

Press release: Former solicitor accepts bankruptcy restrictions for 6 years

A former solicitor who gifted away nearly half-a-million pounds worth of assets to family members before declaring himself bankrupt and unable to pay back his creditors has had his bankruptcy extended.

Philip Shiner (61), of Selly Park, Birmingham, gave an undertaking to the Secretary of State for Business, Energy, and Industrial Strategy, to be bound for 6 years, by the restrictions beginning on 23 February 2018.

Restrictions arising from a bankruptcy last for 12 months but Mr Shiner's have been extended to six years following his unacceptable behaviour when he tried to deny paying his creditors, including liabilities arising in connection with his business Public Interest Lawyers Limited, by gifting his assets to his family.

Mr Shiner petitioned for his own bankruptcy in March 2017 declaring that he had no money to pay his creditors following the closure of his law practice, Public Interest Lawyers Limited.

However, in the six months leading up to his petition, Mr Shiner made a series of transactions to rid himself of his assets by gifting them to family members and to Public Interest Lawyers Limited

Mr Shiner started off by selling a commercial property for £245,000, which he paid to Public Interest Lawyers Limited.

He then transferred ownership of his house worth £300,000 with no mortgage, along with two guitars he valued at £3,500 and other artwork, to a family trust in December 2016. The terms of the trust allowed Mr Shiner to remain living in the property, despite not owning it.

And in January 2017, Mr Shiner sold a second commercial property for £305,000 and again, paid the proceeds into Public Interest Lawyers' funds.

Mr Shiner then transferred from Public Interest Lawyer Limited's accounts £94,908 into a personal pension fund and a further £74,485 was placed into a trust account to help maintain his family. The remainder was allegedly used to pay creditors owed money by Public Interest Lawyers Limited.

Unfortunately for Mr Shiner, upon receiving the bankruptcy order the Official Receiver was able to spot these activities and has since been able to recover £483,538. This includes selling Mr Shiner's home, which the Official Receiver is in the process of doing.

Following Mr Shiner's offer of a bankruptcy restrictions undertaking and what the Official Receiver has been able to recover, the total outstanding amount

owed in Shiner's bankruptcy estate comes in at just under £6.5m.

Mr Shiner was the sole director of a solicitor's firm, Public Interest Lawyers Limited, which undertook bogus damage claims against the Ministry of Defence and former soldiers, alleging fictitious murder and torture incidents.

But concerns were raised about the conduct of Public Interest Lawyers Limited, which were upheld, and led to Mr Shiner being struck off the roll of solicitors.

Public Interest Lawyers Limited was wound up in December 2017 after the Official Receiver petitioned to place the firm into liquidation.

Justin Dionne, Official Receiver from the Insolvency Service, said:

Mr Shiner thought he could be clever by giving away his assets to his family members so that when he declared himself bankrupt there wasn't anything to pay his creditors with.

Sadly he was mistaken as all his activities were easily spotted and we have since been able to recover a substantial amount of money, even if it was in his family's name.

Mr Shiner's activities should serve as a lesson and act as a deterrent to him and others from acting in the same way.

Mr Philip Joseph Shiner has given an undertaking to the Secretary of State for Business, Energy and Industrial Strategy, to be bound for six years, by the restrictions set out in insolvency law that a bankrupt is subject to until they are discharged from bankruptcy – normally 12 months – until 2024. In addition, he cannot manage or control a company during this period without leave of the court.

If the Official Receiver considers that the conduct of a bankrupt has been dishonest or blameworthy in some other way, he (or she) will report the facts to court and ask for a Bankruptcy Restrictions Order (BRO) to be made. The court will consider this report and any other evidence put before it, and will decide whether it should make a BRO. If it does, the bankrupt will be subject to certain restrictions for the period stated in the order. This can be from two to 15 years.

The bankrupt may instead agree to a Bankruptcy Restrictions Undertaking (BRU) which has the same effect as an order, but will mean that the matter does not go to court.

