



# ANNUAL REPORT AND ACCOUNTS 2009-10



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Presented to the Scottish Ministers and the Court of Session as required by Section 1A(1)(c) of the Bankruptcy (Scotland) Act 1985. Section 159 of the Bankruptcy (Scotland) Act 1913 and section 22(5) of the Public Finance and Accountability (Scotland) Act 2000.

SG/2010/130

Authorised for issue on 4 August 2010



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# FOREWORD

BY THE ACCOUNTANT IN BANKRUPTCY  
AND AGENCY CHIEF EXECUTIVE



This is my first Annual Report as The Accountant in Bankruptcy and Chief Executive of the Agency having taken up post on 1 October 2009.

For me those first six months were a very steep, but enjoyable learning curve. I wish to publicly thank the staff of AiB and the growing number of stakeholders who have helped me in this transition period. I have taken over an organisation that, thanks to my predecessor, has achieved a huge amount especially since its relocation from Edinburgh to Kilwinning and the past year has been an equally busy and productive one for AiB. We have experienced significant change during this period and the success of the organisation has to be down to the dedication and commitment of the staff and support from our stakeholders.

In September 2009, as part of my induction I attended a 'Meet the Accountant' event which was a major precursor to this year's focus on building relationships and stakeholder engagement. I have been keen to strengthen our external relationships, getting out to meet and listen to issues from the perspective of our

stakeholders and developing a new Debt and Insolvency Services Stakeholder Forum (DISSF) to ensure that we engage effectively with all our stakeholders regarding policy and operational developments.

Before I joined AiB, significant work had been invested in seeking to develop bankruptcy policy to help with the current economic situation through the Debt Action Forum and its summary report as well as through the public consultation on improving access to the Debt Arrangement Scheme. I joined AiB as the Home Owner and Debtor Protection (Scotland) Bill was being launched, receiving a fairly lively reception from all stakeholders. I am pleased that, with a lot of support from my policy team and considerable engagement with stakeholders, the Bill was successfully passed on 11 February 2010. I wish to thank those who met with the Ministers and officials to work with us to refine the Bill and clarify any misunderstandings. The Home Owner and Debtor Protection (Scotland) Act 2010 means that we will see a new certificated route into bankruptcy which will provide access to debt relief for some who cannot currently meet the criteria for making themselves bankrupt. We are continuing to work closely with our stakeholders to ensure its effective implementation later this year.

We continued to develop policy in relation to diligence introducing a protected minimum balance in arrestment for the first time, modernising the earnings arrestment schedules and commenced a new diligence in relation to money attachment. We have also incorporated corporate insolvency information and forms on

the AiB website as well as updated the limited liability partnership regulations.

In terms of our corporate and governance work, we have clarified our mission where AiB will seek:

**To ensure access to fair and just processes of debt relief and debt management for the people of Scotland, which takes account of the rights and interest of those involved.**

We have supported this by strengthening our Audit Committee, with the addition of an independent member, creating a fully independent Audit Committee and strengthening procurement with the appointment of our first permanent AiB procurement resource and the development of our first Business Continuity Plan. We have also improved our Management Information, in terms of the management accounts and the introduction of a performance dashboard which are both presented to the monthly Board.

2009–10 has seen the successful completion of Year 1 of the new contract for insolvency services. This contract has achieved significant savings for the public purse and the project of letting and managing the contract was shortlisted at the prestigious 'Go Awards' dinner in October 2009.

This, together with a number of increased efficiencies, such as mailroom process modernisation, has supported our continued move towards full cost recovery with a further year-on-year reduction in our draw on the public purse. In 2009–10 we spent £3.68 million from the Scottish Government compared with £5.53 million in 2008–09 – a reduction of 33%. We have rejoined the Scottish Government efficient government programme and are reporting substantial efficiencies for 2009–10 of £1.41 million against a target of £1.35 million, generated from contracted out insolvency services. In addition to our efficiencies reported

under efficient government, we realised total savings of nearly £22,000 through procurement under collaborative contracts. We have also had an effective consignations project which has successfully transferred approximately 80% of all the paper files onto our case management system, facilitating easier matching of these funds with claimants.

2009–10 has also seen AiB seek to further refine and develop its processes, introducing a new Protected Trust Deed (PTD) supervision process. The results of this supervision have been fed into the current PTD working group which is looking to make recommendations for a coherent approach to ensure that the PTD process in Scotland is fit for purpose and that it strikes the right balance between the needs of debtors and the rights of creditors.

In the last year we have also focused on working with our staff and have seen improved employee engagement, through our staff survey, with AiB ranked in the top quartile of all the UK Civil Service benchmark organisations. We have successfully retained our Investors in People recognition for 10 years now – an award which, as a former Chief Executive of Investors in People Scotland, I am keen not only to retain but improve.

All in all it has been a very busy year for AiB and for me in my first 6 months in the post. I want to thank the many dedicated and enthusiastic people who have worked with me to successfully induct me into my new role and have helped me ensure that this has been a further positive year for AiB.



**Rosemary Winter-Scott**

**The Accountant in Bankruptcy and Agency Chief Executive**

June 2010

## OUR ROLE AND PURPOSE

### Who we are

Accountant in Bankruptcy (AiB) is an Executive Agency of the Scottish Government under the terms of the Scotland Act 1998. The Agency operates independently and impartially while remaining directly accountable to Scottish Ministers. The Agency Chief Executive is also The Accountant in Bankruptcy (The Accountant), an independent statutory officer and an officer of the court appointed under section 1 of the Bankruptcy (Scotland) Act 1985, as amended.



### What we do

**AiB aims to ensure access to fair and just processes of debt relief and debt management for the people of Scotland, which takes account of the rights and interests of those involved.**

The Scottish Government's purpose is to focus government and public services on creating a more successful country with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

Using a National Performance Framework, the government's purpose is delivered through nine Purpose Targets, supported by five Strategic Objectives with 15 National Outcomes as the clear and consistent set of priorities across government and its agencies. Together with 45 indicators and targets, activity and contributions are directed towards the single overarching purpose.



Figure 1. Scottish Government's National Performance Framework

As part of the Justice and Communities directorate, the Agency shares the outcome-focused approach to performance, which is reflected in the priorities detailed in our Business Plan.

In support of these national priorities, the Agency provides fair and just processes of debt relief and debt management for individuals in Scotland in order to help deliver on the following National Outcomes:

- We realise our full economic potential with more and better employment opportunities for our people
- We have tackled the significant inequalities in Scottish society
- We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others
- Our public services are high quality, continually improving, efficient and responsive to local people's needs

We achieve this through the following key functions, while recognising our unique statutory role:

- Supporting Ministers to develop and refine policy
- Supervising the bankruptcy process
- Delivering, with stakeholders, a range of options for individuals seeking debt relief and debt management
- Ensuring best value services to our customers

Further information on the Agency, the bankruptcy process or trust deeds can be found on our website: [www.aib.gov.uk](http://www.aib.gov.uk) or by telephoning our helpline on **0300 200 2777**.



## OUR MISSION AND VALUES

To ensure access to fair and just processes of debt relief and debt management for the people of Scotland, which takes account of the rights and interests of those involved.

## Values

We will ensure that our activities are:

- Independent;
- Responsive;
- Accountable;
- Transparent;
- Fair; and
- Open.

## Key functions

Our key functions can be further defined as listed below:

### **Supporting Ministers to develop and refine policy by:**

- Developing policy for personal and corporate insolvency and diligence in Scotland
- Developing policy for the Debt Arrangement Scheme (DAS)

### **Supervising the bankruptcy process by:**

- Supervising the regulation of the bankruptcy process including the performance of trustees and commissioners in the exercise of their statutory duty
- Regulating and supervising the registration and administration of Protected Trust Deeds (PTDs), including the performance of trustees
- Investigating and applying for Bankruptcy Restriction Orders or agreeing Bankruptcy Restriction Undertakings (BRO/BRU)
- Maintaining a public Register of Insolvencies (ROI), which records details of bankruptcies awarded by the Scottish courts or by the Agency
- Maintaining a record of PTDs, BROs and BRUs as well as company insolvencies on the ROI
- Registering company insolvency documents required to be filed by receivers and liquidators in terms of the Insolvency Act 1986

# 10

## **Delivering, with stakeholders, a range of options for individuals seeking debt relief and debt management by:**

- Determining debtor applications for bankruptcy
- Acting as trustee in all bankruptcies awarded by the Agency, where a private trustee has not been nominated
- Acting as trustee in all bankruptcies awarded by the Sheriff Courts, where a Sheriff does not appoint a named person to be trustee
- Acting as interim trustee before the award of bankruptcy except in those cases where an alternative interim trustee is appointed when nominated by the petitioning creditor
- Acting as trustee as appointed by the Sheriff on the resignation or death of the original trustee where no new trustee is elected
- Undertaking the functions of the commissioners in bankruptcies where none are elected by creditors
- Approving Debt Payment Programmes (DPPs) and approving money advisers under the Debt Arrangement Scheme (DAS)
- Maintaining the DAS register

## **Achieving best value services to customers by:**

- Reducing the requirement for public funding
- Embedding efficient systems and processes

## OUR STAKEHOLDERS



# MANAGEMENT COMMENTARY

## Introduction

While the UK economy had a tentative recovery from recession during 2009–10, the economic conditions facing our customers (debtors and creditors) remained difficult and uncertain. As a front line delivery organisation AiB has a responsibility to respond to the volatile demand for our services while contributing to the Scottish Government's national outcomes.

AiB therefore continues to have a difficult balance to strike in being at the forefront of ensuring access to fair and just processes of debt relief and debt management while also being a Scottish Government Agency faced with an ever increasing pressure on the public finances.

It is against this background that this management commentary highlights the progress made during the reporting year in each of the five themes of our Business Strategy against the objectives of our 2009–10 Annual Business Plan.

## Developing Policy

**Since AiB received responsibility for working with Ministers to develop and refine policy in 2007 there has been a steady requirement to improve the legislative framework for debt relief and debt management in Scotland.**

2009–10 continued to be a busy year with the Home Owner and Debtor Protection (Scotland) Act 2010 (HODP) receiving Royal Assent on 18 March 2010. We will continue the consultation with key stakeholders on the statutory regulations with full implementation planned for October 2010.

Building on changes provided by the HODP Act, we facilitated a stakeholder working group to consider potential improvements to Protected Trust Deeds (PTDs). We used our website to publish papers and minutes on an ongoing basis to enable as wide a group of stakeholders as possible to participate in the process. The report of the group will be sent to Ministers in the summer.

Further work, including discussions with stakeholders, has been undertaken to consider the way in which the family home is treated and, subject to Ministerial priorities, may result in formal consultation later this year.

Planned changes to the regulations for the Debt Arrangement Scheme (DAS) were not taken forward. Following a formal consultation on options for change, progress has been made to develop the scheme; informed from analysis of the responses to the consultation and supported by stakeholder workshops. Options include extension of the role of AiB as DAS Administrator and consideration of how the scheme can be funded in line with our objective to move towards full cost recovery.

With our responsibility for policy relating to debt enforcement processes we continued to work with a wide range of stakeholders to bring into force Parts 8, 14 and 15 of the Bankruptcy and Diligence etc. (Scotland) Act 2007. The new diligence of money attachment (Part 8) was introduced in November 2009. Part 14, dealing with changes to admiralty actions, is expected to come into force in July 2010. Work continues on provisions for Actions for Removing contained in Part 15 of the Act which is expected to be implemented early in 2011.

## Managing the Business

**We are committed to delivering, with stakeholders, a range of options for individuals seeking debt relief and debt management.**

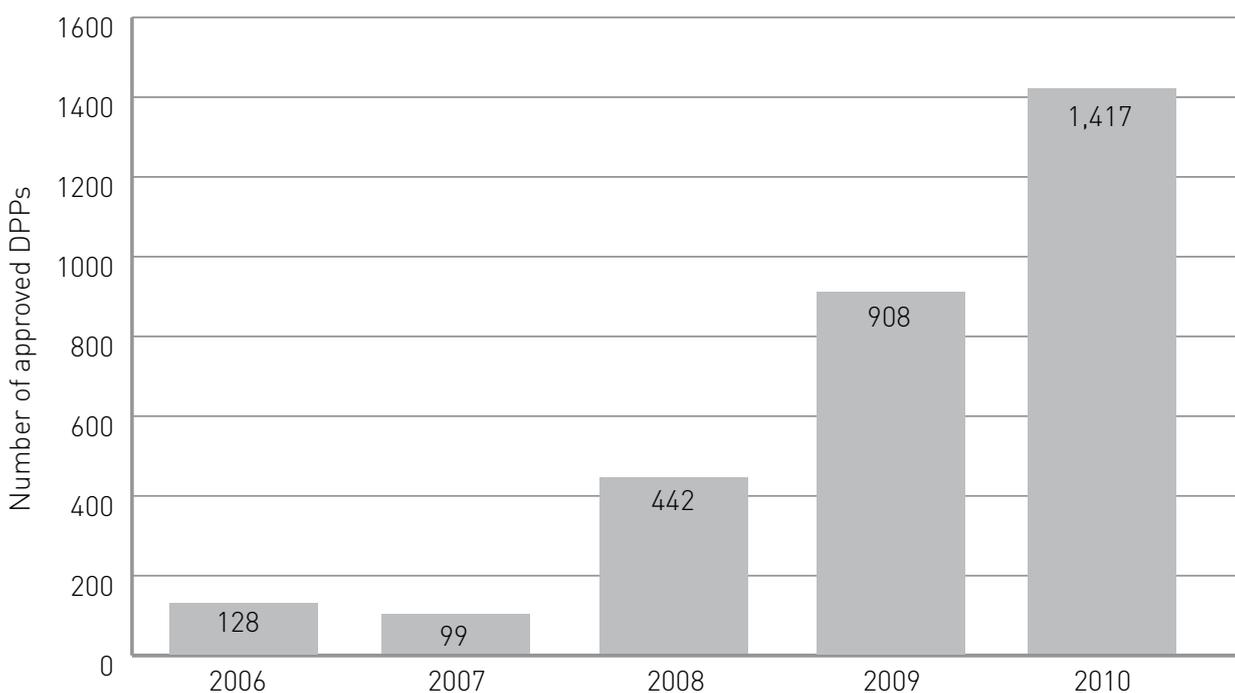
While the overall number of awards of bankruptcy fell slightly in 2009–10 compared with the previous year, this can be mainly attributed to a drop in awards through the Low Income Low Asset (LILA) route into bankruptcy. A drop in LILA awards after Year 1 was widely predicted once the 'backlog' of debtors, who had historically been unable to obtain debt relief through bankruptcy, had been dealt with.

