

SCHEDULE 1

PART I

Amendments to Part I of the Principal Rules

Rule 1.17

8. For Rule 1.17 there shall be substituted the following Rules –

“Entitlement to vote (creditors)

1.17.—(1) Subject to paragraph (3) and Rule 1.17A, every creditor who has notice of the creditors' meeting is entitled to vote at the meeting or any adjournment of it.

(2) Votes are calculated according to the amount of the creditor's debt as at the date of the meeting or, where the company is being wound up or is subject to an administration order, the date of its going into liquidation or (as the case may be) of the administration order.

(3) A creditor may vote in respect of a debt for an unliquidated amount or any debt whose value is not ascertained and for the purposes of voting (but not otherwise) his debt shall be valued at £1 unless the chairman agrees to put a higher value on it.

[E.R. 1.17]

Procedure for admission of creditors' claims for voting purposes

1.17A.—(1) Subject to paragraphs (2) to (8), at any creditors' meeting the chairman shall ascertain the entitlement of persons wishing to vote and shall admit or reject their claims accordingly.

(2) The chairman may admit or reject a claim in whole or in part.

(3) The chairman's decision on any matter under this Rule or under paragraph (3) of Rule 1.17 is subject to appeal to the court by any creditor or member of the company.

(4) If the chairman is in doubt whether a claim should be admitted or rejected, he shall mark it as objected to and allow votes to be cast in respect of it, subject to such votes being subsequently declared invalid if the objection to the claim is sustained.

(5) Subject to paragraph (6), if on an appeal the chairman's decision is reversed or varied, or votes are declared invalid, the court may order another meeting to be summoned, or make such order as it thinks just.

(6) The court's power to make an order under paragraph (5) is exercisable only if it considers that the circumstances giving rise to the appeal give rise to unfair prejudice or material irregularity.

(7) An application to the court by way of appeal against the chairman's decision shall not be made after the end of the period of 28 days beginning with the first day on which the report required by Article 17 (6) has been made to the court.

(8) The chairman is not personally liable for any costs incurred by any person in respect of an appeal under this Rule.

[E.R. 1.17A]”