These are restrictions set out in insolvency law that the bankrupt is subject to until they are discharged from bankruptcy – normally 12 months and include

that bankrupts:

- must disclose their status to a credit provider if they wish to get credit of more than £500
- who carry on business in a different name from the name in which they were made bankrupt, they must disclose to those they wish to do business with the name (or trading style) under which they were made bankrupt
- may not act as the director of a company nor take part in its promotion, formation or management unless they have a court's permission to do so
- may not act as an insolvency practitioner, or as the receiver or manager of the property of a company on behalf of debenture holder

Additionally, a person subject to a bankruptcy restrictions undertaking may not be a Member of Parliament in England or Wales.

The Insolvency Service, an executive agency sponsored by the Department for Business, Energy and Industrial Strategy (BEIS), administers the insolvency regime, and aims to deliver and promote a range of investigation and enforcement activities both civil and criminal in nature, to support fair and open markets. We do this by effectively enforcing the statutory company and insolvency regimes, maintaining public confidence in those regimes and reducing the harm caused to victims of fraudulent activity and to the business community, including dealing with the disqualification of directors in corporate failures.

Further information about the work of the Insolvency Service, and how to complain about financial misconduct, is [available](#).

BEIS' mission is to build a dynamic and competitive UK economy that works for all, in particular by creating the conditions for business success and promoting an open global economy. The Criminal Investigations and Prosecutions team contributes to this aim by taking action to deter fraud and to regulate the market. They investigate and prosecute a range of offences, primarily relating to personal or company insolvencies.

Media enquiries for this press release – 020 7674 6910 or 020 7596 6187

You can also follow the Insolvency Service on:

Press release: Government introduces new legislation to cap poor value energy tariffs in time for next winter

- New price cap power introduced to Parliament following Business, Energy and Industrial Strategy (BEIS) Select Committee endorsement
- move will guarantee protection for the 11 million households currently on the highest energy tariffs – in addition to 5 million vulnerable households already protected by [Ofgem's](#) safeguard cap
- new temporary cap is one of a number of measures from government designed to save people money on their bills including smart meters and faster switching

The Domestic Gas and Electricity (Tariff Cap) Bill will put in place a requirement on the independent regulator, Ofgem, to cap energy tariffs until 2020. It will mean an absolute cap can be set on poor value tariffs, protecting the 11 million households in England, Wales and Scotland who are currently on a standard variable or other default energy tariff and who are not protected by existing price caps.

Currently some consumers are paying up to £300 more than they need to – this cap will help bring this overcharging under control.

The Bill is part of a package of measures being introduced by government to increase competition in the retail energy market and lower prices for consumers, including the rollout of smart meters in every household and initiatives to promote smarter and faster switching.

The government intends that Ofgem implements the cap as soon as possible so that customers get the protection they need by next winter.

Prime Minister Theresa May said:

It's often older people or those on low incomes who are stuck on rip-off energy tariffs, so today we are introducing legislation to force energy companies to change their ways.

Our energy price cap will cut bills for millions of families. This is another step we are taking to help people make ends meet as we build a country that works for everyone.

Business and Energy Secretary Greg Clark said:

Energy prices for millions of households on default tariffs are still too high. Our new price cap will guarantee that consumers are protected from poor value tariffs and further bring down the £1.4

billion a year consumers have been overpaying.

Energy and Clean Growth Minister Claire Perry said:

We are working hard to deliver an energy supply that is clean, affordable and innovative and an energy market that delivers the best possible value and service for energy customers. This new legislation is a big step forward toward that goal.

The introduction of the Domestic Gas and Electricity (Tariff Cap) Bill comes after the BEIS Select Committee scrutinised the draft Bill as part of the government's work to build consensus for the cap. The Committee backed an absolute cap and made a number of other recommendations about the Bill in its report, which the government has accepted in full.

In setting the cap, Ofgem will also take into account the need to create incentives for suppliers to improve efficiency, the need to set the cap at a level that enables suppliers to compete effectively for supply contracts, the need to maintain incentives for customers to switch and the need to ensure that efficient suppliers are able to finance their supply activities. This will make sure the cap reflects the interests of both consumers and suppliers.

