



Office of the Services Commissions

(Central Government)
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CIRCULAR No. 16 **OSC Ref. C. 6555¹⁶**

8th January, 2024

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 posts in the **Office of the Government Trustee, Ministry of Industry, Investment and Commerce (MIIC)**:

1. **Legal Officer (JLG/LO 2) (Backlog Project) – (Contract)**, salary range \$4,594,306 - \$6,178,830 per annum.
2. **Insolvency Administrator (PLG/TA 5) (Backlog Project) – (Contract) - 2 posts**, salary range \$2,478,125 - \$3,332,803 per annum.

1. **Legal Officer (JLG/LO 2)**

Job Purpose

The incumbent is responsible for all legal matters in the Backlog Project to ensure tasks are carried out in accordance with the relevant legislation and policy framework set by the Government Trustee.

Key Responsibilities

Management/Administrative:

- Monitors the steps taken in the process of to ensure efficiency and compliance with relevant legislation and policy objectives;
- Monitors international standards and best practices in Insolvency Administration and recommending appropriate policies and steps to modernize the operations of the Office;
- Represents the Trustee and the Office at meetings and other functions as directed.

Technical/Professional:

- Determines and directs the appropriate steps to be taken to identify, trace, recover, protect/preserve and dispose of the assets of a debtor for the benefit of his creditors;
- Collaborates with the Director of Insolvency Administration and the Director of Estate Accounting and Securities to formulate a comprehensive report on the affairs of a debtor and identify and resolve issues with the process of implementing a proposal and administering a bankruptcy;
- Advises the Government Trustee and the Director of Estate Accounting and Securities of all risks related to the assets of any debtor which would require protective action, such as effecting insurance coverage, to be taken;
- Reviews the claims of creditors and advise the Government Trustee on the validity and determination of such claims;
- Chairs meeting of creditors and/or contributories as directed by the Government Trustee and ensures proper records are kept of Minutes and Resolutions;
- Assists the Government Trustee in the management and operation of a debtor's business where necessary and ordered by the Court;
- Assists in ensuring the maintenance or proper files and records in respect of the administration of every bankruptcy;
- Reviews Trustee's reports and all reports, statements, notices necessary or required to be issued or presented to the creditors and/or filed with the Court or Supervisor of Insolvency for approval/signature by the Government Trustee;
- Advises the Director of Estate Accounting and Securities on the evidential value and other legal aspects of any matter indicating fraud or any irregularities on the part of a debtor or officers of a debtor company;
- Assists the Government Trustee in ensuring public knowledge and understanding of the law and procedures relating to Insolvency Administration;
- Drafts briefs for the Government Trustee or as instructed by the Government Trustee for submission to the Attorney General or any Attorney-at-Law;
- Assists in the performance of the legal work of the Office as instructed by the Government Trustee including:

- ✓ Advising on the validity and enforceability of contracts and transactions of debtors
- ✓ Drafting legal documents including applications, affidavits, transfers, agreements and other documents required to be prepared in the implementation of a proposal or administration of a bankruptcy; and
- ✓ Attending Court and/or representing the Government Trustee in legal proceedings
- Advises the Government Trustee of any suspected breaches of criminal or other law by a debtor or any other party in relation to the affairs of the debtor discovered during the course of the administration in bankruptcy;
- Assists in ensuring that all things required to be done in the implementation of a proposal and administration of a bankruptcy are done in the prescribed time and manner;
- Provides Quarterly Reports on all matters administered;
- Performs any other related duties as may be assigned by the Government Trustee

Required Knowledge/Skills/Competencies

- Excellent research and analytical skills
- Excellent oral and written communication skills
- Excellent interpersonal and customer service skills
- Excellent time management and organizational skills
- Keen attention to detail and critical thinking
- Sound judgment and initiative
- Good supervisory management skills
- Good problem-solving techniques and dispute resolution skills
- Sound knowledge of the Insolvency Law and Civil Practice and Procedure of Jamaica
- Familiarity with Criminal, Commercial/Business Laws
- Proficiency in the use of related computer applications and research databases

Minimum Required Qualification and Experience

- Licensed to practice as an Attorney-at-Law in the Courts of Jamaica;
- Three (3) years working experience in the Administration of Insolvency, Estates or Trusts.

2. Insolvency Administrator (PLG/TA 5)

Job Purpose

The incumbent is responsible for the administration of bankruptcy estates under the jurisdiction of the Government Trustee, in the Supreme Court and Resident Magistrates' Courts as required under the Bankruptcy Act and the Winding up of Companies under the Companies Act, assigned to him/her.

Key Responsibilities

Technical/Professional:

Administration of Bankruptcies:

- Responsible for the administration of bankruptcy estates both in the Supreme and Resident Magistrates' Courts;
- Examines carefully the Statement of Affairs of the Bankrupt with a view to ascertaining its correctness and to report any evidence of fraud;
- Assists from time-to-time Clerks of Courts in the various parishes and Attorneys-at-Law on their request with regards to bankruptcy matters;
- Ensures that at the onset of Bankruptcy - all Bankruptcy Notices to various institutions (Public and Private) were signed. Prepares and files Affidavits, Reports of the Trustee to be filed in Court, and other documents that may be required from time to time as they relate to the respective Estates assigned;
- Prepares and files Conveyances (these are necessary in the sale of land owned by the Bankrupt but has been vested in the Trustee in Bankruptcy who is now responsible for the Sale and Transfer). Caveats (these are done to indicate the Trustee's interest in the land on behalf of the Bankrupt);
- Withdrawals of caveats (this document has to be filed after some suitable arrangements have been agreed upon by the relevant parties, thus avoiding a Court action);
- Registration on Transmission (this process is adopted when vesting the Bankrupt's land in the name of the Trustee in Bankruptcy);
- Maintains liaison with creditors in order to discover assets of the Bankrupt;
- Recommends to the Trustee whether assets should be promptly realized after the examination of the affairs. Takes inventory of assets and advertise for sale when necessary;

