
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 347

**The Insolvency (Scotland) (Receivership
and Winding up) Rules 2018**

PART 5

WINDING UP BY THE COURT

CHAPTER 4

Statement of affairs and other information

Statement of affairs: contents and delivery

- 5.13.—**(1) The statement of affairs must be headed “Statement of affairs” and must contain—
- (a) identification details for the company;
 - (b) a statement that it is a statement of the affairs of the company on a date which is specified, being—
 - (i) the date of the winding-up order, or
 - (ii) the date directed by the liquidator;
 - (c) a list of the company’s shareholders with the following information about each one—
 - (i) name and postal address,
 - (ii) the type of shares held,
 - (iii) the nominal amount of the shares held,
 - (iv) the number of shares held,
 - (v) the amount per share called up, and
 - (vi) the total amount called up;
 - (d) the total amount of shares called up held by all shareholders;
 - (e) a summary of the assets of the company, setting out the book value and estimated realisable value of—
 - (i) any assets specifically secured,
 - (ii) any assets subject to a floating charge,
 - (iii) any assets not secured, and
 - (iv) the total value of all the assets available for preferential creditors;
 - (f) a summary of the liabilities of the company, setting out—
 - (i) the amount of preferential debts,
 - (ii) an estimate of the deficiency with respect to preferential debts or the surplus available after paying the preferential debts,
 - (iii) an estimate of the prescribed part, if applicable,

- (iv) an estimate of the total assets available to pay debts secured by floating charges,
- (v) the amount of debts secured by floating charges;
- (vi) an estimate of the deficiency with respect to debts secured by floating charges or the surplus available after paying the debts secured by fixed securities or floating charges;
- (vii) the amount of unsecured debts (excluding preferential debts);
- (viii) an estimate of the deficiency with respect to unsecured debts or the surplus available after paying unsecured debts;
- (ix) any issued and called-up capital, and
- (x) an estimate of the deficiency with respect to, or surplus available to, members of the company;
- (g) a list of the company's creditors (as required by section 131(2)) with the following particulars required by paragraph (2) indicating—
 - (i) any creditors under hire-purchase or conditional sale agreements,
 - (ii) any creditors who are consumers claiming amounts paid in advance of the supply of goods or services, and
 - (iii) any creditors claiming retention of title over property in the company's possession.
- (2) The particulars required by this paragraph relating to each creditor are as follows and must be given in this order—
 - (i) the name and postal address,
 - (ii) the amount of the debt owed to the creditor,
 - (iii) details of any security held by the creditor,
 - (iv) the date the security was given, and
 - (v) the value of the security.
- (3) Paragraph (4) applies where the particulars required by paragraph (2) relate to creditors who are either—
 - (a) employees or former employees of the company; or
 - (b) consumers claiming amounts paid in advance for the supply of goods or services.
- (4) Where this paragraph applies—
 - (a) the statement of affairs itself must state separately for each of paragraph (3)(a) and (b) the number of such creditors and the total of the debts owed to them; and
 - (b) the particulars required by paragraph (2) in respect of those creditors must be set out in separate schedules to the statement of affairs for each of paragraph (3)(a) and (b).
- (5) The statutory declaration required by section 131(2A)(1) must be a statutory declaration that the information provided in the statement of affairs is, to the best of the nominated person's knowledge and belief, accurate and complete.
- (6) The nominated person who makes the statutory declaration required by section 131(2A) and paragraph (5) (or one of them, if more than one) must deliver the statement of affairs to the liquidator.

(1) Section 131(2A) was inserted by [S.I. 2010/18](#) and prospectively amended for Scotland by [S.S.I. 2016/141](#), article 10.