



# INSOLVENCY INVESTIGATIONS: KEY SEARCH DATABASES AND CONTACTS FOR IPS IN FOREIGN JURISDICTIONS

AUSTRALIA	BRAZIL	BVI	CAYMAN ISLANDS
CHILE	COLOMBIA	ENGLAND & WALES	FRANCE
GERMANY	GHANA	HONG KONG	INDIA
ISLE OF MAN	JAPAN	JERSEY	MALAYSIA
MEXICO	NEW ZEALAND	PEOPLE'S REPUBLIC OF CHINA	PERU
PORTUGAL	SCOTLAND	SERBIA	SOUTH AFRICA
UGANDA	UNITED STATES OF AMERICA		



# FOREWORD

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This compendium is intended to provide Insolvency and Asset Recovery Professionals with key search databases and contacts in foreign jurisdictions, which can be accessed globally, to assist them in conducting preliminary desktop investigations.

Confronted with the knowledge of possible assets abroad, what usually follows is anxiety and questions around whether it would be sensible to invest in following the trail and / or bringing proceedings. During domestic investigations, an officeholder might stumble across avoidable transactions, causes of action, or decrees, against persons abroad, once again raising the question: will enforcement proceeding be successful? The conclusion often lies in the answer to what is the value of these assets, if any, and whether it would be cost effective to enforce.

INSOL International has already published a compendium titled "Cost Assessment for Debt Collection Abroad", which also covers the issue of costs incurred by foreign insolvency practitioners when enforcing foreign judgments. In this publication the focus is on providing resources to assess the existence of assets, and their likely value - as a pre-cursor to undertaking detailed investigations, bringing proceedings, applying for recognition, or even making a case for litigation funding from stakeholders or third parties.

In 26 country chapters, by notable professionals from across the world, INSOL has assembled a repository of online searchable databases for companies / partnerships, directorships, shareholdings, land titles, vehicle ownership, intellectual property rights, insolvency proceedings (both corporate and personal), licences and registrations, security interests / charges, direct and indirect taxation, and legal proceedings. Further contact information for courts, judicial tribunals, regulatory authorities, and professional bodies, where available, has also been included in the chapter for reference.

Whereas most resources are free of charge - providing unrestricted access - some require the querist to register for an account, and a further few are restricted for access by imposition of a minor cost. Access to a handful of resources is limited to local residents - therefore not immediately serving the main object of this project - but it is encouraging to know that the data is indeed available electronically and can be accessed with the assistance of a local colleague. It was also encouraging to note, from the chapters submitted from the Cayman Islands, and the BVI, that the offshore jurisdictions may not be as much of a black hole as one might imagine, though the information publicly available is no doubt limited.

Of particular interest might be the section on general information about investigation processes and resources - there are several golden nuggets here, including further legal and investigative tools, details of local investigative agencies, and powers vested in IPs under the local legislations.

With a few of INSOL's notable objectives in mind - to deliver knowledge, thought leadership, and opportunities for professional collaboration - I hope that this publication will be useful to our professionals - for desktop investigations and / or providing a point of contact in the jurisdiction of their their interest.

Supported by the experienced INSOL team, this publication is the work of several authors, and I thank them all for their immeasurable contribution to developing an ordinary idea into an invaluable asset. We hope to continue to build on the repository with more resources over time -and extend an open invitation to all readers who would like to contribute country chapters that are not covered in this publication.



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## **BRITISH VIRGIN ISLANDS**