Other work-streams however, continued to increase in line with demand, in particular the number of Protected Trust Deeds (PTDs) registered rose by 20% to 9,188 compared with 7,633 in 2008–09.

The 2007 reforms to the Debt Arrangement Scheme (DAS) continued to have an impact on the uptake of the Scheme with 1,417 Debt Payment Plans (DPPs) agreed – a 56% increase on the prior year.

Despite tough economic trading conditions the value of 'consigned funds' (mainly unclaimed dividends) held by the Agency continued to grow.

Figure 2: Uptake of Debt Arrangement Scheme



During the year we migrated the vast majority of these funds to our electronic case management system to help ensure the original creditors can be traced. We paid out £1.4m of consigned funds during 2009–10, but during this period a further £5.42m of funds were consigned, leaving a balance of £20.84m being managed by the Agency at the year-end. Of the £5.42m funds consigned this year, £3.35m relates to Protected Trust Deeds.

Last year's Business Plan committed us to developing a set of Key Performance Indicators that measured service delivery aspects that mattered to our customers. We now have monitoring processes identified and agreed for all our revised Key Performance Indicators. Where possible these are now reported on pages 18 and 19 of this document and where system changes have been required we are ready to appropriately monitor and report against performance in 2010–11.

The Supervision Team has noticed a marked reduction in the number of late submissions received from trustees since the implementation of new Protected Trust Deed (PTD) supervision processes.

Through the revised supervision process we have improved awareness levels of AiB's supervisory function amongst stakeholders. Following an increase in requests from creditors for us to scrutinise the progress of Protected Trust Deeds (PTDs) we recalled a number of PTD case files for review and possible audit. Issues that

have caused concern have been referred to the appropriate Regulatory Professional Body (RPB). We are keen to work closer with the RPBs to ensure systems for compliance and complaints are working well.

We have also continued our objective of reducing the impact of bankruptcy and our operations on the public purse. We updated our financial model that allows for projecting different fee structures and scenarios, enabling AiB to fully appraise the implications of moving towards full cost recovery. The fee review process was conducted with a revised fees order set for 2010–11. The new petitioning Creditor Administration Fee, announced in the April 2009 Fees Order, came into force in October 2009.

## Modernising Services

**Against the background of increased demand and pressure on public finances, AiB remains committed to delivering best value public services.**

In April 2009, following a full procurement exercise, the new contract for insolvency services went 'live'. The new contract represented the biggest change to the way AiB managed cases – where The Accountant in Bankruptcy is Trustee – in well over a decade.

Underpinning the contract was a commitment by AiB to develop the relationships and new ways of working with the six contracted providers. The focus on quality of work and performance measurement has led to continuous improvements such as the development of an electronic accounts workbook system and the implementation of an immediate online banking facility to enable contract providers to handle the ingathered proceeds of bankruptcy cases more efficiently. We are now looking at how these service improvements can be incorporated in other areas of AiB's activities.

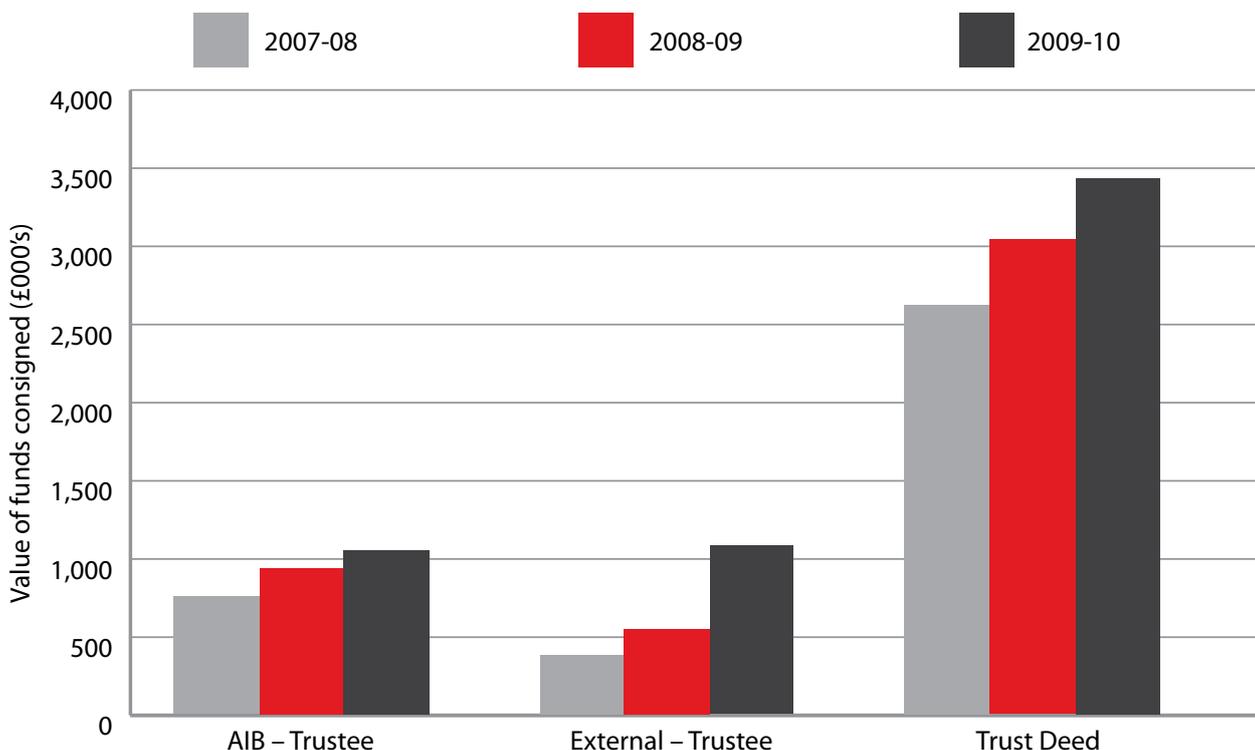
At the year-end 3,257 new cases were being managed under the contract which, following our first audit programme of providers demonstrated a clear quality of service benefits. Benchmarked against the old 'Agents' arrangement, significant efficiency savings were identified for the first year as a result of the contract.

In December 2009 Ministerial approval was given to begin the development of a replacement for our case management system (MIDAS). The new system should be ready for implementation within the next two years. This development will keep AiB at the forefront of Information and Communications Technology (ICT) delivery and provide the opportunity for greatly enhanced technical functionality to deliver more economic, efficient and effective services. The new system should enable greater real-time interaction with our partners who deliver debt relief in Scotland.

As an important foundation of this ICT development, a first phase of developing a 'web portal' for our current providers on the insolvency services contract is ongoing. This will allow providers to receive documents and submit accounts online.

Our providers are being fully engaged in the process and following successful workshops with providers in March 2010, full requirements for a new web portal facility were agreed. This facility will be in place by the end of 2010.

Figure 3: Consigned Funds



Given our commitment to best value services, this important electronic services milestone is being delivered in partnership with our Scottish Government ISIS (Information Systems Information Services) colleagues.

## Supporting the Business

This year, for the first time, we formally surveyed our customers to assess their perception and experience of our service delivery. More than 500 AiB customers, the majority of whom were debtors, participated and provided feedback during September and October 2009. The results highlighted extremely positive levels of customer service experienced with an indicative satisfaction rating of 93%. Due to the new contract for insolvency services this feedback was restricted to those customers directly serviced by AiB staff. We are now considering how this can be extended in future to cover all our contracted service delivery to benchmark and ensure consistency of customer service.

**AiB's role is delivering with stakeholders, a range of options for individuals seeking debt relief and debt management. This role places AiB uniquely at the centre of the sector in Scotland and how we engage with stakeholders is increasingly recognised as vital to that role.**

Working towards that engagement, we took the first critical steps by refreshing what was previously known as the Implementation Business User Group (I-BUG). The first meeting of the new Debt and Insolvency Services Stakeholder Forum (DISSF) took place in February 2010 and aims to utilise the Forum members' expertise, experience and positions in the sector to positively engage on industry issues. Work will continue to review further stakeholder engagement activities in 2010-11. Developing stronger media relationships also helped well informed coverage of the PTD working group in the press.

In support of maintaining our service delivery, we progressed our Business Continuity Plan to better equip the Agency in the event of incidents or business disruptions and the final plan was successfully delivered on 31 March 2010.

## Investing for the Future

**The Agency is committed to ensuring that it is equipped with the right skills and resources to lead it through what will be challenging times and to deliver best value public services.**

This will rely on continued strong leadership and the engagement of our staff to deliver focused objectives aligned to the Scottish Government's national outcomes against increasing pressure on the public purse.

Our continued recognition by Investors in People (IiP) Scotland – now our 10th anniversary of recognition – emphasises our commitment to developing our people. To do so we have continued to deliver a range of in-house training events throughout the year, including revised programmes for Induction and Management Development, as well as a schedule of courses focusing on developing core skills towards improved service delivery.

**We continued to support professional work related qualifications to equip our staff with the knowledge, skills and behaviours to meet AiB's business objectives and have committed to expand these qualifications into the area of personal insolvency.**

During the year, the Agency took part in the first UK wide staff survey and we are delighted to report an engagement score of 68%.

Although a relatively small Scottish Government Agency, we also recognise that how we conduct our business to limit our adverse impact on the environment is as important as what we do. During the year we published our 3rd Annual Environmental Performance Report for 2008–09 which showed a continued reduction in the use of energy and water at our Kilwinning offices. Our commitment is to continue this reduction year-on-year.

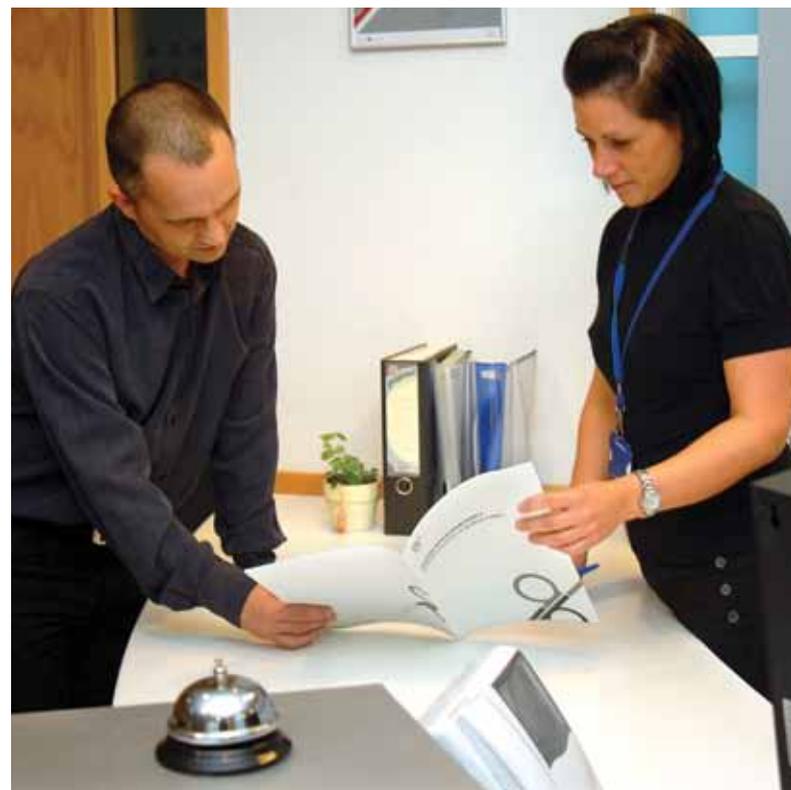
## Future Challenges

Overarching all our policy and operational objectives for 2010–11, we will need to deliver against an increasingly tight financial settlement and with a view that everything we do will meet Ministers' expectations of delivering on a cost recovery basis.

**Rosemary Winter-Scott**

**Accountable Officer**

14 July 2010



## KEY PERFORMANCE INDICATORS

During 2009–10 we committed to develop a suite of Key Performance Indicators (KPIs) to ensure the appropriate measurability and collection processes for each KPI were in place. For the first of our KPIs, adjudicating and informing the outcome of debtor applications, we now have accurate measurement systems. A process for measurement of KPI 4 relating to the adjudication of Debt Arrangement Scheme (DAS) applications was delayed due to the extension of the formal consultation process.

Measurement for the remaining KPIs is as follows:–

### **KPI 2 – To increase the percentage of cases where a dividend is paid out to creditors**

Aiming to ensure the trust of creditors in the bankruptcy process by increasing the percentage of cases that yield a dividend, we have reviewed data collation to enable accurate measurement of our performance. Monitoring and reporting procedures are now in place with an indicative **13.2% of cases in 2009–10 yielding a dividend to creditors**. Cases where bankruptcy has been awarded under the Low Income Low Asset criteria are excluded. This indicator will be used during 2010–11 to inform targets and process improvement.

### **KPI 3 – To promptly determine all accounts on receipt of all relevant information from trustees**

There is a statutory requirement for AiB to audit and determine accounts within 4 weeks, or 20 working days. Taking the view that we wish to keep waiting time for accounts to be determined

to a minimum, we piloted measurement of the accounts procedure timescales. During the pilot we achieved an indicative baseline of **11.1 days to audit and determine accounts**.

