
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 347

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

PART 10

CREDITORS' AND LIQUIDATION COMMITTEES

CHAPTER 5

Supply of information by the office-holder to the committee

[Note: a document required by the Act or these Rules must also contain the standard contents required as set out in Part 1.]

Notice requiring office-holder to attend the creditors' committee (receivership: section 68(2))

[Note: in a receivership section 68(2) enables the creditors' committee to require the receiver to attend the committee or provide the committee with information.]

10.22.—(1) This rule applies where a committee in a receivership resolves under section 68(2) to require the attendance of the receiver.

(2) The notice delivered to the office-holder requiring the receiver's attendance must be—

- (a) accompanied by a copy of the resolution; and
- (b) authenticated by a member of the committee.

(3) A member's representative may authenticate the notice for the member.

(4) The meeting at which the receiver's attendance is required must be fixed by the committee for a business day, and must be held at such time and place as the receiver determines.

(5) Where the receiver so attends, the committee may elect one of their number to be chair of the meeting in place of the receiver or the appointed person.

Office-holder's obligation to supply information to the committee (winding up)

10.23.—(1) This rule applies in relation to a creditors' voluntary winding up and a winding up by the court.

(2) The liquidator must deliver a report to every member of the liquidation committee containing the information required by paragraph (3)—

- (a) not less than once in every period of 6 months (unless the committee agrees otherwise); and
- (b) when directed to do so by the committee.

(3) The required information is a report setting out—

- (a) the position generally in relation to the progress of the insolvency proceedings; and

- (b) any matters arising in connection with them to which the office-holder considers the committee's attention should be drawn.
- (4) The liquidator must, as soon as reasonably practicable after being directed by the committee—
 - (a) deliver any report directed under paragraph (2)(b);
 - (b) comply with a request by the committee for information.
- (5) However the liquidator need not comply with such a direction where it appears to the office-holder that—
 - (a) the direction is frivolous or unreasonable;
 - (b) the cost of complying would be excessive, having regard to the relative importance of the information; or
 - (c) there are insufficient assets to enable the liquidator to comply.
- (6) Where the committee has come into being more than 28 days after the appointment of the liquidator, the liquidator must make a summary report to the members of the committee of what actions the liquidator has taken since the liquidator's appointment, and must answer such questions as they may put to the liquidator relating to the liquidator's conduct of the proceedings so far.
- (7) A person who becomes a member of the committee at any time after its first establishment is not entitled to require a report under this rule by the liquidator of any matters previously arising, other than a summary report.
- (8) Nothing in this rule disentitles the committee, or any member of it, from having access to the liquidator's sederunt book, or from seeking an explanation of any matter within the committee's responsibility.