



Office of the Services Commissions

(Central Government)

Ministry of Finance and the Public Service Building

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CIRCULAR No. 367 **OSC Ref. C.6555¹⁵**

15th September, 2023

Permanent Secretaries, Heads of Department and Chief Executive Officers are asked to invite applications from suitably qualified officers in their Ministries/Departments/Agencies to fill the **vacant post of Supervisor of Insolvency (JLG/LO 6)** in the **Office of the Supervisor of Insolvency, Ministry of Industry, Investment and Commerce**, salary range \$10,124,733 - \$13,616,640 per annum.

Job Purpose

The incumbent is responsible for regulating the licensing of trustees and supervise the administration of all estates and matters to which the Insolvency Act applies, including estates administered by the Government Trustee and ensuring that the functions of the Office are carried out efficiently and in accordance with stated policy objectives.

Key Responsibilities

Management/Administrative:

- Ensures public knowledge and understanding of the law and procedures relating to insolvency administration;
- Prepares the Strategic Business Plans and Operational Plans for the OSI and Corporate Services Unit and monitors their implementation to achieve short and long-term objectives;
- Collaborates with the Government Trustee, reviews and approves the Budget of the Offices to ensure sufficiency to finance planned activities and monitors its implementation to ensure reasonable expenditure in meeting office's needs;
- Prepares Work Plans and monitors their implementation by staff of the OSI and Corporate Services Unit;
- Establishes criteria for assessing the performance of staff of the OSI and Corporate Services Unit;
- Provides proper supervision to the staff of the OSI and Corporate Services Unit to ensure their compliance with relevant laws, regulations and policies and that tasks are performed with efficiency and due diligence.

Technical/Professional:

Licensing of Trustees

- Receives applications, investigates applicants and determines the fitness of applicants for a license and issues licenses as appropriate;
- Maintains a record of all licenses granted and any terms and conditions to which same are subjects;
- Renews or reinstates licenses as appropriate and where circumstances require, suspend, cancel or impose conditions on the license of a trustee, upon application by the Trustees;
- Receives, accounts for and invest or forwards to the Consolidated Fund all funds paid by trustees as fees or as security.

Insolvency Registry

- Receives and maintains a record of the orders, notices, assignments, appointments, reports, resolutions, statements of accounts, dividend sheets, and other documents in relation to all proposals and bankruptcies;
- Provides information to the public and other interested persons regarding the administration of particular estates or insolvency generally, upon request and payment of the relevant fees, where applicable;

Supervision and Regulation of Insolvency Administration

- Receives, reviews and determines whether to approve or reject Debtor's proposals;
- Hears and determines applications for assignment, issues Certificates of Assignment and appoints a Private Trustee or a Government Trustee to act in respect of an estate;
- Issues Certificate of Assignment in circumstances of deemed assignment;
- Gives directions to the Trustee for the protection of the estate, when necessary;

- Gives direction to the trustee for the administration of an estate including directions as to any notices to be issued or material to be provided by the Trustee and the method of such provision, when necessary;
- Investigates the conduct of a Trustee or bankrupt to determine whether there has been any breach of the Act or Regulations;
- Examines or inspect the books and records of a Trustee to ensure same are maintained in accordance with the Act;
- Accesses any premises of the bankrupt or trustee and have access to and make copies of relevant books and records, including documents relating to bank accounts, for the purpose of such investigation or examination and with the Court's permission where required;
- Conducts or causes the examinations of bankrupts and/or any other persons under oath to investigate the debtors conduct, dealings and transactions, the causes of his insolvency and the disposition of his property;
- Determines applications for extension or abridgement of time to do an action;
- Determines the suitability of an estate for summary administration and when required, approve trustees applications to deposit all monies relating to summary administration;
- Gives directions for fixing the trustee's remuneration and for the discharge of trustees or bankrupts;
- Determines the value and kind of security to be given by a Trustee and when to vary the said security;
- Revises the proposed value of the secured creditor's security, on an application by a secured Creditor;
- Performs the duties of an Inspector where there is no Inspector acting with respect to an estate;
- Reviews and comments on the Accounting statements of a Trustee;
- Receives and holds unclaimed dividends pending application by creditors for payment or payment and determines when to distribute same;
- Determines in which financial institution a trustee should deposit monies situated in another country other than Jamaica;
- Applies to the Court for orders or directions as necessary and appearing in Court to observe, intervene or give evidence in proceedings relating to an estate or proposal.

