

## **Fitness to Own Application Form Questions**

The following guidance is provided to assist applicants who seek authorisation of their entity by CILEx Regulation or for existing entities authorised by CILEx Regulation. It is designed to help you understand each Fitness to Own declarations, which can be found here.

**1. Has the entity applying to be authorised, or any related business (i.e. parent/subsidiary), been the subject of a resolution for voluntary winding-up passed without a declaration of solvency under the Insolvency Act 1986, s. 89?**

A resolution for voluntary winding-up passed without a declaration of solvency under section 89 of the Insolvency Act 1986 (the Act) means that your business or any of your related businesses has/have been unable to pay off its debts in full (together with interest at the official rate) or meet its obligations.

**2. Has the entity applying to be authorised, or any related business (i.e. parent/subsidiary), ever entered administration within the meaning of para. 1(2)(b) of schedule B1 to that Act?**

If your business or any of your related businesses has/have ever entered administration within the meaning of paragraph 1(2)(b) of Schedule B1 of the Act, this means that the management of your business has been taken over by an administrator appointed by a court, a debenture holder or by the director(s) of the company.

**3. Has the entity applying to be authorised, or any related business (i.e. parent/subsidiary), ever had an administrative receiver appointed, within the meaning of section 251 of the Act.**

If your business or any of your related businesses had appointed an administrative receiver within the meaning of section 251 of the Act, this means that you have elected to appoint an administrative receiver to manage your business or an administrative receiver has been appointed by or on behalf of the holders of any debentures of the company.

**4. Has the entity applying to be authorised, or any related business (i.e. parent/subsidiary), been the subject of a meeting of its creditors under section 95 of that Act.**

If your business or any of your related businesses has/have ever been the subject of a meeting of its creditors under section 95 of the Act, this means that your business or any of your related businesses has/have been unable to pay off its debts in full (together with interest at the official rate).

**5. Has an order for the winding up of the entity applying to be authorised, or any related business (i.e. parent/subsidiary) been made?**

A winding up order means that someone you owe money to has petitioned the court to have your business, which you are seeking CILEx Regulation to authorise or is already authorised by CILEx Regulation, closed.

**6. Has a civil judgement been made against the entity applying to be authorised, or any related business (i.e. parent/subsidiary)?**

A civil judgment is a court order which states that your business or any of your related businesses owe a debt to someone else which must be repaid. If you have any other civil judgment made against your business or any of your related businesses that involves any matter such as debt, fraud, misrepresentation or conduct, related to the administration of justice, please let us know.

**7. Has the entity applying to be authorised, or any related business (i.e. parent/subsidiary), been the subject of any investigation or proceedings conducted by any regulatory or professional body?**

If your business or any related business has had (or is having) an investigation carried out or has had (or is having) proceedings conducted by any regulatory or professional body in regard to its conduct. For example if your business has been investigated by the Financial Conduct Authority or if you have had proceedings taken out against you by the Solicitors Regulation Authority or the Council for Licensed Conveyancers.