INFORMATION CATEGORY	SEARCH / CONTACT DETAILS
<p><b>Entity details - corporate structure, shareholdings, and directorships</b></p>	<p>Company searches can be conducted through VIRRGIN, maintained by the BVI Registry of Corporate Affairs (BVI Registry), a division of the BVI Financial Services Commission. A company's details, such as incorporation date, standing, registered agent and registered office information are publicly available. A copy of the memorandum and articles of association can also be obtained as part of a general company search. A company is required to file a copy of its register of directors with the BVI Registry (which is not publicly available). The names of the directors can be obtained though; by requesting a list of directors from the VIRRGIN support team (this information is not available from a general search). VIRRGIN's database can be accessed by an administrator (selected and previously appointed by a local registered agent or law firm), who must be an employee of a bona fide user and who must be a resident in the BVI. Alternatively, a request for a company search can be made by submitting a form R820, (Company Search and Document Request) by email to <a href="mailto:internationalsearches@bvifsc.vg">internationalsearches@bvifsc.vg</a>.</p> <p>Some Proposed changes to the BVI Business Companies Act (2020 Revised Edition) (BVI BCA)</p> <p>The BVI Business Companies (Amendment) Bill, 2024 was gazetted on 30 August 2024. The Bill amends a number of the existing provisions in the BVI BCA but has yet to be enacted.</p> <p>There is currently no obligation for a BVI company to file a copy of its register of Members (ROM) with the BVI Registry and information as to whom the company's shareholders are can only be obtained by requesting a copy of the company's ROM from the company's Registered Agent (which requires the consent of the Registered Agent's client of record).</p> <p>One of the proposed changes to be implemented upon enactment of the Bill is that existing companies will be required to file their ROM with the BVI Registry within 6 months. New companies and companies continuing in the BVI from a foreign jurisdiction will be required to comply with the new requirement within 30 days of incorporation in / continuation to the BVI. Unless a company opts for its ROM to be publicly accessible, the ROM will only be made available by the BVI Registry to the company, its registered agent, a competent authority and a law enforcement agency in the exercise of its investigative powers.</p> <p>Similarly, BVI companies will now be required to file adequate and up to date beneficial ownership information with the BVI Registry within 30 days of incorporation in or continuation to the BVI (subject to a few exceptions for listed companies or private, professional, public or private investment funds or incubator or approved funds). Existing companies will be required to file such information within 6 months from enactment of the Bill. Information as to beneficial ownership will not be publicly available.</p>
<p><b>Business registration information</b></p>	<p>A company search can be conducted with the BVI Companies Registry to determine whether a business is registered / incorporated in the BVI: <a href="https://virrgin.bvifsc.vg/VIRRGIN/">https://virrgin.bvifsc.vg/VIRRGIN/</a></p> <p>The BVI Department of Trade also keeps a register of all business registered in the BVI. A request can be made to the Department of Trade by letter and / or email to: <a href="mailto:bvitrade@gov.vg">bvitrade@gov.vg</a></p> <p>A register of non-profit organisations (NPOs) is maintained by the Registrar of NPOs who sits within the BVI Government's Ministry of Health. A request for a search of the register must be made directly to the Registrar: <a href="mailto:cocallwood@gov.vg">cocallwood@gov.vg</a></p>

INFORMATION CATEGORY	SEARCH / CONTACT DETAILS
<b>Stock exchange details for listed entities</b>	The BVI does not maintain a stock exchange.
<b>Verification of corporate insolvency</b>	<p>Details of insolvency related notices can be found on the BVI Government's Gazette website: <a href="https://eservices.gov.vg/gazette/">https://eservices.gov.vg/gazette/</a> or by emailing <a href="mailto:gazette@gov.vg">gazette@gov.vg</a>.</p> <p>The results of a company search conducted on VIRRGIN could indicate whether a company registered in the BVI is insolvent. The Registry of Corporate Affairs do not otherwise maintain a register of insolvent companies.</p> <p><a href="https://virrgin.bvifsc.vg/VIRRGIN/">https://virrgin.bvifsc.vg/VIRRGIN/</a></p>
<b>Verification of individual bankruptcy</b>	There is currently no form of individual bankruptcy register in the BVI.
<b>Verification of banning / disqualification to act as a director</b>	The BVI Financial Services Commission does not currently maintain a register of banned or disqualified directors.
<b>Details of any credit / financial services licences and registrations</b>	The BVI Financial Services Commission approves and issues financial services licences and registrations. The details of the current regulated entities can be found on the Financial Services Commission's website: <a href="https://www.bvifsc.vg/regulated-entities-banking-fiduciary?combine=&amp;field_entity_status_tid%5B%5D=72">https://www.bvifsc.vg/regulated-entities-banking-fiduciary?combine=&amp;field_entity_status_tid%5B%5D=72</a>
<b>Ownership of land</b>	<p>The BVI Government's Land Registry Department maintains a register of land ownership in the BVI. A request for a search of the register can be made in person or by email by providing the block and parcel number of the property to: <a href="mailto:landregistration@gov.vg">landregistration@gov.vg</a></p> <p>While a request can be made in person and by email, copies are only provided by the Land Registry in person.</p>
<b>Vehicle licensing and registration details</b>	Vehicle licensing and registration details are not publicly available in the BVI.
<b>IP rights</b>	<p>The Financial Services Commission is responsible for trademarks and patents registered in the BVI. The register is not available for public access; however, a request can be made for a search to be conducted by the department by email or in person.</p> <p>The Financial Services Commission also maintains a list of registered trademark agents: <a href="https://www.bvifsc.vg/registered-trade-mark-agents-list">https://www.bvifsc.vg/registered-trade-mark-agents-list</a></p> <p>There is currently no copyright legislation in the BVI and therefore no requirement to register a copyright.</p>
<b>Ownership of shares</b>	<p>A register of ownership of shares is not publicly available.</p> <p>Details on shareholding are not required to be filed with the Registrar of Companies and are therefore unlikely to be obtained from conducting a company search.</p>