A robust reporting mechanism is now in place and the indicator will be used during 2010–11 to take forward the monitoring process, to inform targets and system improvement.

### **KPI 4 – To adjudicate and inform the result of the Debt Arrangement Scheme (DAS) applications on receipt of all relevant information.**

This KPI was developed to measure the application process for the revised DAS process. Extension of the Public Consultation has resulted in delays to the new scheme. Reporting mechanisms will be finalised once the outcome of the consultation is clear.

### **KPI 5 – To improve customer satisfaction and experience**

During September and October 2009 an independent survey was carried out and over 500 of our customers across the debtor and creditor groups provided feedback (although the majority of respondents were from the debtor group) on their experience of service delivery from AiB staff. The results demonstrated a **satisfaction rating of 93%** with 76% of debtors rating AiB services 10 out of 10.

This encouraging score will form the basis of our benchmark against which we will seek to improve our service delivery performance in the future. Planning for more ongoing evaluation is underway to ensure we capture accurate

information on the service experienced by our customers across all areas of the business.

### **KPI 6 – To increase employee engagement within the Agency**

The Employee Engagement Survey for 2009 was the first Civil Service wide survey allowing AiB to benchmark against not only the Scottish Government but across all participating UK Departments and Agencies. Overall 96 Civil Service organisations and almost 344,000 civil servants took part.

The overall results for the Agency are very encouraging.

With an 87% response rate, the Agency scored an overall **Employee Engagement Index of 68%**. This is both 9% above the average score for all the 96 organisations surveyed, and 9% above the Scottish Government's Employee Engagement Index. Even more encouraging, it is 5% above the 'High Performance benchmark' – that is the average of the top performing 24 organisations taking part in the survey. Areas for improvement have been identified, prioritised and are being actively addressed by the Business Management Team.

### **KPI 7 – To reduce the unit cost of sequestration**

This indicator is being introduced to measure the unit cost of sequestration where The Accountant is trustee, excluding Low Income Low Asset

cases. This unit cost will be calculated on an annual basis and will take into consideration the business 'loaded' costs, which include staffing and building overhead costs as well as sequestration expenditure.

The unit cost is the gross cost of administering the sequestration and does not take into account any monies recovered through the sequestration process.

In 2009–10 the measured **unit cost of sequestration was £1,688**.

### **KPI 8 – To reduce the unit cost of Debt Arrangement Scheme**

This indicator is being introduced to measure the unit cost of each Debt Arrangement Scheme (DAS). This unit cost will be calculated on an annual basis and will take into consideration the business 'loaded' costs, which include staffing and building overhead costs as well as DAS fees.

The unit cost is the gross cost of administering the Debt Arrangement Scheme and does not take into account contributions paid by debtor towards their Debt Payment Plan.

In 2009–10 the measured **unit cost of the Debt Arrangement Scheme was £58**.



# SUMMARY OF AIB PERFORMANCE

## STATISTICAL INFORMATION

### Appendix 1

#### Sequestrations and Protected Trust Deeds by quarter 2009–10

		2009–10	2009–10	2009–10	2009–10	2009–10
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total
		Apr–Jun	Jul–Sep	Oct–Dec	Jan–Mar	Total
Awards of Sequestration by Petition Type	Debtor Applications	3,012	2,777	2,582	2,483	10,854
	Creditor Petitions	653	646	650	594	2,543
	Trustee Petitions	99	91	133	90	413
Total Awards		<b>3,764</b>	<b>3,514</b>	<b>3,365</b>	<b>3,167</b>	<b>13,810</b>
Protected Trust Deeds Recorded		2,564	2,263	2,328	2,033	9,188

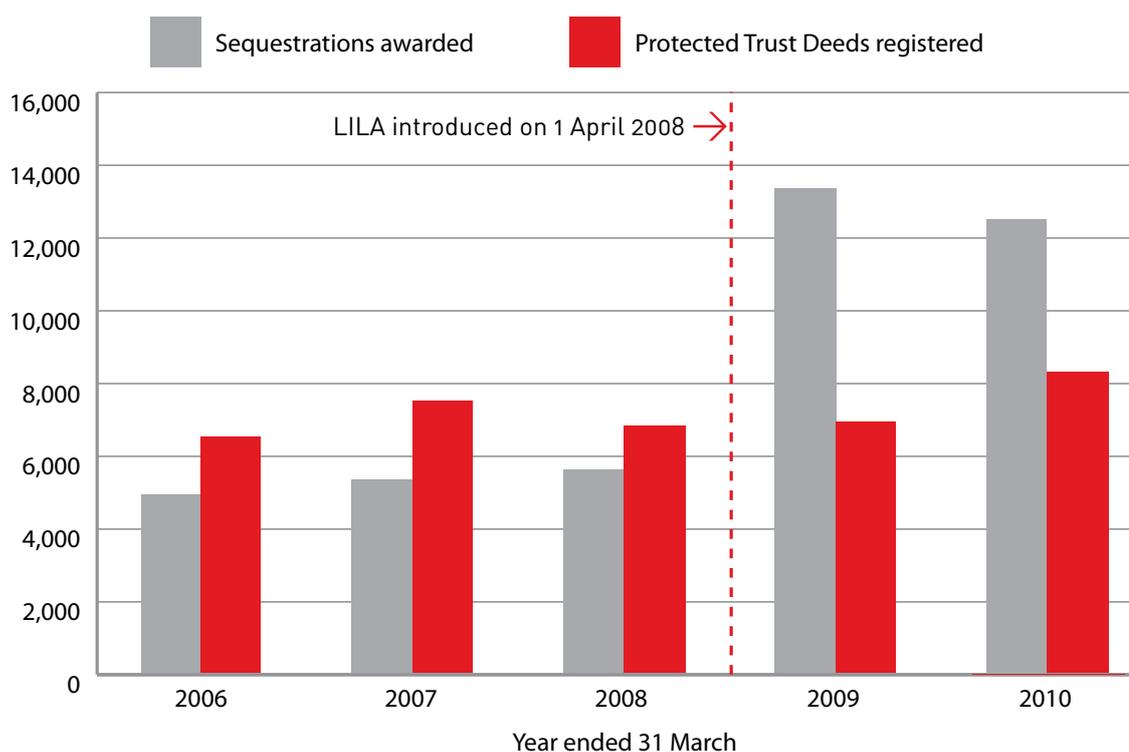
**Note:** Late awards have been attributed to the relevant quarter which will impact on the published figures for creditor and trustee petitions. Debtor applications are not affected by this change.

## Appendix 2

### Sequestrations and Protected Trust Deeds by quarter 2006–10

Year ended 31 March	Sequestrations Awarded	Protected Trust Deeds Registered
2006	5,423	7,199
2007	5,885	8,298
2008	6,158	7,509
2009	14,777	7,633
<b>2010</b>	<b>13,810</b>	<b>9,188</b>

Figure 4: Sequestrations and Protected Trust Deeds 2006-2010



## Appendix 3

### Total Number of Cases Discharged

Year ended 31 March	Sequestrations	Protected Trust Deeds
2006	2,606	4,251
2007	3,325	5,490
2008	3,569	6,250
2009	5,748	6,166
<b>2010</b>	<b>*15,764</b>	<b>6,944</b>

\*This figure includes 7,196 discharged LILA cases

## Appendix 4

### Bankruptcy (Scotland) Act 1985 (as amended)

Sequestrations awarded and concluded as at 31 March 2010 in terms of the Bankruptcy (Scotland) Act 1985 and in dependence during the year ended 31 March 2010.

	2009-10	2008-09
In Dependence at Start of Year (live cases)	30,148	21,119
New Awards	13,810	14,777
<b>Total:</b>	<b>43,958</b>	35,896
<b>Less:</b>		
Recalls/Disposals/Discharges <sup>1</sup>	(158)	(217)
Sequestrations Concluded by Discharge of The Permanent Trustee in which:		
No Dividend was paid to Creditors	(7,026)	(4,235)
Dividend paid to Preferred Creditors Only	(20)	(27)
Dividend paid to Ordinary Creditors	(1,364)	(1,269)
Discharged LILA cases	(7,196)	-
<b>Total:</b>	<b>(15,764)</b>	(5,748)
<b>Cases in Dependence at 31 March</b>	<b>28,194</b>	30,148

<sup>1</sup> Sequestrations recalled or disposed of other than by discharge of the permanent trustee.

## Appendix 5

Results of sequestrations wound up by division of funds followed by trustee's discharge during the year ended 31 March 2010.

- a) During the year 1,384 sequestrations were wound up by division of funds.
- b) The table below gives details of the estates wound up by division of funds according to the rate of dividend paid.

	2009-10	2008-09
Dividend paid to <b>Preferred</b> Creditors Only	20	27
Dividend paid to <b>Ordinary</b> Creditors		
Less than 25p per £	587	587
Between 25p and 50p per £	164	190
Between 50p and 75p per £	138	106
Between 75p and 99p per £	100	57
100p per £ plus interest	375	329
<b>Sub-Total:</b>	<b>1,364</b>	<b>1,269</b>
<b>Total:</b>	<b>1,384</b>	<b>1,296</b>

## Appendix 6

Debtor Applications received by AiB in the year to 31 March 2010

	2009-10	2008-09	% Change
<b>Applications Received</b>	<b>11,531</b>	12,681	-9%
Applications Returned	226	489	-53.8%
Rejections	571	383	+49.1%
Apparent Insolvency Awards	2,457	2,004	+22.6%
LILA Awards	8,397	9,417	-10.8%
<b>Total Awards</b>	<b>10,854</b>	11,421	-5.0%
Total Pending	268	388	-30.9%

**Note:** The Agency commenced receiving Debtor Applications directly on 1 April 2008.

## Appendix 7

### Distribution of sequestration cases allocated in the year to 31 March 2010

#### Appointment of trustee (a) The Accountant in Bankruptcy

The Accountant in Bankruptcy was appointed trustee in 12,454 (90%) of the total number of 13,810 sequestration cases.

	2009-10	2008-09
Appointments arising from:		
Creditor Petitions	2,072	2,287
Debtor Applications	10,006	10,615
Trustees Under Trust Deeds	376	383
<b>Total:</b>	<b>12,454</b>	13,285
Administered by:		
Case Operations Branch (Debtor Applications – Apparent Insolvency)	1,698	1,515
Case Operations Branch (Debtor Applications – LILA)	7,132	8,620
Providers	3,624	3,150
<b>Total:</b>	<b>12,454</b>	13,285

#### Appointment of trustee (b) Insolvency Practitioners

An insolvency practitioner was nominated trustee in 1,356 (10%) of the total number of sequestration cases.

	2009-10	2008-09
Nominations arising from:		
Creditor Petitions	471	627
Debtor Applications	848	806
Trustees Under Trust Deeds	37	59
<b>Total:</b>	<b>1,356</b>	1,492

## Appendix 8

### Bankruptcy (Scotland) Act 1913

General Account at 31 March 2010 of the sequestrations awarded and re-opened and of those wound up during the year, showing the number in dependence at the close.

	2009-10	2008-09
Number of Sequestrations in Dependence on 31 December	6	9
<b>Less:</b>		
Number of Sequestrations wound up during the year in which no dividend was paid to Creditors	0	3
Number of sequestrations wound up during the year in which a dividend was paid to Creditors	0	0
Cases 'written off' in terms of section 159 of the Bankruptcy (Scotland) Act 1913	0	0
<b>Total:</b>	<b>0</b>	<b>0</b>
Number of sequestrations in dependence on 31 December	6	6

## Appendix 9

### Protected Trust Deeds

#### 1 Protected Trust Deeds registered and concluded as at 31 March 2010 in terms of Schedule 5 of the Bankruptcy (Scotland) Act 1985 and in dependence during the accounting year 2009–10

	2009–10	2008–09
Number of Protected Trust Deeds recorded in the register of insolvencies up to preceding 31 March	29,058	27,591
Protected Trust Deeds registered during year	9,188	7,633
<b>Less:</b>		
Protected Trust Deeds concluded during the year in which no dividend was paid to Ordinary Creditors	(2,348)	(2,093)
Protected Trust Deeds concluded during the year in which a dividend was paid to Ordinary Creditors	(4,622)	(4,073)
<b>Total:</b>	<b>(6,970)</b>	<b>(6,166)</b>
Protected Trust Deeds remaining open on 31 March	31,276	29,058

#### 2 Summary of Results From Protected Trust Deeds Concluded During This Year by Payment of a Dividend to Ordinary Creditors.

	2009–10	2008–09
Number of cases concluded by payment of a dividend	4,622	4,073
	(£)	(£)
<b>Total receipts</b>	<b>53,714,115</b>	52,292,545
Administration Expenses <sup>2</sup>	29,045,189	24,645,781
Payments to Creditors: <sup>3</sup>		
Secured	2,254,613	5,172,403
Preferred	90,443	137,185
Ordinary	22,323,870	22,337,176
Total sum to Creditors	24,668,926	27,646,764
<b>Total Sum Allocated</b>	<b>53,714,115</b>	52,292,545

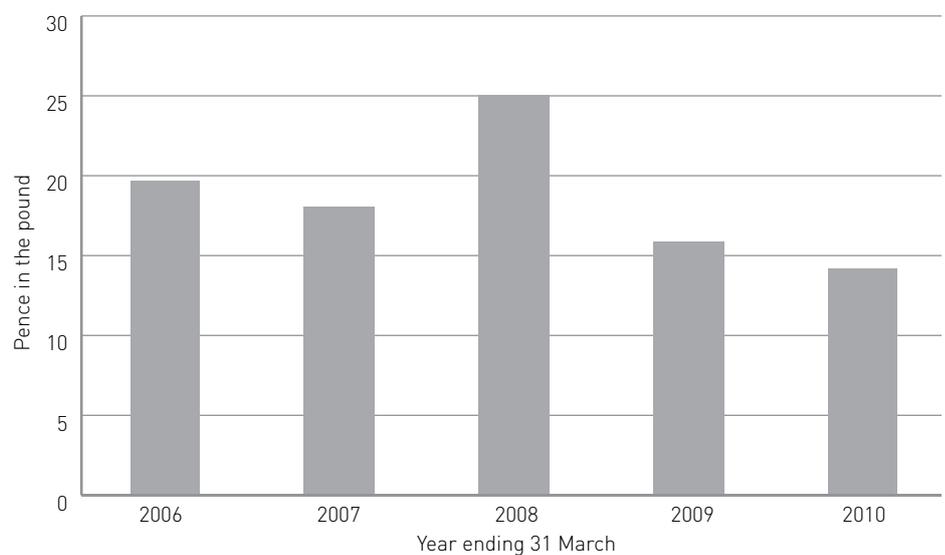
<sup>2</sup> Expenses are derived since the inception of the trusteeship, i.e. not just in year.

