SCOTTISH STATUTORY INSTRUMENTS

2018 No. 347

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

PART 8

DECISION MAKING

CHAPTER 8

Creditors' voting rights and majorities

Claim made in proceedings in other member States

8.30.—(1) Where in a creditors' voluntary winding up or a winding up by the court—

(a) a creditor is entitled to vote under rule 8.28(1) (as determined, where that be the case, in accordance with rule 8.35);

(b) that creditor has made the claim in other proceedings;

(c) that creditor votes on a resolution in a decision procedure; and

(d) a member State liquidator casts a vote in respect of the same claim,

only the creditor's vote is to be counted.

(2) Where in a creditors' voluntary winding up or a winding up by the court—

(a) a creditor has made a claim in more than one set of other proceedings; and

(b) more than one member State liquidator seeks to vote in respect of that claim,

the entitlement to vote in respect of that claim is exercisable by the member State liquidator in the main proceedings, whether or not the creditor has made the claim in the main proceedings.

(3) In this rule, "other proceedings" means main, secondary or territorial proceedings in another member State.