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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 347**

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

**PART 8**

**DECISION MAKING**

**CHAPTER 6**

**Constitution of meetings**

**Quorum at meetings**

**8.20.**—(1) A meeting is not competent to act unless a quorum is in attendance.

(2) A quorum is—

- (a) in the case of a meeting of creditors, at least one creditor entitled to vote; and
- (b) in the case of a meeting of contributories, at least 2 contributories entitled to vote, or all the contributories, if their number does not exceed 2.

(3) Where the provisions of this rule as to quorum are satisfied by the attendance of the chair alone or the chair and one additional person, but the chair is aware, either by virtue of statements of claim and documentary evidence of debt and proxies received or otherwise, that one or more additional persons would, if attending, be entitled to vote, the chair must delay the start of the meeting by at least 15 minutes after the appointed time.

(4) In this rule, the reference to the number of creditors or contributories necessary to constitute a quorum includes those represented by proxy by any person (including the chair).

**Chair at meetings**

**8.21.**—(1) The chair of a meeting must be—

- (a) the convener; or
- (b) an appointed person.

(2) However—

- (a) where a decision on the appointment of a liquidator under rule 4.14(2)(b), 4.14(4) or 4.14(6) (information to creditors and appointment of liquidator in creditors voluntary winding up) is made by a meeting the chair of the meeting must be the convener;
- (b) where a decision on the appointment of a liquidator under rule 5.22(6) (appointment of liquidator in place of the interim liquidator under section 138(3) in court winding up) is made by a meeting and a resolution is proposed to appoint the interim liquidator to be liquidator another person may be appointed to act as chair for the purpose of choosing the liquidator.

**The chair – attendance, interventions and questions**

**8.22.** The chair of a meeting may—

- (a) allow any person who has given reasonable notice of wishing to attend to participate in a virtual meeting or to be admitted to a physical meeting;
- (b) decide what intervention, if any, may be made at—
  - (i) a meeting of creditors by any person attending who is not a creditor; or
  - (ii) a meeting of contributories by any person attending who is not a contributory; and
- (c) decide what questions may be put to any present or former officer of the company.