INFORMATION CATEGORY	SEARCH / CONTACT DETAILS
<b>Registered security interests over property held by entity</b>	<p>Details of charges registered against an entity can be obtained by conducting a company search on VIRGINN: <a href="https://virrgin.bvifsc.vg/VIRRGIN/">https://virrgin.bvifsc.vg/VIRRGIN/</a></p> <p>Details of charges registered against a property can be obtained by conducting a search of the land register at the Land Registry: <a href="http://www.bvi.gov.vg/content/department-land-registry">http://www.bvi.gov.vg/content/department-land-registry</a>.</p> <p>A request for a search of the register can only be made in person or by email to: <a href="mailto:landregistration@gov.vg">landregistration@gov.vg</a></p>
<b>Details of legal proceedings (completed and pending)</b>	<p>Details of legal proceedings available to the public can be obtained by conducting a search of the registers at the Supreme Court's Civil Registry in person or by email to: <a href="mailto:supremecourt@gov.vg">supremecourt@gov.vg</a></p>
<b>Unpaid taxation</b>	<p>The BVI Government's Inland Revenue Department maintains a list of property taxes due by property. The list can be viewed at the Inland Review Department or online at: <a href="https://bvi.gov.vg/departments/inland-revenue-department-0">https://bvi.gov.vg/departments/inland-revenue-department-0</a></p>
<b>General information about investigation processes and resources - regulatory authorities</b>	<p>The Financial Investigation Agency (the FIA) is the key authority with responsibility for the prevention and detection of financial crime. The FIA does not publish general information about its investigation process and resources for the public. The FIA can be accessed at: <a href="https://www.fiabvi.vg/">https://www.fiabvi.vg/</a></p> <p>The Financial Services Commission's Compliance Inspection Unit is responsible for determining whether a licensee remains fit and proper and identifying any systemic risks inherent in their operation and the consequential impact on the jurisdiction. The Commission conducts on-site compliance inspections on licensed banks, trust and corporate service providers, fund administrators and fund managers, insurers and insurance managers and insolvency practitioners.</p> <p>The process entails the verification of legislative requirements through the sampling of specific matters within the portfolios of licensed entities. The FSC's Compliance Inspection Procedures Manual can be found on the FSC's website: <a href="https://www.bvifsc.vg/compliance-inspection-unit">https://www.bvifsc.vg/compliance-inspection-unit</a></p>
<b>Professional IP body - for information and referral purposes</b>	<p>The Recovery and Insolvency Specialists Association (BVI) Limited (RISA BVI) is an association which supports the development of the insolvency and restructuring industry in the BVI: <a href="https://www.insol.org/Member-Associations/Recovery-and-Insolvency-Specialists-Association-(B">https://www.insol.org/Member-Associations/Recovery-and-Insolvency-Specialists-Association-(B</a></p> <p>The BVI Financial Services Commission regulates IPs and maintains a list of insolvency practitioners on its website: <a href="https://www.bvifsc.vg/insolvency-practitioners">https://www.bvifsc.vg/insolvency-practitioners</a></p>