
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 347

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

PART 5

WINDING UP BY THE COURT

CHAPTER 6

The liquidator

Appointment of liquidator by creditors or contributories

5.23.—(1) This rule applies where a person is appointed as liquidator by the creditors or contributories.

(2) The convener of the decision procedure or deemed consent procedure, or the chair in the case of a meeting, must certify the appointment, but not unless and until the appointee has provided to the convener or the chair a statement to the effect that the appointee is an insolvency practitioner qualified under the Act to be the liquidator and consents to act.

(3) The certificate must be authenticated and dated by the convener or chair and must—

- (a) identify the company;
- (b) identify and provide contact details for the person appointed as liquidator;
- (c) state the date on which the liquidator was appointed;
- (d) state that the appointee—
 - (i) has provided a statement of being qualified to act as an insolvency practitioner in relation to the company,
 - (ii) has consented to act, and
 - (iii) was appointed as liquidator of the company.

(4) Where 2 or more liquidators are appointed the certificate must also specify (as required by section 231) whether any act required or authorised under any enactment to be done by the liquidator is to be done by all or any one or more of them.

(5) The liquidator's appointment is effective from the date on which the appointment is certified, that date to be endorsed on the certificate.

(6) The convener or chair must deliver the certificate to the liquidator appointed.

(7) The liquidator must—

- (a) within 7 days beginning with the day the liquidator receives the certificate of appointment deliver notice of it to—
 - (i) the court; and
 - (ii) AiB; and

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- (b) within 28 days beginning with the day the liquidator receives the order of appointment—
 - (i) gazette the notice; or
 - (ii) otherwise advertise the notice in such manner as the liquidator thinks fit,or both gazette the notice and otherwise advertise the notice in such manner as the liquidator thinks fit.
- (8) Any notice under this rule must state—
 - (a) that a liquidator has been appointed; and
 - (b) the date of the appointment.