It will be in place until 2020 when Ofgem will recommend to government whether it should be extended on an annual basis up to 2023. In line with the Committee's recommendation, the government will ensure Ofgem reviews the level the cap is set at every six months while it is in place.

We have also taken account of the Select Committee's recommendation to add in safeguards for the exemption of green tariffs from the cap so that where consumers make an active choice to opt for a green tariff it is only exempted where Ofgem is satisfied that the tariff supports the production of renewable energy.

The Competition and Markets Authority 2016 review of the retail energy market found that customers of the Big Six suppliers faced a £1.4 billion a year detriment.

The latest league table from Ofgem comparing the default or standard variable tariffs of the 10 largest energy suppliers shows that those households who are prepared to shop around can, on average, save around £300 from switching to the cheapest tariffs on the market. The government is determined to tackle this detriment, by encouraging consumers to switch suppliers and tariffs. The introduction of smart meters will enable consumers to see the cost of their energy usage and more easily find the best tariff for them.

Earlier this month, one million more vulnerable consumers who receive the Warm Home Discount were protected from higher bills with the extension of Ofgem's safeguard tariff cap, introduced in 2017. There are now 5 million households protected by this cap. Government also announced a new

consultation to give Ofgem and DWP new powers to make it easier for vulnerable consumers to be protected from unfair energy bills.

The cap is part of a package of measures designed to deliver the government's objective of clean, affordable and innovative energy as part of the [Industrial Strategy](#).

1. The [latest league table](#) from Ofgem comparing the default or standard variable tariffs of the 10 largest energy suppliers shows that these tariffs are still around £300 more expensive than the cheapest deals on the market.
2. [Explainer about Ofgem's existing safeguard tariff cap](#).
3. [Announcement on consultation on better data sharing between DWP and Ofgem](#).
4. The Industrial Strategy sets out a long term plan to boost the productivity and earning power of people throughout the UK. It sets out how we are building a Britain fit for the future – how we will help businesses create better, higher-paying jobs in every part of the UK with investment in skills, industries and infrastructure.
5. [Written Ministerial Statement](#), also available on the [Parliament site](#)
6. [Open letter from Greg Clark and Claire Perry to the Big 6 energy suppliers](#)

[Statement to Parliament: Domestic Gas & Electricity \(Tariff Cap\) Bill](#)

We will today introduce the Domestic Gas & Electricity (Tariff Cap) Bill to this House.

We are taking this action because the energy market is not working for all customers. The Competition and Markets Authority 2016 investigation into the energy market highlighted that domestic customers of the Big 6 energy companies pay on average £1.4 billion a year more than they would in a truly competitive market.

We believe that competition is the best way to drive value and service for customers. Where this is not happening, the government has a duty to act by ensuring regulation is effective and companies have the right incentives to provide value.

The energy market is not working for all consumers.

There is in effect a two-tier market in operation whereby active customers save money by switching suppliers, but those who can't or don't switch remain on poor value tariffs. It is of particular concern that customers who don't switch typically tend to be more vulnerable than those who are getting the

best deals. The difference between the cheapest available tariff and the average Standard Variable Tariff of a Big 6 supplier is around £300.

Earlier this month, one million more vulnerable consumers who receive the Warm Home Discount were protected from higher bills with the extension of Ofgem's safeguard tariff cap. There are now 5 million households protected by this cap which was introduced in 2017.

The Domestic Gas and Electricity (Tariff Cap) Bill will, subject to Parliamentary approval, put in place a requirement on the independent regulator, Ofgem, to cap domestic energy tariffs until at least 2020. Currently, some consumers are paying up to £300 more than they need to – this cap will help bring this overcharging under control. It will require Ofgem to set an absolute cap on standard variable and default tariffs, protecting the 11 million households in England, Wales and Scotland who currently buy their energy on this basis and who are not protected by existing price caps.

