

**GAZETTE OF INDIA  
EXTRAORDINARY  
PART III, SECTION 4  
PUBLISHED BY AUTHORITY  
NEW DELHI, 14<sup>th</sup> JANUARY, 2021**

**INSOLVENCY AND BANKRUPTCY BOARD OF INDIA**

**NOTIFICATION**

**New Delhi, the 14<sup>th</sup> January, 2021**

**Insolvency and Bankruptcy Board of India (Model Bye- Laws and Governing Board of Insolvency Professional Agencies) (Amendment) Regulations, 2021**

**No. IBBI/2020-2021/GN/REG068.**—In exercise of the powers conferred by sections 196, 203 and 205 read with section 240 of the Insolvency and Bankruptcy Code, 2016 (31 of 2016), the Insolvency and Bankruptcy Board of India hereby makes the following regulations further to amend the Insolvency and Bankruptcy Board of India (Model Bye- Laws and Governing Board of Insolvency Professional Agencies) Regulations, 2016, namely: -

1. (1) These regulations may be called the Insolvency and Bankruptcy Board of India (Model Bye- Laws and Governing Board of Insolvency Professional Agencies) (Amendment) Regulations, 2021.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Insolvency and Bankruptcy Board of India (Model Bye- Laws and Governing Board of Insolvency Professional Agencies) Regulations, 2016 (hereinafter referred to as the principal regulations), in regulation 5, -

(i) after sub-regulation (4), the following sub-regulation shall be inserted, namely: -

“(4A) A shareholder director shall be an individual, who satisfies the eligibility norms, including experience and qualification, as decided by the Governing Board.”;

(ii) in sub-regulation (6), for clause (b), the following clause shall be substituted, namely: -

“(b) who has expertise in the field of finance, law, economics, accountancy, valuation, management or insolvency;”;

(iii) after sub-regulation (13), the following sub-regulations shall be inserted, namely: -

“(14) A director shall disclose any order of any authority that affects his character or reputation, to the insolvency professional agency, within one week of issue of such order:

Provided that a copy of the order shall be placed forthwith on the website of the insolvency professional agency;

Provided further that such director shall forthwith cease to be a director of the insolvency professional agency where the order disqualifies him to be a director of a company.”.

3. In the principal regulations, after regulation 5B, the following regulations shall be inserted, namely:-

**“6. Self-evaluation.**

- (1) The Governing Board shall evaluate its performance in a financial year within three months of the closure of the year, in the manner decided by it.
- (2) The insolvency professional agency shall publish a report on self-evaluation referred to in sub-regulation (1) on its website.

**7. Compliance Officer.**

(1) An insolvency professional agency shall designate or appoint a compliance officer who shall be responsible for ensuring compliance with the provisions of the Code and regulations, circulars, guidelines, and directions issued thereunder.

(2) The compliance officer shall, immediately and independently, report to the Board any non-compliance of the provisions referred to in sub-regulation (1).

(3) The compliance officer shall submit a compliance certificate to the Board annually, verifying that the insolvency professional agency has complied with the provisions referred to in sub-regulation (1):

Provided that the annual compliance certificate shall also be signed by the managing director of the insolvency professional agency.

(4) The Governing Board shall appoint or remove the compliance officer only by means of a resolution passed in its meeting”.

Dr. M. S. SAHOO, Chairperson  
[ADVT.....]

**Note:** The Insolvency and Bankruptcy Board of India (Model Bye- laws and Governing Board of Insolvency Professional Agencies) Regulations, 2016 were published vide notification No. IBBI/2016-17/GN/REG001 dated 21<sup>st</sup> November, 2016 in the Gazette of India, Extraordinary, Part III, Section 4, No. 421 on 22<sup>nd</sup> November, 2016 and were subsequently amended by-

(1) The Insolvency and Bankruptcy Board of India (Model Bye- laws and Governing Board of Insolvency Professional Agencies) (Amendment) Regulations, 2018 published vide notification No. IBBI/2018-19/GN/REG35 dated 11<sup>th</sup> October, 2018 in the Gazette of India, Extraordinary, Part III, Section 4, No. 383 on 11<sup>th</sup> October, 2018;

(2) The Insolvency and Bankruptcy Board of India (Model Bye- laws and Governing Board of Insolvency Professional Agencies) (Amendment) Regulations, 2019 published vide notification No. IBBI/2019-20/GN/REG043 dated 23<sup>rd</sup> July, 2019 in the Gazette of India, Extraordinary, Part III, Section 4, No.261 on 23<sup>rd</sup> July, 2019; and

(3) The Insolvency and Bankruptcy Board of India (Model Bye- laws and Governing Board of Insolvency Professional Agencies) (Amendment) Regulations, 2020 published vide notification No. IBBI/2020-21/GN/REG058 dated 20<sup>th</sup> April, 2020, in the Gazette of India, Extraordinary, Part III, Section 4, No.155 on 24<sup>th</sup> April, 2020.