Disciplinary and Quasi-judicial Functions

- Receives and hears applications relating to unresolved issues in the administration of an estate or appeals against the decision of a trustee or challenges to the resolutions made at meeting of creditors;
- Receives and investigates complaints against a trustee, determines whether there is evidence of culpability and, if necessary, awards damages, grants restitution, suspends or cancels a trustee's license or otherwise punish the trustee;
- Investigates or causes to be investigated evidence of offences committed under the Act and refers same for prosecution.

Human Resource:

- Ensures staff familiarity with the core functions and priorities of the Office by formulating and disseminating policies and procedures to guide performance;
- Evaluates the performance of staff of the OSI to identify and remedy training needs to improve productivity and efficiency;
- Collaborates with the Government Trustee, evaluates the performance of staff of the Corporate Services Unit to identify and remedy training needs to improve productivity and efficiency;
- Ensures all staff is aware of and in compliance with the policies and procedures of the Department and the Public Service.

Other:

- Makes recommendation as to any required policy refinement and analysis as may be determined to be necessary or appropriate to give effect to the Insolvency Regulatory Framework;
- Secures and analyzes a report from the office formerly comprised in the Office of the Trustee in Bankruptcy, indicating the status of all files now being held by that office and next steps to bring matter to finality as necessary;
- Reviews and finalizes comprehensive manual(s) or other documents to be used by staff as well as by the general public;
- Liaises with the stakeholders who have any interest or concern with the operation of Insolvency Legislation and makes recommendations to the Ministry.

- Liaises with the Rules Committee of the Supreme Court and makes recommendations in ensuring the adequacy and appropriateness of the Rules reviewed as necessary to give effect to the regulations;
- Provides a Monthly Report to the Minister on the operation of the Office of the Supervisor of Insolvency highlighting issues, challenges and achievements;
- Reports on any consultations and ensure that in its administration, the conceptual underpinning of legislation is faithfully observed.

Required Knowledge, Skills, and Competencies

- Excellent oral and written communication skills
- Excellent time management and organizational skills
- Good interpersonal skills and ability to work well with others
- Excellent management and leadership skills
- Conflict management and dispute resolution skills
- Sound knowledge of the legislative framework of Insolvency Administration in Jamaica
- Knowledge of Commercial and/or Business Law and civil practice and procedure and familiarity with Criminal Law
- Competence in the use of relevant computer applications
- Strong legal research skills and ability to critically compare the legislative structures and institutions of different jurisdictions
- A thorough knowledge of the laws of Jamaica particularly in the areas of finance, taxation, financial regulation, laws related to Insolvency, laws related to Commercial and Corporate Law
- A thorough knowledge of the Jamaican legislative system and familiarity with the process of enacting and promulgating legislation

Minimum Required Qualification and Experience

- An Attorney at law practicing for at least 10 years;
- Postgraduate Degree in law, specifically in laws relating to Business and Commerce or at least 10 years' experience as a practitioner in Commercial Law;
- Qualification in the field of Management studies would be an asset;
- Familiarity with laws relating particularly to Commerce in other jurisdictions, would be an asset.
- Admitted to practice as an Attorney-at-Law in the Courts of Jamaica

Applications accompanied by résumés should be submitted **no later than Thursday, 28th September, 2023 to:**

**The Permanent Secretary
Ministry of Industry, Investment and Commerce
4 St. Lucia Avenue Kingston 5**

Email: ps_office@miic.gov.jm

Please note that only shortlisted applicants will be contacted.

Please ensure that a copy of this circular is placed at a strategic position on the Notice Board of the Ministry/Department/Agency and brought to the attention of all eligible officers.



**Merle I. Tam (Mrs.)
for Chief Personnel Officer**