Tá na Príomhthháscairí Feidhmíochta atá mar bhonn agus thaca ag na spriocanna sin leagtha amach sa Phlean Straitéiseach.



Struchtúr Eagrúcháin in 2016

Leagtar amach sa léaráid seo a leanas na bpríomhréimsí gnó de chuid an ISI.

Lorcan O'Connor
Stiúrthóir

Christopher Lehane
Sannaí Oifigiúil Féimheacht

Freagrach as eastáit féimheachta a riar faoi na hAchtanna Féimheachta 1988-2015

Randall Plunkett
Bainistíocht Cásanna

Freagrach as bainistiú agus as próiseáil a dhéanamh ar na trí réiteach faoisimh fiachais faoi na hAchtanna um Dhócmhainneacht Phearsanta, 2012 agus 2015, agus as an Líne Faisnéise a oibriú

John Farrell
Rialáil agus Beartas

Creat cuimsitheach údarúcháin agus maoirseachta a chur ar fáil do chleachtóirí. Cur le beartas a fhorbairt agus comhairle a chur ar an Aire faoi aon ábhair a bhaineann le feidhmeanna an ISI

Liza Doyle
Seirbhísí Dlí

Freagrach as seirbhísí dlí a chur ar fáil do gach rannóg den ISI

Sean Murphy
Gnóthaí Corparáideacha

Freagrach as gach ábhar rialachais agus as raon seirbhísí tacaíochta a sholáthar don ISI

Baill den Fhoireann Ardbhainistíochta*

*In éagmais Boird Reachtúil, bhunaigh an ISI Foireann Ardbhainistíochta. Tagann an Fhoireann Ardbhainistíochta le chéile faoi chathaoirleacht an Stiúrthóra. Is ag cruinnithe foirmiúla na Foirne Ardbhainistíochta a dhéantar breithniú ar gach mórcheist straitéiseach a thagann roimh an ISI agus tagann an Fhoireann le chéile go tráthrialta.