
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 347

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

PART 5

WINDING UP BY THE COURT

CHAPTER 10

MISCELLANEOUS

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

Limitation

Limitation of actions

5.54.—(1) The following bar the effect of any enactment or rule of law relating to the limitation of actions:—

- (a) the presentation of a petition for winding up;
- (b) the submission of a claim under rule 7.16.

(2) Reference to any of a creditor's acts mentioned in sub-paragraphs (a) and (b) of paragraph (1) barring the effect of any enactment or rule of law relating to the limitation of actions is to be construed as a reference to that act having the same effect, for the purposes of that enactment or rule of law, as an effective acknowledgement of the creditor's claim.

(3) Reference in paragraph (1) or (2) to an enactment does not include a reference to an enactment which implements or gives effect to any international agreement or obligation.

Dissolution after winding up

Dissolution after winding up

[Note: on release of the liquidator where an order is made under section 204 for early dissolution of the company and the liquidator vacates office when dissolution takes effect in accordance with that section (section 172(7)), see section 174(4)(b)(iii) and rule 5.32.]

5.55. Where the court makes an order under section 204(5)(1) or 205(5)(2), the person on whose application the order was made must deliver to the registrar of companies and AiB a copy of the order.

(1) Section 204 is prospectively amended by [S.S.I. 2016/141](#), article 11.

(2) Section 205 is prospectively amended by paragraph 51 of schedule 9 of the Small Business, Enterprise and Employment Act 2015 (c.26).

Status: *This is the original version (as it was originally made).*