<sup>3</sup> Payments are derived since the inception of the trusteeship, i.e. not just in year.

### 3 Average Dividend Paid in Protected Trust Deeds Concluded During This Year by Payment of a Dividend (4,622 cases)

Year Ending 31 March	Average Dividend of Protected Trust Deeds
2006	21.9p
2007	20.1p
2008	27.9p
2009	17.6p
<b>2010</b>	<b>15.7p</b>

Figure 5: Average dividend of Protected Trust Deeds



**4 Summary of results from Protected Trust Deeds concluded during this year with no payment of a dividend to ordinary creditors.**

	2009-10	2008-09
Number of cases concluded with no payment of a dividend to Ordinary Creditors	2,348	2,093
	(£)	(£)
<b>Total receipts</b>	<b>8,587,353</b>	8,754,024
Administration Expenses	<b>8,356,231</b>	7,307,312
Payments to Creditors:		
Secured	201,407	1,356,987
Preferred	29,715	80,725
<b>Total Sum Distributed</b>	<b>8,587,353</b>	8,745,024



## Appendix 10

### Comparison of outcomes amongst trustees, agents/ providers and case operations branch

	Private sector trustees		Agents/Providers		Case Management Branch	
	2009-10	2008-09	2009-10	2008-09	2009-10	2008-09
Cases concluded by permanent trustee discharge	1,085	696	4,734	3,630	2,749	1,422
Number (and %) of cases with dividend paid to preferred or ordinary creditors	392 (36%)	362 (52%)	721 (15%)	792 (22%)	271* (10%)	142 (10%)
Cases (and %) concluded with no dividend to any class of creditor	693 (64%)	334 (48%)	4,013 (85%)	2,838 (78%)	2,478 (90%)	1,280 (90%)

\*The Accountant in Bankruptcy may not seek her appointment as trustee in sequestrations in Scotland, but by default, or specific nomination by creditors, she is appointed as trustee in 90% of sequestrations awarded in Scotland. This appointment by default means that she is regularly appointed as trustee in sequestrations where the debtor has few or no assets or income from which sufficient funds can be in-gathered to enable her to pay a dividend to creditors

## Appendix 11

### Liquidation and receiverships Recorded in the Register of Insolvencies

	2009-10	2008-09
Receiverships	33	32
Compulsory Liquidations	578	633
Voluntary Liquidations	254	306
<b>Total Recorded Receiverships and Liquidations</b>	<b>865</b>	<b>971</b>



## Appendix 12

### Debt Arrangement Scheme Debt Payment Programmes

	2009-10	2008-09
Debt Payment Programme applications received	1,503	939
Debt Payment Programmes rejected	(75)	(30)
Debt Payment Programme awaiting decision	(11)	(1)
<b>Sub total</b>	<b>1,417</b>	<b>908</b>
Debt Payment Programmes approved <sup>4</sup>		
Automatic approval (no conditions)	901	569
Automatic approval (with conditions)	387	223
Approved by the DAS Administrator	129	116
Approved by the Sheriff	0	0
<b>Total</b>	<b>1,417</b>	<b>908</b>
Applications to vary a Debt Payment Programme		
Number of applications approved	223	128
Number of applications rejected	22	17
<b>Total</b>	<b>255</b>	<b>145</b>
Applications to Revoke a Debt Payment Programme		
Number of applications approved	88	55
Number of applications rejected	31	17
<b>Total</b>	<b>119</b>	<b>72</b>
Completed Debt Payment Programmes	20	6
<b>Total value of debts included in Debt Payment Programmes</b>	<b>£34,078,546</b>	<b>£31,002,207</b>

<sup>4</sup>Figures for Debt Payment Programmes which have been approved represent the number of programmes in place on 31 March of the relevant business year and exclude programmes which have been completed and programmes where an application for revocation has been approved.

## Appendix 13

### Debt Arrangement Scheme Approved Money Advisers

Local Authority Region	2009-10	2008-09	Waiting re-approval
Aberdeen City	3	2	
Aberdeenshire	5	3	
Angus	4	4	
Argyll & Bute	1	2	1
Clackmannanshire	2	2	1
Dumfries & Galloway	3	3	1
Dundee City	2	2	
East Ayrshire	1	0	
East Dunbartonshire	2	2	
East Lothian	1	1	
East Renfrewshire	3	4	
Edinburgh City	2	0	
Falkirk	4	3	
Fife	15	9	1
Glasgow City	6	6	
Highland	4	3	1
Inverclyde	2	2	
Midlothian	2	1	
Moray	2	2	
North Ayrshire	4	3	
North Lanarkshire Council	9	8	
Orkney	0	1	
Perth & Kinross	1	1	
Renfrewshire	2	2	
Scottish Borders	1	2	
Shetland	0	0	
South Ayrshire Council	2	2	
South Lanarkshire Council	6	5	
Stirling	3	2	
West Dunbartonshire	2	1	
West Lothian	1	1	
Western Isles	1	1	
All regions	2	0	
<b>Total:</b>	<b>98</b>	<b>80</b>	<b>5</b>

# DIRECTORS' REPORT

The Agency's accounts have been prepared in accordance with the Direction by the Scottish Ministers, as reproduced on page 62 in this document.

The Report and Accounts are presented for the financial year ended 31 March 2010.

## 1) History of Body

The history of bankruptcy is enshrined in legislation and the administration of it has been closely associated with the courts. The Bankruptcy Act 1621 is the earliest recorded statute dealing with bankruptcy. Legislation has developed slowly, with further enactments to the process of sequestration in 1696, 1772, 1783, 1856 and 1913, reflecting social and economic factors over the years.

The Bankruptcy (Scotland) Act 1985 introduced public funding to underwrite the process where there were insufficient funds, or realisable assets, in a debtor's estate to cover the costs of sequestration. Legislation in 1993 altered petitioning rights and changed the way public funding was provided. It also provided that The Accountant in Bankruptcy, when appointed trustee, could use his or her own staff, or appoint agents, to act on their behalf.

Accountant in Bankruptcy (the Agency) was established as an Executive Agency on 2 April 2002. The framework within which the Agency operates is set out in the Agency Framework Document (available on [www.aib.gov.uk](http://www.aib.gov.uk)) which includes the financial delegations.

The Accountant in Bankruptcy (The Accountant) is also the Agency's Chief Executive and the current office holder was appointed by Scottish Ministers under section 1 of the Bankruptcy (Scotland) Act 1985 to take up office from 1 October 2009.

Scottish Ministers delegated functions under the Debt Arrangement and Attachment (Scotland) Act 2002 and the Agency was appointed the Debt Arrangement Scheme (DAS) administrator. The Debt Arrangement Scheme became operational on 30 November 2004. Changes to the DAS scheme came into effect on 30 June 2007, introducing a 'stop' on creditor enforcement action and a freeze on interest.

The Bankruptcy and Diligence etc. (Scotland) Act 2007 gained Royal Assent on 15 January 2007, this reformed and modernised the process of bankruptcy. Following the passage of the Bankruptcy and Diligence etc. (Scotland) Act 2007, formal responsibility for supporting Scottish Ministers in the development of bankruptcy policy in Scotland was transferred from the then Scottish Executive Justice Department, to the Agency.

The Low Income, Low Asset (LILA) route into bankruptcy became operational on 1 April 2008 on which date the Agency also commenced directly receiving debtor applications for bankruptcy.

## 2) Aims

The principal aim of the Agency is to carry out the statutory and other functions laid on The



Accountant efficiently, effectively and with due regard to the interests of creditors and debtors. During the year, the Agency managed its resources to deliver these functions within the approved budget bill funding of £7m. The resources used during the year were net revenue costs of £4.30m and capital costs of £0.24m, which amount to £4.54m. This represents 65% of budgeted resources.

### 3) Principal Activities

The Agency's staff carry out the following statutory functions of The Accountant:

- Maintain the registers of sequestrated estates, Protected Trust Deeds and corporate insolvencies;
- Supervise the performance of interim, permanent trustees, trustees and commissioners in Scotland;
- Undertake the functions of commissioners in sequestrations where none are elected to office;
- Undertake the functions of interim, permanent trustees and trustees in sequestrations where The Accountant in Bankruptcy is appointed;
- Administer the application of the Insolvency Act 1986 in relation to the devolved provisions of corporate insolvency in Scotland; and
- Administer the Debt Arrangement Scheme under the Debt Arrangement and Attachment (Scotland) Act 2002.

### 4) Results on Accruals Basis

Accountant in Bankruptcy is a supply-financed Agency of the Scottish Government and is accounted for under the Scotland Act 1998.

The Operating Cost Statement shows income and the net cost of operations on an accruals basis. The net cost of operations, amounting to £4.30m (2008–09 £4.76m), represents the cost of work undertaken by the Agency. It has been calculated after including a number of notional and non-cash costs. Details are given in the Notes to the accounts.

### 5) Post Balance Sheet Events

There were no significant post balance sheet events.

### 6) Non Current Assets

The major purchases in the course of the year were in respect of the refurbishment and upgrade of premises to maximise use of space.

### 7) Research and Development

The Agency aims to keep abreast of all technical innovation, products and system developments and publishes an IS Strategy aimed at ensuring the most efficient delivery of its services.

To ensure the Agency is not limited in its IS development, the Agency operated a managed service arrangement with the Scottish Government's ISIS (Information Services and Information Systems) Directorate.

With the introduction of a new contract for insolvency services we were able to extend our online banking facilities to our new providers and also put in place facilities for secure, encrypted exchange of documentation by email.

MIDAS (Multifunctional Insolvency Database & Administration System) remains the Agency's primary case management system. Towards the end of the year agreement was reached on its future replacement and, to ensure efficient use of public funds, a rigorous change process was put in place to consider any ongoing development requirements. Limited developments were approved mainly to enable the Register of Insolvencies (RoI) to move to free searching and for the creditor petition fee to be invoiced.

We have modernised our telephone system to enable smarter call routing and more effective use of the system. The new system provides the potential for linking to our case management system in future.

Our website – [www.aib.gov.uk](http://www.aib.gov.uk) – continued to be updated, notably to include information on corporate insolvency and also to give a dedicated page for up-to-date information on Bankruptcy Restriction Orders (BROs) and Bankruptcy Restriction Undertaking (BRUs).

We completed the roll-out of the Scottish Government's Electronic Records and Document Management (eRDM) across the Agency. We are now able to securely store and share with Scottish Government colleagues, documents that form the corporate record.

Major change projects continue to be managed through the Agency's formal Change Programme to ensure best practice in project management and compliance with appropriate development standards.

## 8) Future Business Development

The Agency publishes an Annual Business Plan which sets out the key objectives for the Agency for the forthcoming year. Annual Business Plans are aligned to the 5-year Business Strategy that sets out the strategic goals for the Agency until 2011. The Annual Business Plan and Business Strategy are available on the Agency's website.

Key future business developments include a commitment to redevelop our main case management system. As a building block to this, we have already started to build a 'web portal' to enable providers of insolvency service for the Agency to interact and send documents securely though the internet.

Subject to agreement on any changes to the Debt Arrangement Scheme (DAS), we will also be looking to develop a modern system for DAS which replaces the existing and aging infrastructure.

## 9) Pensions

Details about the Agency's Pension Costs are included in Note 2 to these accounts and in the Remuneration Report.

## 10) Board Members

During the year, the Board of the Agency comprised:

### **Rosemary Winter-Scott**

Chief Executive

(1 October 2009 – 31 March 2010)

### **Gillian Thompson**

Chief Executive

(1 April 2009 – 30 September 2009)

### **David Wallace**

Head of Corporate Services

### **John Cook**

Head of Case Operations

### **Fiona Gavine**

Non-Executive Board Member

### **Stuart Muir**

Non-Executive Board Member

Details of remuneration are contained within the Remuneration Report.

## 11) Disabled Employees/Equal Opportunities

Permanent Agency staff are all Civil Servants employed by the Scottish Government and have positive policies in place in relation to disabled employees. Special facilities are provided where necessary. Every effort is made to comply with equal opportunities legislation.

## 12) Charitable Donations

Charitable donations were made to Macmillan Cancer Care and Tommy's Baby Charity of £250 respectively in lieu of the printing and postage costs of corporate Christmas cards.

## 13) Payments to Suppliers

The Agency complies with the Confederation of British Industry prompt payment code and is committed to the prompt payment of bills for goods and services received. Payments are normally made as specified in the contract. If there is no contractual provision or other understanding, they are due to be made within 30 days of the receipt of the goods and services, or the presentation of a valid invoice or similar demand, whichever is later. In 2009-10 the percentage of invoices paid on time was 97.9% (2008-09 – 92.9%).

In line with the Scottish Government, Accountant in Bankruptcy will look to pay all suppliers within 10 days. In 2009-10 this was achieved 89% of the time.

## 14) Personal Data

There were no personal data related incidents in 2009-10 (2008-09 – nil).

