
STATUTORY INSTRUMENTS

2003 No. 2108

The Enterprise Act 2002 (Consequential Amendments) (Prescribed Part) (Scotland) Order 2003

PART 1 –

AMENDMENTS TO THE INSOLVENCY (SCOTLAND) RULES 1986

Amendments to Part 7 – Provisions of General Application

7. After rule 7.13 (report of meeting) insert–

“CHAPTER 1A
PRESCRIBED PART

Application under section 176A(5) to disapply section 176A

7.13A. An application under section 176A(5) shall include averments as to–

- (a) the type of insolvency proceedings in which the application arises,
- (b) the financial position of the company,
- (c) the basis of the applicant’s view that the cost of making a distribution to unsecured creditors would be disproportionate to the benefits, and
- (d) whether any other insolvency practitioner is acting in relation to the company and, if so, his address.

Notice of order under section 176A(5)

7.13B.—(1) Where the court makes an order under section 176A(5) the applicant shall, as soon as reasonably practicable after the making of the order–

- (a) send to the company a copy of the order certified by the clerk of court,
- (b) send to the registrar of companies and, where a receiver or liquidator has been appointed, to the Accountant in Bankruptcy a copy of the order together with the form required by Rule 7.30 and Schedule 5, and
- (c) give notice of the order to each creditor of whose claim and address he is aware.

(2) The court may direct that the requirement of paragraph (1)(c) of this Rule be met by the publication of a notice in a newspaper calculated to come to the attention of the unsecured creditors stating that the court has made an order disapplying the requirement to set aside the prescribed part.”.