The Bill is part of a package of measures being introduced by the government to increase competition in the retail energy market and lower prices for consumers. These include support for more and faster switching, initiatives to improve engagement and the rollout of smart meters. We believe all of these measures will help create the conditions for more effective competition.

In setting the cap, Ofgem must protect existing and future domestic customers, but must do so in a way that creates incentives for suppliers to improve efficiency, sets the cap at a level that enables suppliers to compete effectively for supply contracts, maintains incentives for customers to switch and ensures that efficient suppliers are able to finance their businesses. The government intends Ofgem to be able to set the temporary price cap by the end of this year so that it is in place by next winter.

The cap will apply until the end of 2020 when Ofgem will recommend to government whether it should be extended on an annual basis up to 2023.

The introduction of the Domestic Gas and Electricity (Tariff Cap) Bill comes after the Business, Energy and Industrial Strategy Select Committee scrutinised the draft Bill as part of the government's work to ensure the Bill would be effective and would meet its objectives. This pre-legislative scrutiny took written and oral evidence from a wide range of stakeholders. The Committee made a number of recommendations about the Bill, which the government has accepted in full, including the Committee's recommendation that Ofgem reviews the level at which the cap is set at least every 6 months, and the recommendation to add in safeguards so that where consumers make an active choice to opt for green standard variable tariffs or default tariffs, Ofgem is able to protect these customers but not stifle investment in green energy. Ofgem will also be required to consult on a potential exemption for green tariffs.

This Bill will give the regulator the powers to protect those consumers who are overpaying for energy, while ensuring that other initiatives such as switching, smart meter roll out and consumer education continue to contribute

to a more competitive market.

[News story: CMA dismisses SSE and EDF Energy appeal against Ofgem decision](#)

SSE and EDF appealed to the CMA (Competition and Markets Authority) after Ofgem decided to reject their request to modify industry rules.

The appeal related to a dispute about the charges paid by electricity generators, including SSE and EDF, for use of the electricity transmission system. In 2016, SSE had requested a change to industry rules, which would have resulted in generators receiving a £120m rebate from National Grid.

SSE argued that GB generators had paid more in transmission charges in 2015/16 than the maximum permissible under EU law.

Ofgem rejected SSE's request in November 2017, concluding that the maximum permissible level of charges under EU law [had not been breached](#).

SSE and EDF appealed to the CMA. The main point of dispute was whether there was an exclusion from the EU cap on transmission charges for the cost of connections between offshore wind farms and the onshore grid. The CMA concluded that – applying the correct approach to EU law – there was such an exclusion and therefore there had not been a breach of the cap and Ofgem was entitled to reject the modification request.

The CMA's determination, setting out full reasons for dismissal of the appeal, will be published on the [case page](#) shortly.

[News story: #GlobalStDavids](#)



Wales flag

On 1 March, we will celebrate St David's Day by bringing to life the brilliant and far-reaching work done internationally by Welsh people and anyone connected to Wales, through content shared on Twitter and Facebook and using #GlobalStDavids.

Staff in the UK Government's international embassies together with our armed forces and humanitarian workers will be part of this global celebration and we'd love you to join in.

Get involved

Tell the world about someone inspirational working abroad this St David's Day or if you are Welsh or have a connection to Wales and you are overseas tell us what you are doing.

If you are an employer, tweet a thank you message to your staff abroad.

Here are some examples to get you started.

- Thank you to [someone you want to celebrate] who is spending #StDavidsDay [how they are spending St David's Day] #GlobalStDavids @UKGovWales
- This #StDavidsDay we're celebrating Wales's impact across the world & all our staff who are part of it. #GlobalStDavids @UKGovWales
- This #StDavidsDay I'm in [place/country], where I'm [what you do and who you work for]. #GlobalStDavids @UKGovWales
- To all our Welsh staff, thank you for the brilliant work you do across the world. #GlobalStDavids @UKGovWales

Share content:

We will be posting lots of content on the day itself; follow us and join in at:

[Facebook](#) [Twitter](#)

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