## 15) Audit

Under the Public Finance and Accountability (Scotland) Act 2000, the Auditor General for Scotland is responsible for appointing the external auditors of the Agency. For the years 2006-07 to 2010-11 Audit Scotland has been appointed to carry out the Agency audit and the notional fee for this service in 2009-10 was £47k (2008-09 – £46k), which relates solely to the provision of statutory audit services. No payments were made to Audit Scotland other than in respect of the statutory audit.

### **Rosemary Winter-Scott**

Accountable Officer

14 July 2010

# REMUNERATION REPORT

## Remuneration Policy

The remuneration of all the Agency's management and employees is set by the Scottish Government under its standard terms and conditions of employment.

## Service Contracts

Civil Service appointments are made in accordance with the Civil Service Commissioners' Recruitment Code, which requires appointment to be on merit on the basis of fair and open competition but also includes the circumstances when appointments may otherwise be made.

Unless otherwise stated below, the officials covered by this report hold appointments

which are open-ended. Early termination, other than for misconduct, would result in the individual receiving compensation as set out in the Civil Service Compensation Scheme.

Further information about the work of the Civil Service Commissioners can be found at [www.civilservicecommissioners.gov.uk](http://www.civilservicecommissioners.gov.uk).

## Salary and Pension Entitlements

The following sections provide details of the remuneration and pension interests of the most senior officials of the Agency. These following sections of the remuneration report are subject to audit.

## Remuneration

	2009-10 Salary £'000	2008-09 Salary £'000
Gillian Thompson – Chief Executive*	30-35	65-70
Rosemary Winter-Scott – Chief Executive**	35-40	–
David Wallace – Head of Corporate Services	45-50	40-45
John Cook – Head of Case Operations	30-35	–
Fiona Gavine – Non-Executive Board Member	5-10	5-10
Stuart Muir – Non-Executive Board Member	0-5	0-5

\* Gillian Thompson left the Agency on 30 September 2009. (Full year salary £65-70k)

\*\* Rosemary Winter-Scott became Chief Executive on 1 October 2009. (Full year salary £70-75k)

## Salary

'Salary' includes gross salary; performance pay or bonuses; overtime and any other allowance to the extent that it is subject to UK taxation. This report is based on payments made within the year by the Agency.

There were no bonuses paid to Board members in 2009-10 (2008-09 – £nil)

## Benefits in Kind

There were no benefits in kind within 2009-10 (2008-09 – £nil).

## Non Executive Board Members

Non Executive Board Members are not salaried employees, but receive a day rate for attendance at Board and Audit Committee meetings.



## Pension Benefits

	Accrued pension at age 60 as at 31/3/10 and related lump sum £'000	Real increase in pension and related lump sum at age 60 £'000	CETV at 31/3/10 £'000	CETV at 31/3/09 restated £'000	Real increase in CETV £'000
Gillian Thompson	25-30 plus lump sum of 85-90	0-2.5 plus lump sum of 2.5-5	652	601	29
Rosemary Winter-Scott	5-10 no lump sum	0-2.5 no lump sum	131	114	14
David Wallace	5-10 plus lump sum of 25-30	0 - 2.5 plus lump sum of 2.5-5	132	104	21
John Cook	5-10 no lump sum	0-2.5 no lump sum	150	122	18

Pension benefits are provided through the Civil Service Pension arrangements. From 1 October 2002, Civil Servants may be in one of three statutory based 'final salary' defined benefit schemes (classic, premium, and classic plus). The Schemes are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under classic, premium and classic plus are increased annually in line with changes in the Retail Prices Index. New entrants after 1 October 2002 may choose between membership of premium or joining a good quality 'money purchase'

stakeholder arrangement with a significant employer contribution (partnership pension account).

Employee contributions are set at the rate of 1.5% of pensionable earnings for classic and 3.5% for premium and classic plus. Benefits in classic accrue at the rate of 1/80th of pensionable salary for each year of service. In addition, a lump sum equivalent to three years' pension is payable on retirement. For premium, benefits accrue at the rate of 1/60th of final pensionable earnings for each

year of service. Unlike classic, there is no automatic lump sum (but members may give up (commute) some of their pension to provide a lump sum). Classic plus is essentially a variation of premium, but with benefits in respect of service before 1 October 2002 calculated broadly in the same way as in classic.

The partnership pension account is a stakeholder pension arrangement. Details of transactions for partnership pension accounts are included at Note 2.

Further details about the Civil Service pension arrangements can be found at the website [www.civilservice-pensions.gov.uk](http://www.civilservice-pensions.gov.uk)

## Cash Equivalent Transfer Values

A Cash Equivalent Transfer Value (CETV) is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time.

The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies. The CETV figures (and from 2003–04 the other pension details)

include the value of any pension benefit in another scheme or arrangement which the individual has transferred to the Civil Service Pension arrangements and for which the Civil Superannuation Vote has received a transfer payment commensurate with the additional pension liabilities being assumed.

They also include any additional pension benefit accrued to the member as a result of their purchasing additional years of pension service in the scheme at their own cost. CETVs are calculated within the guidelines and framework prescribed by the Institute and Faculty of Actuaries.

## Real Increase in CETV

This reflects the increase in CETV effectively funded by the employer. It takes account of the increase in accrued pension due to inflation, contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement) and uses common market valuation factors for the start and end of the period.

**Rosemary Winter-Scott**  
**Accountable Officer**

14 July 2010

# STATEMENT OF THE AGENCY'S AND CHIEF EXECUTIVE'S RESPONSIBILITIES

Under section 19(4) of the Public Finance and Accountability (Scotland) Act 2000, the Scottish Ministers have directed Accountant in Bankruptcy to prepare a statement of accounts for each financial year in the form and on the basis set out in the direction on page 73. The accounts are prepared on an accruals basis and must give a true and fair view of the Agency's state of affairs at the year-end and of its income and expenditure, recognised gains and losses and cash flows for the financial year.

In preparing accounts, the Agency is required to:

- **Observe the accounts direction, including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;**
- **Make judgments and estimates on a reasonable basis;**
- **State whether applicable accounting standards have been followed, and disclose and explain any material departures in the financial statements; and**
- **Prepare the financial statements on the going concern basis, unless it is inappropriate to presume that the Agency will continue in operation.**

The Principal Accountable Officer of the Scottish Government has appointed the Chief Executive of Accountant in Bankruptcy as the Accountable Officer for the Agency. The relevant responsibilities as Accountable Officer, including responsibility for the propriety and regularity of the public finances and for the keeping of proper records, are set out in the Memorandum to Accountable Officers' issued by the Scottish Ministers.

## Scope of Responsibility

As Accountable Officer, I have responsibility for maintaining a sound system of internal control that supports the achievement of the organisation's policies, aims and objectives set by the Scottish Ministers, while safeguarding the public funds and assets for which I am personally responsible, in accordance with the responsibilities assigned to me as agreed by the Director General Justice and Communities.

The Scottish Public Finance Manual (SPFM) is issued by the Scottish Ministers to provide guidance to the Scottish Government and other relevant bodies on the proper handling and reporting of public funds. It sets out the relevant statutory, parliamentary and administrative requirements, emphasises the need for economy, efficiency and effectiveness, and promotes good practice and high standards of propriety.

# STATEMENT ON INTERNAL CONTROL 2009–10

## Purpose of the System on Internal Control

The system of internal control is designed to manage rather than eliminate the risk of failure to achieve the organisation's policies, aims and objectives. It can therefore, only provide reasonable and not absolute assurance of effectiveness.

The system of internal control is based on an ongoing process designed to identify the principal risks to the achievement of the organisation's policies, aims and objectives; to evaluate the nature and extent of those risks and to manage them efficiently, effectively and economically.

The process within the organisation accords with guidance from the Scottish Ministers provided in the SPFM and has been in place for the year ended 31 March 2010 and up to the date of approval of the annual report and accounts.

## Risk and Control Framework

All bodies to which the SPFM is directly applicable must operate a risk management strategy in accordance with relevant guidance issued by the Scottish Ministers. The general principles for a successful risk management strategy are set out in the SPFM.

I have continually reviewed our capacity to manage risks during the course of the year. To deliver the Agency's aims and objectives the Board met regularly to assess and manage the risks identified in the strategic risk register. My Audit Committee, chaired by an independent Non-Executive Board Member, takes the lead role in ensuring the risk management strategy is functioning adequately. Detailed Standard Operating Procedures (SOPs) are in place and risk is embedded in all our processes and procedures with continual monitoring of branch and strategic risk registers.

More generally, Accountant in Bankruptcy is committed to a process of continuous development and improvement; developing systems in response to any relevant reviews and developments in best practice in this area. In particular, in the period covering the year to 31 March and up to the signing of the accounts the Agency has:

- Implemented a formal Business Continuity Plan, with a Disaster Recovery Plan intended to be implemented during 2010–11;
- Planned expansion of the membership of the Board to include additional Non-Executive representation from key sectors and to increase the range of expertise available in Agency decision making processes. The newly expanded Board is planned to be in place during 2010–11;
- Revised the Audit Committee membership to ensure that it is fully independent, with the addition of an independent external member and the Agency Chief Executive standing down as a member;
- Improved the commentary contained in papers for the Board to ensure that papers take account of information risk and ensure that information is embedded as a key risk for consideration in all Agency activities;
- Planned a workshop to review management and recording of strategic risk within the Agency and with a view to altering the format of Agency risk registers to take account of good practice drawn from other public bodies.

This workshop was held in May 2010; and

- Reviewed and updated the fraud policy and response plan to ensure it is fit for purpose. This revised plan was approved by the Board in 2010 and a series of workshops to embed the policy within the organisation were held in May and June 2010.

## Review of Effectiveness

As Accountable Officer, I have responsibility for reviewing the effectiveness of the system of internal control. My review is informed by:

- The business managers within the organisation who have responsibility for the development and maintenance of the internal control framework;
- The work of the internal auditors of the Scottish Government's Finance Directorate, who submit regular reports to the Agency's Audit Committee. These reports provide independent and objective opinion on the adequacy and effectiveness of the Agency's systems of internal control together with recommendations for improvement; and
- Comments made by Audit Scotland in their management letters and other reports.

I have also been advised on the implications of the review of the effectiveness of the system of internal control by the Board and the Audit Committee.

In addition, the following processes have informed my review:

- During the year the Board met monthly to consider the strategic and key operational issues of the Agency and to report to me on progress made on delivery or targets and special projects;
- Quarterly meetings were held with our 'Fraser Figure'; the Director of Constitution, Law and Courts at the Scottish Government who facilitates relations between the Agency and the Scottish Government. A report on the Agency's activities and progress towards meeting targets was prepared quarterly to inform discussions at these meetings. Agency senior managers and the Scottish Government Finance Justice Team Leader attended to support these meetings; and
- Information provided by the core financial systems of the Scottish Government which the Agency uses and relies on to carry out our own accounting and payment functions and some of our procurement of goods and services.

Appropriate action is in place to address any weaknesses identified and to ensure the continuous improvement of the system.

**Rosemary Winter-Scott**

**Accountable Officer**

14 July 2010

# INDEPENDENT AUDITOR'S REPORT

## Independent auditor's report to Accountant in Bankruptcy, the Auditor General for Scotland and the Scottish Parliament

I have audited the financial statements of Accountant in Bankruptcy for the year ended 31 March 2010 under the Public Finance and Accountability (Scotland) Act 2000. These comprise the Operating Cost Statement, the Statement of Changes in Taxpayers' Equity, The Statement of Financial Position, the Cash Flow Statement and the related notes. These financial statements have been prepared under the accounting policies set out within them. I have also audited the information in the Remuneration Report that is described in that report as having been audited.

This report is made solely to the parties to whom it is addressed in accordance with the Public Finance and Accountability (Scotland) Act 2000 and for no other purpose. In accordance with paragraph 123 of the Code of Audit Practice approved by the Auditor General for Scotland, I do not undertake to have responsibilities to members, in their individual capacities, or to third parties.

## Respective responsibilities of the Agency, Chief Executive and Auditor

The Agency and Chief Executive are responsible for preparing the Annual Report, which includes the Remuneration Report, and the

financial statements in accordance with the Public Finance and Accountability (Scotland) Act 2000 and directions made thereunder by the Scottish Ministers. The Chief Executive is also responsible for ensuring the regularity of expenditure and receipts. These responsibilities are set out in the Statement of Agency's Accountable Officer's Responsibilities.

My responsibility is to audit the financial statements and the part of the Remuneration Report to be audited in accordance with relevant legal and regulatory requirements and with International Standards on Auditing (UK and Ireland) as required by the Code of Audit Practice approved by the Auditor General for Scotland.

I report to you my opinion as to whether the financial statements give a true and fair view and whether the financial statements and the part of the Remuneration Report to be audited have been properly prepared in accordance with the Public Finance and Accountability (Scotland) Act 2000 and directions made thereunder by the Scottish Ministers. I report to you whether in my opinion, the information which comprises the sections: Our Role and Purpose, Our Vision, Aim and Values, Our Stakeholders, Management Commentary, Summary of AiB Performance, Statistical Information and Directors' Report included in the Annual Report, is consistent with the financial statements. I also report whether in all material respects

- the expenditure and receipts shown in the financial statements were incurred or applied in accordance with any applicable enactments and guidance issued by the Scottish Ministers, the Budget (Scotland) Act covering the financial year and sections 4 to 7 of the Public Finance and Accountability (Scotland) Act 2000; and

- the sums paid out of the Scottish Consolidated Fund for the purpose of meeting the expenditure shown in the financial statements were applied in accordance with section 65 of the Scotland Act 1998.

In addition, I report to you, if in my opinion, the Agency has not kept proper accounting records, if I have not received all the information and explanations I require for my audit, or if information specified by relevant authorities regarding remuneration and other transactions is not disclosed.

I review whether the Statement on Internal Control reflects the Agency's compliance with Scottish Government guidance and I report if, in my opinion, it does not. I am not required to consider whether this statement covers all risks and controls or to form an opinion on the effectiveness of the Agency's corporate governance procedures or its risk and control procedures.