- Recommends claims for admission, adjusts and rejects Creditors' claims to the Government Trustee and Deputy Government Trustee –. In order to arrive at this decision, an examination of the claim submitted would have to be carried out example, Proof of Debt must be submitted and evidence produced ought to satisfy the examiner. An unfavourable decision can be the subject of an Appeal to the Court;
- Consults with the Deputy Government Trustee and Senior Accountant, checks claims with a view for admission or rejection by the Government Trustee;
- Retains, supervises and maintains in proper condition and safe custody assets of bankrupts;
- Deals with all correspondence connected to the particular estate assigned;
- Obtains data for and prepares Affidavits grounding applications in the Supreme Court in respect of Summons, Notice of Application for Court Orders, prepares Court Orders and Plaints for Parish Courts action;
- Prepares files for matters to be heard in Court;
- Attends Court along with the Government Trustee, Deputy Government or Backlog Attorney-at-Law in various matters example, for Debtor to Show Cause, Confirmation of Provisional Orders, Public Examination of Bankrupts, Applications of Discharge, Directions of the Court sought by the Trustee, Notice of Application for Court Orders filed by the Government Trustee and other interested parties;
- Prepares Reports and Minutes of Meeting and Public Examinations;
- Works in conjunction with the Accounts Branch in the preparation, declaration and payment of dividends;
- Prepares requests for investigation of any issue identified in any estate assigned
- Performs any other related duties that may be assigned from time to time.

Winding up of Companies:

- Responsible for the administration of Winding-up of Companies through the Supreme Court for which the Government Trustee is appointed Provisional Liquidator or Liquidator;
- Notifies Banks, Insurance Companies, Building Societies, Courts, Ministries, Stockbrokers and Bailiffs etc. of the making of the Winding up Order;
- Investigates the formation of the companies by obtaining from the Registrar of Companies the date of registration, directors, shareholders, debenture holders and any other relevant information;
- Issues Notices to file Statement of Affairs to directors, contributories, secretary and other chief officers of the Company;
- Prepares and files Preliminary Reports in the Supreme Court;
- Attends at the registered office of the company to take possession of assets, put in place proper security, insurance coverage, ascertaining particulars of occupancy, take over lease or rental if necessary;
- Interviews creditors and assist in filling out Proof of Debt Forms;
- Consults with the Deputy Government Trustee and Senior Accountant, checks claims with a view for admission or rejection by the Government Trustee;
- Summons meetings of contributories and creditors;
- Reports outcome of meetings to the Court. If a Committee of inspection is appointed to act with the Government Trustee to summon Meetings of Committee of inspection from time to time;
- Obtains valuation of assets and proceed to realize assets as follows:
 - ✓ Advertisements in Newspapers
 - ✓ Attending with prospective purchasers to inspect assets
 - ✓ Open offers with Trustee in Bankruptcy
 - ✓ Prepare Agreement for Sale
 - ✓ Prepare transfer of assets to purchasers
- Ensures the proper maintenance of the assets of the company by -
 - Paying utility bills
 - Effecting repairs to property and equipment
 - Collecting rent whenever due
- Deals with correspondence relating to the files under supervision;
- Obtains data for and prepares Affidavits grounding applications in the Supreme Court in respect of Summons, Notices of Motion and Dissolution Orders, prepares Court Orders and Plaints for Resident Magistrates' Courts;
- Prepares Caveats, Withdrawal of Caveats, Transfers, Discharge of Mortgages and Application to bring land under the Registration of Titles Act;
- Works in conjunction with the Accounts Branch in the preparation, declaration and payment of dividends;
- Accompanies Trustee and Deputy in Bankruptcy to the Supreme and Resident Magistrates' Courts in company matters.

Required Knowledge, Skills and Competencies

- Excellent organizational skills
- Ability to work well with others
- Good interpersonal skills
- Excellent oral and written communication skills
- Proficiency in the use of relevant Microsoft applications

Minimum Required Qualification and Experience

- First Degree; Law, Management Studies, Business Administration or Equivalent Qualification would be an asset;
- One (1) year working experience in the administration of estates or trusts preferably including drafting of Court documents and documents relating to dealings with land and other property would be an asset.

OR

- Paralegal Associate Degree/Certificate/Diploma;
- Two (2) years working experience in the administration of estates or trusts, preferably including drafting of Court documents and documents relating to dealings with land and other property would be an asset.

Special Condition Associated with the Job

- Willingness to travel island wide.

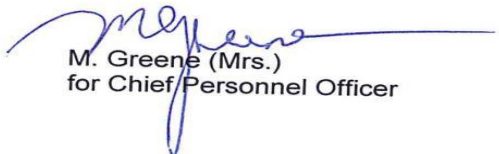
Applications accompanied by résumés should be submitted **no later than Friday, 19th January, 2024 to:**

**Director, Human Resource Management and Development
Ministry of Industry, Investment and Commerce
4 St. Lucia Avenue
Kingston 5**

Email: hrm@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.


M. Greene (Mrs.)
for Chief Personnel Officer