
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 114

The Insolvency (Scotland) Amendment Rules 2014

Limited Disclosure of statement of affairs

24.—(1) At the beginning of Rule 3.2(3) (Notice requiring statement of affairs), insert “Subject to Rule 3.2A,”.

(2) After Rule 3.2, insert—

“Limited disclosure of the statement of affairs

3.2A.—(1) Where the receiver thinks it would prejudice the conduct of the receivership or might reasonably be expected to lead to violence against any person for the whole or part of the statement of affairs to be disclosed, the receiver may apply to the court for an order of limited disclosure in respect of the statement, or a specified part of it.

(2) The court may order that the statement or, as the case may be, the specified part of it shall not be entered in the sederunt book.

(3) The receiver shall as soon as reasonably practicable place a copy of the order in the sederunt book.

(4) A creditor who seeks disclosure of the statement of affairs or a specified part of it in relation to which an order has been made under this Rule may apply to the court for an order that the receiver disclose that statement or specified part.

(5) The court may attach to an order for disclosure any conditions as to confidentiality, duration and scope of the order in any material change of circumstances, and other matters as it sees fit.

(6) If there is a material change in circumstances rendering the limit on disclosure unnecessary, the receiver shall, as soon as reasonably practicable after the change, apply to the court for the order to be discharged or varied; and upon the discharge or variation of the order the receiver shall, as soon as reasonably practicable place a copy of the full statement of affairs (or so much of the statement as is no longer subject to the order) in the sederunt book.”.