I read the other information contained in the Annual Report and consider whether it is consistent with the audited financial statements. This other information comprises only the Foreword by the Accountant in Bankruptcy and Agency Chief Executive, Key Performance Indicators, and the unaudited part of the Remuneration Report. I consider the implications for my report if I become aware of any apparent misstatements or material inconsistencies with the financial statements. My responsibilities do not extend to any other information.

## Basis of audit opinion

I conducted my audit in accordance with the Public Finance and Accountability (Scotland) Act 2000 and International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board as required by the Code of Audit Practice approved by the Auditor General for Scotland. An audit includes examination, on a test basis, of evidence relevant to the amounts, disclosures and regularity of expenditure and receipts included in the financial statements and the part of the Remuneration Report to be audited. It also includes an assessment of the significant estimates and judgements made by the Agency and the Chief Executive in the preparation of the financial statements, and of whether the accounting policies are appropriate to the Agency's circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations which I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the financial statements and the part of the Remuneration Report to be audited are free from material misstatement, whether caused by fraud or error, and that in all material respects the expenditure and receipts shown in the financial statements were incurred or applied in accordance with any applicable enactments and guidance issued by the Scottish Ministers. In forming my opinion I also evaluated the overall adequacy of the presentation of information in the financial statements and the part of the Remuneration Report to be audited.

## Opinion

### Financial statements

In my opinion

- the financial statements give a true and fair view, in accordance with Public Finance and Accountability (Scotland) Act 2000 and directions made thereunder by the Scottish Ministers, of the state of affairs of Accountant in Bankruptcy as at 31 March 2010 and of the net operating cost, changes in taxpayers' equity and cash flows for the year then ended;
- the financial statements and the part of the Remuneration Report to be audited have been properly prepared in accordance with the Public Finance and Accountability (Scotland) Act 2000 and directions made thereunder by the Scottish Ministers; and
- information which comprises the sections: Our Role and Purpose, Our Vision, Aim and Values, Our Stakeholders, Management Commentary, Summary of AiB Performance, Statistical Information and Directors' Report included in the Annual Report, is consistent with the financial statements.

### Regularity

In my opinion in all material respects

- the expenditure and receipts shown in the financial statements were incurred or applied in accordance with any applicable enactments and guidance issued by the Scottish Ministers, the Budget (Scotland) Act covering the financial year and sections 4 to 7 of the Public Finance and Accountability (Scotland) Act 2000; and
- the sums paid out of the Scottish Consolidated Fund for the purpose of meeting the expenditure shown in the financial statements were applied in accordance with section 65 of the Scotland Act 1998.

### Signature:



**David Jamieson CPFA**  
**Senior Audit Manager**

Audit Scotland  
7th floor, Plaza Tower  
EAST KILBRIDE,  
G74 1LW

### Date:

4 August 2010

# ACCOUNT SCHEDULES

ACCOUNTANT IN BANKRUPTCY ANNUAL ACCOUNTS 2009–10

## Operating Cost Statement for the year ended 31 March 2010

	Note	2009–10		2008–09	
		£'000	£'000	£'000	£'000
<b>Income</b>					
Operating Income	4		8,162		7,688
<b>Expenditure</b>					
Staff Costs	2	4,329		4,178	
Other Operating Costs	3	2,146		1,765	
Direct Sequestration Costs	3	5,331		6,052	
Non-Cash Expenditure	3	652		470	
<b>Total expenditure</b>			12,458		12,465
<b>Operating cost for the year</b>			4,296		4,777

All income and expenditure is derived from continuing operations. There were no discontinued activities. There were no material acquisitions or disposals in the year.

## Statement of Changes In Taxpayers Equity for the Year Ended 31 March 2010

	Note	General Fund	Revaluation Reserve	Total
		£'000	£'000	£'000
<b>Balance at 1 April 2009</b>		1,400	56	1,456
Prior year adjustments for changes in accounting policy and material errors				0
<b>Restated balance at 1 April 2009</b>		1,400	56	1,456
<b>Changes in taxpayers' equity for 2009–10</b>				
Net gain/(loss) on revaluation/indexation of property, plant and equipment	5		17	17
Non cash charges – cost of capital	3	43		43
Non cash charges – auditor's remuneration	3	47		47
Net operating cost for the year		(4,296)		(4,296)
<b>Total recognised income and expense for 2009–10</b>		(2,806)	73	(2,733)
Parliamentary Funding		3,678		3,678
<b>Net parliamentary funding drawn down</b>		3,678	0	3,678
<b>Balance at 31 March 2010</b>		872	73	945



## Statement of Financial Position

	Note	31 March 2010 £'000	31 March 2009 £'000	1 April 2008 £'000
<b>Non-Current Assets</b>				
Tangible Assets	5	709	700	893
Intangible Assets	6	764	1,081	846
<b>Total Non-Current Assets</b>		<b>1,473</b>	1,781	1,739
<b>Current Assets</b>				
Inventories		-	-	-
Trade Receivables and Other Current Assets	7	1,035	2,194	1,894
Cash and Cash Equivalents	8	968	151	174
<b>Total Current Assets</b>		<b>2,003</b>	2,345	2,068
<b>Total Assets</b>		<b>3,476</b>	4,126	3,807
<b>Current Liabilities</b>				
Payables and Other Current Liabilities	9	2,531	2,550	3,150
<b>Total Current Liabilities</b>		<b>2,531</b>	2,550	3,150
<b>Total assets less Current Liabilities</b>		<b>945</b>	1,576	657
<b>Non-Current Liabilities</b>				
Provisions for Liabilities and Charges	12	-	120	40
<b>Total Non-Current Liabilities</b>		<b>-</b>	120	40
<b>Assets less Liabilities</b>		<b>945</b>	1,456	617
<b>Taxpayers' Equity</b>				
General Fund	SOCTE	872	1,400	561
Revaluation Reserve	SOCTE	73	56	56
<b>Total Taxpayers' Equity</b>		<b>945</b>	1,456	617

Rosemary Winter-Scott  
Accountable Officer  
14 July 2010

## Cash Flow Statement For The Year Ended 31 March 2010

	Note	2009–10 £'000	2008–09 £'000
Net cash outflow from operating activities	(A)	(2,625)	(5,127)
Net cash outflow from investment activities	(B)	(236)	(429)
Cash flows from financing activities	(C)	3,678	5,533
<b>Increase/(Decrease) in cash in the period</b>		<b>817</b>	<b>(23)</b>
<b>(A) Reconciliation of operating costs to operating cash flows</b>			
Net operating cost		(4,296)	(4,777)
Adjust for non-cash transactions	3	651	470
(Increase)/decrease in receivables and other current assets	10	1,159	(300)
Increase/(decrease) in trade and other payables	10	(19)	(600)
Increase/(decrease) in provisions	12	(120)	80
Net cash outflow from operating activities		(2,625)	(5,127)
<b>B) Analysis of cash flows from investment activities</b>			
Purchase of property, plant and equipment	5	(220)	(31)
Purchase of intangible assets	6	(16)	(398)
Net cash outflow from investment activities		(236)	(429)
<b>C) Analysis of cash flows from financing activities</b>			
From Scottish Consolidated Fund	SOCTE	3,678	5,533
Cash flows from financing activities		3,678	5,533
<b>Decrease/(Increase) in cash and cash equivalents</b>		<b>(817)</b>	<b>23</b>
<b>Net cash and cash equivalents requirement</b>		<b>2,861</b>	<b>5,556</b>



# NOTES TO THE ACCOUNTS

ACCOUNTANT IN BANKRUPTCY ANNUAL ACCOUNTS 2009–10

## 1. Accounting Policies

### 1.1 Authority

In accordance with the accounts direction issued by Scottish Ministers under section 19(4) of the Public Finance and Accountability (Scotland) Act 2000 these accounts have been prepared in compliance with the principles and disclosure requirements of the Government Financial Reporting Manual (FReM) issued by HM Treasury, which follows International Financial Reporting Standards as adopted by the European Union (IFRSs as adopted by the EU), International Financial Reporting Interpretations Committee (IFRIC) interpretations and the Companies Act 2006 to the extent that they are meaningful and appropriate in the public sector. They have been applied consistently in dealing with items considered material in relation to the accounts.

The preparation of financial statements in conformity with IFRS requires the use of certain critical accounting estimates. It also requires management to exercise judgement in the process of applying the accounting policies. The accounts policies, and where necessary estimation techniques, selected are done so in accordance with the principles set out in International Accounting Standard 8: Accounting Policies, Changes in Accounting Estimates and Errors.

### 1.2 First Time Adoption of International Financial Reporting Standards

These financial statements have been prepared under International Financial Reporting Standards for the first time and the comparatives have been restated from UK Generally Accepted Accounting Policy (UK GAAP) where required. The reconciliation to IFRS from

the previous UK GAAP accounts is not required as there is no impact on the entity's financial position, financial performance and cash flow.

New Financial Instruments Standards FRS 25, FRS 26, and FRS 29 as interpreted and adapted by the Government Financial reporting Manual (FReM) were adopted under UK GAAP in 2008–09. Prior year comparatives for 2007–08 were restated to reflect these standards. These standards are identical to their equivalent IFRS standards, IAS 32, IAS 39 and IFRS 7.

### 1.3 Going Concern

The accounts are prepared on the going concern basis, which provides that the entity will continue in operational existence for the foreseeable future.

### 1.4 Accounting Convention

These accounts are prepared on a historical cost basis, as modified by the revaluation of property, plant and equipment, intangible assets and financial assets and liabilities at fair value.

### 1.5 Funding

Part of the Agency's expenditure in any year is met from funds advanced by the Scottish Government under the Budget (Scotland) Act. Cash drawn down to fund expenditure within the limits voted by the Scottish Parliament are credited to the general fund.

All other income receivable by the Agency that is not classed as funding is recognised in the year in which it is receivable.

Agency income can be classed as without limit and with limit as outlined by the Scottish Budget documents. Where income is categorised as

being with limit, any excess income over that limit is surrendered to the Scottish Consolidated Fund.

Where income is received for a specific activity which is to be delivered in the following financial year, that income is deferred.

Income from the sale of non-current assets is recognised only when all material conditions of sale have been met and is measured as the sums due under the sale contract.

Funding for the acquisition of fixed assets received from the Scottish Government is credited to the general fund when the cash is drawn down.

Expenditure on goods and services is recognised to the extent that they have been received and is measured at the fair value of those goods and services. Expenditure is recognised in the operating cost statement except where it results in the creation of a non-current asset such as property, plant and equipment.

## 1.6 Property, Plant and Equipment

### Recognition

Property, plant and equipment is capitalised where:

- It is held for use in delivering services or for administrative purposes;
- It is probable that future economic benefit will flow to, or service potential be provided to, the Agency;
- It is expected to be used for more than one financial year; and
- The cost of the item can be measured reliably.

All assets falling into the following categories are capitalised:

- Equipment and vehicles which are capable of being used for a period which could exceed one year, and have a cost equal to or greater than £5,000;

- Information and Communications Technology (ICT) systems are capitalised where they form part of a group of similar assets purchased at approximately the same time and cost over £1,000 in total;
- Significant improvements to leasehold properties will be capitalised where the total cost of the group of assets is equal to or over £5,000.

Expenditure on furniture, fixtures and fittings is charged to the operating cost statement in the year the cost is incurred and is not capitalised.

Where a large asset, for example a building, includes a number of components with significantly different asset lives e.g. plant and equipment, then these components are treated as separate assets and depreciated over their own useful economic lives.

### Measurement

#### Valuation

All property, plant and equipment assets are measured initially at cost, representing the costs directly attributable to acquiring or constructing the asset and bringing it to the location and condition necessary for it to be capable of operating in the manner intended by management.

All assets are measured subsequently at fair value as follows:

- Valuation of all land and buildings are reassessed by valuers under a rolling 5-year programme of professional valuations and adjusted in intervening years to take account of movements in prices since the latest valuation.
- These valuations are carried out in accordance with the Royal Institute of Chartered Surveyors (RICS) Appraisal and Valuation Manual insofar as these terms are consistent with the agreed requirements of the Scottish Government.

Other plant and equipment assets that have short useful lives or low values (or both) are reported on a depreciated historic cost basis as a proxy for fair value.

Assets under construction are valued at current cost. This is calculated by the expenditure incurred to which an appropriate index is applied to arrive at current value. Assets under construction are also subject to impairment review.

**Subsequent Expenditure**

Subsequent expenditure is capitalised into an asset’s carrying value where it is probable the future economic benefits associated with the item will flow to the Agency and the cost can be reliably measured. Where subsequent expenditure does not meet these criteria, the expenditure is charged to the operating cost statement. If part of an asset is replaced, then the part it replaces is de-recognised, regardless of whether or not it has been depreciated separately.

**Revaluations and Impairment**

Increases in asset values arising from revaluations are recognised in the revaluation reserve, except where they reverse an impairment previously recognised in the operating cost statement, in which case they are recognised as income.

Movements on revaluation are considered for individual assets rather than groups or land/buildings together.

Decreases in asset values and impairments are charged to the revaluation reserve to the extent that there is an available balance for the asset concerned and thereafter are charged to the operating cost statement.

**Depreciation**

Items of property, plant and equipment are depreciated to their estimated residual value

over their remaining useful economic lives in a manner consistent with the consumption of economic or service delivery benefits.

Depreciation is charged on a straight line basis on each main class of property, plant and equipment as follows:

<b>Equipment – Non Fixed Plant</b>	3 to 10 Years
<b>ICT Equipment</b>	3 Years
<b>Leasehold Improvements</b>	10 Years or life of lease term if shorter
<b>Held for sale assets</b>	Not depreciated
<b>Assets under construction</b>	Not depreciated

**1.7 Intangible Assets**

**Recognition**

Intangible assets are non-monetary assets without physical substance which are capable of being sold separately from the rest of the Agency’s business or which arise from contractual or other legal rights. They are recognised only where it is probable that future economic benefits will flow to, or service potential be provided to, the Agency and where the cost of the asset can be measured reliably.

Intangible assets that meet the recognition criteria are capitalised where they are capable of being used in the Agency’s activities for more than one year and they have a cost of at least £1,000.

The main classes of intangible assets recognised are:

- Internally Generated Intangible Assets.
- Internally generated goodwill, brands, mastheads, publishing titles, customer lists and similar items are not capitalised as intangible assets.

Expenditure on research is not capitalised.

Expenditure on development is capitalised only where all of the following can be demonstrated:

- The project is technically feasible to the point of completion and will result in an intangible asset for sale or use;
- The Agency intends to complete the asset and sell or use it;
- The Agency has the ability to sell or use the asset;
- How the intangible asset will generate probable future economic or service delivery benefits e.g. the presence of a market for it or its output, or where it is to be used for internal use, the usefulness of the asset;
- Adequate financial, technical and other resources are available to the Agency to complete the development and sell or use the asset; and
- The Agency can measure reliably the expenses attributable to the asset during development.

Expenditure capitalised in line with the above is limited to the value of probable future economic benefits.

## Measurement

### Valuation

Intangible assets are recognised initially at cost, comprising all directly attributable costs needed to create, produce and prepare the asset to the point that it is capable of operating in the manner intended by management.

Subsequently intangible assets are measured at fair value. Where an active (homogeneous) market exists, intangible assets are carried at fair value. Where no active market exists, the intangible asset is revalued, using indices or some suitable model, to the lower of depreciated replacement cost and the value in use where the asset is income generating. Where there is no value in use, the intangible asset is valued using depreciated replacement cost. These measures are a proxy for fair value.

## Revaluations and Impairment

Increases in asset values arising from revaluations are recognised in the revaluation reserve, except where they reverse an impairment previously recognised in the operating cost statement, in which case they are recognised as income.

Decreases in asset values and impairments are charged to the revaluation reserve to the extent that there is an available balance for the asset concerned, and thereafter are charged to the operating cost statement.

Intangible assets held for sale are reclassified to 'non-current assets held for sale' measured at the lower of their carrying amount or 'fair value less cost to sell'.

## Amortisation

Intangible assets are amortised to their estimated residual value over their remaining useful economic lives in a manner that is consistent with the consumption of economic or service delivery benefits.

Amortisation is charged on a straight line basis to the operating cost statement on each of the main class of intangible assets as follows:

<b>Computer Software – Internally Developed</b>	5 Years
<b>Computer Software – Licences</b>	3 Years or life of licence if less
<b>Held for Sale</b>	Not amortised

## 1.8 Sale of Property, Plant and Equipment, Intangible Assets and Non-current Assets Held for Sale

Disposal of non-current assets is accounted for as a reduction to the value of assets equal to the net book value of the assets disposed. When set against any sales proceeds, the resulting gain or loss on disposal will be recorded in the operating cost statement. Non-current assets held for sale will include assets transferred from other categories and will reflect any resultant changes in valuation.

### 1.9 Impairment of Non-financial Assets

Assets that are subject to depreciation and amortisation are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use. Where an asset is not held for the purpose of generating cash flows, value in use is assumed to equal the cost of replacing the service potential provided by the asset, unless there has been a reduction in service potential. For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash flows (cash-generating units). Non-financial assets that suffer an impairment are reviewed for possible reversal of the impairment. Impairment losses charged to the operating cost statement are deducted from future operating costs to the extent that they are identified as being reversed in subsequent revaluations.

### 1.10 Leasing

#### Finance Leases

Where substantially all risks and rewards of ownership of a leased asset are borne by the Agency, the asset is recorded as property, plant and equipment and a corresponding liability is recorded. The value at which both are recognised is the lower of the fair value of the asset or the present value of the minimum lease payments, discounted using the interest rate implicit in the lease. The implicit interest rate is that which produces a constant periodic rate of interest on the outstanding liability. Assets held under finance leases are valued at their fair values and are depreciated over the remaining period of the lease in accordance with IFRS.

The asset and liability are recognised at the inception of the lease, and are de-recognised when the liability is discharged, cancelled or expires. The annual rental is split between the repayment of the liability and a finance cost. The annual finance cost is calculated by applying the implicit interest rate to the outstanding liability and is charged to interest payable in the operating cost statement.

#### Operating Leases

Other leases are regarded as operating leases and the rentals are charged to expenditure on a straight-line basis over the term of the lease. Operating lease incentives received are added to the lease rentals and charged to expenditure over the life of the lease.

#### Leases of Land and Buildings

Where a lease is for land and buildings, the land component is separated from the building component and the classification for each is assessed separately. Leased land is treated as an operating lease unless title to the land is expected to transfer.

### 1.11 Employee Benefits

#### Short-term Employee Benefits

Salaries, wages and employment-related payments are recognised in the year in which the service is received from employees. The cost of annual leave and flexible working time entitlement earned but not taken by employees at the end of the year is recognised in the financial statements to the extent that employees are permitted to carry-forward leave into the following year.

#### Pension Costs

Present and past employees are covered by the provisions of the Principal Civil Service Pension Scheme (PCSPS) which is a defined benefit scheme and is unfunded and non-contributory. The Agency recognises the expected cost of providing pensions for their employees on a systematic and rational basis over the period

during which they benefit from their services by payment to the PCSPS of amounts calculated on an accruing basis. (Relevant disclosures are reported in Note 2). Liability for the payment of future benefits is a charge to the PCSPS.

In respect of the defined contribution schemes, the Agency recognises the contributions payable for the year

## 1.12 Financial Instruments

### Financial Assets

#### Classification

The Agency classifies its financial assets in the following categories; at fair value through profit or loss, loans and receivables, and available for sale. The classification depends on the purpose for which the financial assets were acquired. Management determines the classification of its financial assets at initial recognition.

Financial assets at fair value through profit or loss comprise derivatives. Assets in this category are classified as current assets. The Agency does not trade in derivatives and does not apply hedge accounting.

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. They are included in current assets, except for maturities greater than 12 months after the balance sheet date. These are classified as non-current assets. Loans and receivables comprise trade and other receivables and cash at bank and in hand in the balance sheet.

Available for sale financial assets are non-derivatives that are either designated in this category or not classified in any of the other categories. They are included in non-current assets unless management intends to dispose of the investment within 12 months of the balance sheet date. Available for sale financial assets comprise investments.

### Recognition and measurement

Financial assets are recognised when the Agency becomes party to the contractual provisions of the financial instrument.

Financial assets are derecognised when the rights to receive cash flows from the asset have expired or have been transferred and the Agency has transferred substantially all risks and rewards of ownership.

Financial assets carried at fair value through profit or loss are initially recognised at fair value and transaction costs are expensed in the operating cost statement. Financial assets carried at fair value through profit or loss are subsequently measured at fair value. Gains or losses arising from changes in the fair value are presented in the operating cost statement.

Loans and receivables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method, less provision for impairment. A provision for impairment of loans and receivables is established when there is objective evidence that the Agency will not be able to collect all amounts due according to the original terms of the receivables. Significant financial difficulties of the debtor, probability that the debtor will enter bankruptcy or financial reorganisation and default or delinquency in payments (more than 30 days overdue) are considered indicators that the loan and receivable is impaired. The amount of the provision is the difference between the asset's carrying amount and the present value of estimated future cash flows, discounted at the original effective interest rate. The carrying amount of the asset is reduced through the use of an allowance account and the amount of the loss is recognised in the operating cost statement. When a loan or receivable is uncollectible, it is written off against the allowance account. Subsequent recoveries of amounts previously written off are credited in the operating cost statement.

Available for sale financial assets are initially recognised and subsequently carried at fair value. Changes in the fair value of financial assets classified as available for sale are recognised in equity in other reserves. When financial assets classified as available for sale are sold or impaired, the accumulated fair value adjustments recognised in equity are included in the operating cost statement. Dividends on available for sale equity instruments are recognised in the operating cost statement when the Agency's right to receive payments is established.

Investments in equity instruments that do not have a quoted market price in an active market and whose fair value cannot be reliably measured, are measured at cost less impairment.

The Agency assesses at each balance sheet date whether there is objective evidence that a financial asset or a group of financial assets is impaired. In the case of equity securities classified as available for sale, a significant or prolonged decline in the fair value of the security below its cost is considered as an indicator that the securities are impaired. If any such evidence exists for available for sale financial assets, the cumulative loss – measured as the difference between the acquisition cost and the current fair value, less any impairment loss on that financial asset previously recognised in profit or loss – is removed from equity and recognised in the operating cost statement. Impairment losses recognised in the operating cost statement on equity instruments are not reversed through the income statement.

## Financial Liabilities

### Classification

The Agency classifies its financial liabilities in the following categories: at fair value through profit or loss, and other financial liabilities. The classification depends on the purpose for which the financial liabilities were issued. Management determines the classification of its financial liabilities at initial recognition.

Financial liabilities at fair value through profit or loss comprise derivatives. Liabilities in this category are classified as current liabilities. The Agency does not trade in derivatives and does not apply hedge accounting.

Other financial liabilities are included in current liabilities, except for maturities greater than 12 months after the balance sheet date. These are classified as non-current liabilities. The Agency's other financial liabilities comprise trade and other payables in the balance sheet.

### Recognition and measurement

Financial liabilities are recognised when the Agency becomes party to the contractual provisions of the financial instrument.

A financial liability is removed from the balance sheet when it is extinguished, that is when the obligation is discharged, cancelled or expired.

Financial liabilities carried at fair value through profit or loss are initially recognised at fair value, and transaction costs are expensed in the income statement. Financial liabilities carried at fair value through profit or loss are subsequently measured at fair value. Gains or losses arising from changes in the fair value are presented in the operating cost statement.

Other financial liabilities are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method.

### 1.13 Inventories

The Agency does not hold inventories of any kind. The cost of stationery and publications is charged as an expense within the operating cost statement in the year in which the expenditure is incurred.

### 1.14 Related Party Transactions

Material related party transactions are disclosed in line with the requirements of IAS 24.

### 1.15 Cost of Capital Charge

A charge reflecting the cost of capital utilised by the Agency is included in the operating cost statement. The charge for each item in the balance sheet is calculated on the basis of the average net book value of that item over the year. This is calculated at the Government's standard rate (3.5% in current and prior year) in real terms on all assets less liabilities.

### 1.16 Provisions

The Agency provides for legal or constructive obligations that are of uncertain timing or amount at the balance sheet date on the basis of the best estimate of the expenditure required to settle the obligation. Where the effect of the time value of money is significant, the estimated cash flows are discounted using the discount rate prescribed by HM Treasury.

### 1.17 Contingencies

Contingent assets (that is, assets arising from past events whose existence will only be confirmed by one or more future events not wholly within the Agency's control) are not recognised as assets, but are disclosed only where an inflow of economic benefits is probable.

Contingent liabilities are not recognised, but are disclosed only where the probability of a transfer of economic benefits is probable. Contingent liabilities are defined as:

- Possible obligations arising from past events whose existence will be confirmed only by the occurrence of one or more uncertain future events not wholly within the entity's control.
- Present obligations arising from past events but for which it is not probable that a transfer of economic benefits will arise or for which the amount of the obligation cannot be measured with sufficient reliability.

### 1.18 Value Added Tax

Most of the activities of the Agency are outside the scope of VAT and, in general, output tax does not apply and input tax on purchases is not

recoverable. Irrecoverable VAT is charged to the relevant expenditure category or included in the capitalised purchase cost of fixed assets. Where output tax is charged or input VAT is recoverable, the amounts are stated net of VAT.

### 1.19 Corresponding Amounts

Corresponding amounts are shown for the primary statements and notes to the financial statements. Where the corresponding amounts are not directly comparable with the amount to be shown in respect of the current financial year, IAS 1 'Presentation of Financial Statements', requires that they should be adjusted and the basis for adjustment disclosed in a note to the financial statements.

### 1.20 Segmental Reporting

The Agency identifies operating segments on the basis of internal reports that are regularly reviewed by the Chief Executive and the Board, in order to allocate resources to the segments and assess their performance. Accountant in Bankruptcy reports on one single core segment which represents the principal objective of the administration and monitoring of bankruptcy in Scotland.

### 1.21 Cash and Cash Equivalents

Cash and cash equivalents includes cash in hand, deposits held at call with banks and any other short-term highly liquid investments with original maturities of three months or less and bank overdrafts. Any bank overdrafts are shown within borrowings in current liabilities on the balance sheet.

### 1.22 Third Party Assets

Assets belonging to third parties (such as consignment and sequestration funds) are not recognised in the accounts since the Agency has no beneficial interest in them.

However, they are disclosed in a separate note to the accounts in accordance with the requirements of the FReM.

## 2. Staff Numbers and Costs

### 2.1 Staff Numbers

The average number of whole time equivalent persons employed (including senior management) was as follows:

Branch	Senior Management	Other Permanent Staff	Contingent Workers and Fixed Term Appointments	Staff On Inward Secondment	Total Number 2009-10	Total Number 2008-09
Case Operations	1	93.2	14.6	–	108.8	94
CE Office	1	1	–	–	2	1.6
Corporate Services	2.3*	37.2	10.4	–	49.9	34.8
Policy	1	9.1	0.8	1.8	12.7	9.1
<b>Total</b>	<b>5.3</b>	<b>140.5</b>	<b>25.8</b>	<b>1.8</b>	<b>173.4</b>	<b>139.5</b>

\*A member of staff joined in January 2010.

	2009-10	2008-09
Average number of disabled employees employed in year	7	Less than 5

	2009-10	2008-09
Average annualised sick days for full time equivalent staff	7.4 days	8.4 days

### 2.2 Payroll Costs

The aggregate payroll costs of these persons were as follows:

	2009-10	2008-09
	£'000	£'000
Wages and Salaries	2,948	2,650
Social Security Costs	188	155
Other Pension Costs	475	465
Inward Secondments	38	29
Contingent/Fixed Term Appointment	680	879
	<b>4,329</b>	<b>4,178</b>

### 2.3 Pensions

The Principal Civil Service Pension Scheme (PCSPS) is an unfunded multi-employer defined benefit scheme but Accountant in Bankruptcy is unable to identify its share of the underlying assets and liabilities. The scheme actuary valued the scheme as at 31 March 2007. You can find details in the resource accounts of the Cabinet Office: Civil Superannuation ([www.civilservice-pensions.gov.uk](http://www.civilservice-pensions.gov.uk)).

For 2009-10, employers' contributions of £474k were payable to the PCSPS (2008-09 £465k) at one of four rates in the range 16.7% to 24.3% of pensionable pay, based on salary bands. The Scheme Actuary reviews employer contributions usually every four years following a full scheme valuation. From 2010-11, the rates will be in the range 16.7% to 24.3%. The contribution rates are set to meet the cost of the benefits accruing during 2009-10 to be paid when the member

retires and not the benefits paid during this period to existing pensioners.

Employees can opt to open a **partnership** pension account, a stakeholder pension with an employer contribution. Employers' contributions of £2k were paid to one or more of the panel of three appointed stakeholder pension providers. Employer contributions are age-related and range from 3% to 12.5% of pensionable pay. Employers also match employee contributions up to 3% of pensionable pay.

Contributions due to the **partnership** pension providers at the balance sheet date were £2k. Contributions prepaid at that date were £Nil.

## 2.4 Remuneration and Pension benefits

Board remuneration and pension benefits are contained within the Annual Report.

Further details about the CSP arrangements can be found at the website: [www.civilservice-pensions.gov.uk](http://www.civilservice-pensions.gov.uk)

## 3. Expenditure Analysis

	2009-10	2008-09
	£'000	£'000
<b>(a) Other Operating Costs</b>		
Travel and Subsistence	54	80
Accommodation	666	639
General Administration	1,426	1,046
	<b>2,146</b>	<b>1,765</b>
	2009-10	2008-09
	£'000	£'000
<b>(b) Sequestration Expenses</b>		
Agents Administration Fees	4,066	4,751
Sequestration Outlays	336	335
Edinburgh Gazette	349	262
Legal Fees	580	704
	<b>5,331</b>	<b>6,052</b>
	2009-10	2008-09
	£'000	£'000
<b>(c) Non Cash Transactions</b>		
Depreciation	562	387
Auditors Fees	47	46
Cost of Capital	43	37
	<b>652</b>	<b>470</b>



## 4. Operating Income

	2009-10	2008-09
	£'000	£'000
Creditor Petition Fee*	230	-
Repayment to Public Purse	3,832	4,422
Debtor Application Fees	1,132	1,241
Trustee Supervision Fee**	793	-
Consignations	103	122
Statutory Fees	1,987	1,874
Search Fees***	59	-
Debt Arrangement Fees	26	29
	<b>8,162</b>	<b>7,688</b>

\*Creditor Petition Fees were introduced on 1 October 2009.

\*\*Fees for the Supervision of Trust Deeds were introduced on 1 April 2009.

\*\*\*In 2008-09 Search Fees were included within Statutory Fees.

## 5. Non Current Assets

### Tangible

	Buildings (excluding dwellings)	Furniture, Fittings, Equipment	IT Equipment	Total
Cost or Valuation	£'000	£'000	£'000	£'000
At 1 April 2008	801	40	505	1,346
Revaluation	0	0	0	0
Additions	0	0	31	31
Transfers	0	0	0	0
Disposals	0	0	(42)	(42)
At 31 March 2009	801	40	494	1,335
<b>Depreciation</b>				
At 1 April 2008	158	21	274	453
Provided During Year	81	5	138	224
Backlog Depreciation	0	0	0	0
Disposals	0	0	(42)	(42)
At 31 March 2009	239	26	370	635
<b>Net Book Value</b>				
At 31 March 2009	<b>562</b>	<b>14</b>	<b>124</b>	<b>700</b>
At 1 April 2008	<b>643</b>	<b>19</b>	<b>231</b>	<b>893</b>

	Buildings (excluding dwellings)	Furniture, Fittings, Equipment	IT Equipment	Total
<b>Cost or Valuation</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
At 1 April 2009	801	40	494	1,335
Revaluation	29	0	0	29
Additions	122	93	5	220
Transfers	0	0	(18)	(18)
Disposals	0	0	0	0
At 31 March 2010	952	133	481	1,566
<b>Depreciation</b>				
At 1 April 2009	239	26	370	635
Provided During Year	88	21	101	210
Backlog Depreciation	12	0	0	12
Disposals	0	0	0	0
At 31 March 2010	339	47	471	857
<b>Net Book Value</b>				
<b>At 31 March 2010</b>	<b>613</b>	<b>86</b>	<b>10</b>	<b>709</b>
<b>At 1 April 2009</b>	<b>562</b>	<b>14</b>	<b>124</b>	<b>700</b>

## 6. Intangible Fixed Assets

	Software Licenses	Development Expenditure	Information Technology Software	Total
<b>Cost or Valuation</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
At 1 April 2008	370	0	737	1,107
Additions	54	344	0	398
Disposals	0	0	0	0
Transfers	0	0	0	0
At 31 March 2009	424	344	737	1,505
<b>Amortisation</b>				
At 1 April 2008	121	0	140	261
Provided During Year	142	0	21	163
Disposals	0	0	0	0
At 31 March 2009	263	0	161	424
<b>Net Book Value</b>				
<b>At 31 March 2009</b>	<b>161</b>	<b>344</b>	<b>576</b>	<b>1,081</b>
<b>At 1 April 2008</b>	<b>249</b>	<b>0</b>	<b>597</b>	<b>846</b>

	Software Licenses	Development Expenditure	Information Technology Software	Total
Cost or Valuation	£'000	£'000	£'000	£'000
At 1 April 2009	424	344	737	1,505
Additions	16	0	0	16
Disposals	0	0	0	0
Transfers	0	(344)	362	18
At 31 March 2010	440	0	1,099	1,539
<b>Amortisation</b>				
At 1 April 2009	263	0	161	424
Provided During Year	88	0	263	351
Disposals	0	0	0	0
At 31 March 2010	351	0	424	775
<b>Net Book Value</b>				
At 31 March 2010	89	0	675	764
At 1 April 2009	161	344	576	1,081

## 7. Trade Receivables

Amounts falling due within 1 year

	2009-10	2008-09
	£'000	£'000
<b>(a) Analysis by Type</b>		
Accrued Income	345	974
Prepayments	37	35
Trade Receivables	624	315
Other Receivables	29	870
	1,035	2,194

	2009-10	2008-09
	£'000	£'000
<b>(b) Intra Government Balances</b>		
Balances with Other Central Government Bodies	29	870
Balances with Local Authorities	0	0
Balances with NHS Bodies	0	0
Balances with Public Corporations and Trading Funds	0	0
<b>Total Intra Government Balances</b>	29	870
Balances with Bodies External to Government	1,006	1,324
	1,035	2,194

## 8. Cash and Equivalents

	2009-10	2008-09
	£'000	£'000
Balance at 1 April	151	174
Net Change in Cash Balance	817	(23)
<b>Balance at 31 March</b>	<b>968</b>	<b>151</b>

As all payments and receipts are effected through SEAS, apart from an account used as the means for clearing inward payments, no other separate bank account is currently held by the Agency other than those held on behalf of third parties as detailed in Note 15.

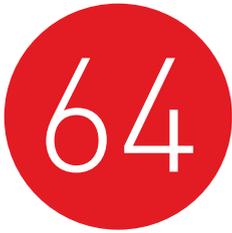
## 9. Payables

### Amounts Falling Due Within One Year

	2009-10	2008-09
	£'000	£'000
<b>Analysis by Type</b>		
Accruals	2,423	2,528
Deferred Income	7	14
Trade Payables	101	8
	<b>2,531</b>	<b>2,550</b>
<b>Intra Government Balances</b>		
Balances with Other Central Government Bodies	14	16
Balances with Local Authorities	0	0
Balances with NHS Bodies	0	0
Balances with Public Corporations and Trading Funds	0	0
<b>Subtotal: Intra Government Balances</b>	<b>14</b>	<b>16</b>
Balances with Bodies External to Government	2,517	2,534
	<b>2,531</b>	<b>2,550</b>

## 10. Movements in Working Capital Other Than Cash

	2009-10	2008-09
	£'000	£'000
(Increase)/Decrease in Receivables	1,159	(300)
Increase/(Decrease) in Payables	(19)	(600)
	<b>1,140</b>	<b>(900)</b>



## 11. Financial Instruments

	2009-10	2008-09
	£'000	£'000
<b>Financial Assets</b>		
Trade Receivables (Note 7)	624	315
Accrued Income (Note 7)	345	974
Other Receivables (Note 7)	29	0
Cash and Cash Equivalents (Note 8)	968	151
	<b>1,966</b>	<b>1,440</b>
<b>Financial Liabilities</b>		
Trade Payables (Note 9)	101	8
Accruals (Note 9)	2,238	2,372
Other Creditors (Note 9)	14	16
	<b>2,353</b>	<b>2,396</b>
<b>Non-close Embedded Derivatives</b>		<b>£nil</b>
<b>Derivative Financial Instruments</b>		<b>£nil</b>

## 12. Provisions for Liabilities and Charges

	2009-10	2008-09
	£'000	£'000
Balance at 1 April	120	40
Provided	0	80
Reversed/Unutilised	(120)	0
<b>Balance at 31 March</b>	<b>0</b>	<b>120</b>

Provisions were made in the course of 2006-07 and 2008-09 in respect of substantial legal fees that may arise in pursuing matters to protect public interest in specific cases. In 2009-10 both cases had progressed to the point where it is felt that a provision is no longer required.

## 13. Capital Commitments

	2009-10	2008-09
	£'000	£'000
Contracted Capital Commitments at 31 March for which no provision has been made	0	35

## 14. Commitments under Operating Leases

The total future minimum lease payments under non-cancellable operating leases are:

	2009-10	2008-09
	£'000	£'000
<b>Land and buildings:</b>		
Payable not later than 1 Year	334	334
Payable later than 1 Year and not later than 5 Years	1,336	1,336
Payable later than 5 Years	1,865	2,199
	<b>3,535</b>	<b>3,869</b>

## 15. Third Party Assets

Assets held at balance sheet date to which monetary value can be assigned:

	2009-10	2008-09
	£'000	£'000
Monetary Amounts – Sequestration Bank Balances	20,977	24,636
Unclaimed Dividends and Unapplied Balances	20,843	17,322
<b>Total Monetary Assets</b>	<b>41,820</b>	<b>41,958</b>

These funds are held on behalf of third parties within interest bearing accounts. This mainly comprises of realised assets awaiting repayment to the public purse and distribution to creditors; also money consigned in respect of unclaimed dividends and unapplied balances. These funds are mainly held within Royal Bank of Scotland accounts.

Unclaimed dividends and unapplied balances are paid over to the Scottish Consolidated Fund after 7 years. These payments do not form part of the Agency accounts. During 2009-10 these payments amounted to £496K (2008-09 – £nil).

Other assets held at the balance sheet date:

	2009-10	2009-10	2009-10	2008-09
	No. of assets	No. of assets	No. of assets	No. of assets
	In-house	Agent/Provider	Total	Total
Residential Property	293	1,386	1,679	1,514
Life Policies	953	238	1,191	2,802
Motor Vehicles	403	314	717	3,329
Shares and Other Investments	74	65	139	415
Miscellaneous	53	240	293	216
	<b>1,776</b>	<b>2,243</b>	<b>4,019</b>	<b>8,276</b>

## 16. Financial Commitments

The Agency has entered into contracts (which are not leases or PFI contracts) for the maintenance of IT equipment. Under the revised definition by the Scottish Government of Financial Commitments, effective as from 1 April 2008, contracts in the normal course of business do not require disclosure. On this basis there are no commitments for the year (2008-09 – £nil).

## 17. Contingent Liabilities

The Agency has contingent liabilities in respect of uninsured losses of the assets contained within the estates that are in sequestration.

In accordance with the Scottish Public Finance Manual (SPFM) there is not the requirement to either disclose or quantify this contingent liability.

## 18. Losses Statement

Notional income, including accrued income, on sequestration estates not able to be recoverable amounted to £6.5m (2008-09 – £3.2m), this is considered a 'constructive loss' in line with the Scottish Public Finance Manual definition. There were no individual cases with a constructive loss over £250k (2008-09 – £nil). There were a total of 6,517 cases (2008-09 – 3,765 cases) which incurred some level of constructive loss.

## 19. Related Party Transactions

Accountant in Bankruptcy is an Executive Agency of the Scottish Government. During the year the Agency had various material transactions with the Scottish Government.

None of the senior management, or other parties related to them, has undertaken any material transactions with the Agency.



# DIRECTION BY THE SCOTTISH MINISTERS

## ACCOUNTANT IN BANKRUPTCY

### **DIRECTION BY THE SCOTTISH MINISTERS**

in accordance with section 19(4) of the Public Finance and  
Accountability (Scotland) Act 2000

1. The statement of accounts for the financial year ended 31 March 2006 and subsequent years shall comply with the accounting principles and disclosure requirements of the edition of the Government Financial Reporting Manual (FReM) which is in force for the year for which the statement of accounts are prepared.
2. The accounts shall be prepared so as to give a true and fair view of the income and expenditure, recognised gains and losses, and cash flows for the financial year, and of the state of affairs as at the end of the financial year.
3. This direction shall be reproduced as an appendix to the statement of accounts. The direction given on 28 March 2003 is hereby revoked.

**Signed by the authority of the Scottish Ministers**

**Dated 17 January 2006**



# HOW TO CONTACT US

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on the sequestration process  
and trust deeds in Scotland

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DPPAS10440 08/10  
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