

SCHEDULE 1

Amendments to the Insolvency Rules 1986

New Rule after Rule 4.63

185. After Rule 4.63 insert—

“4.63A Resolutions by correspondence

(1) The liquidator may seek to obtain the passing of a resolution by creditors or contributories without holding a meeting by giving notice of the resolution to every creditor or contributory who is entitled to be notified of a meeting at which the resolution could be passed.

(2) In order to be counted, votes must be received by the liquidator in writing by 12.00 hours on the closing date specified in the notice, and in the case of votes cast by creditors must be accompanied by a proof of debt as required by Rule 4.67(1)(a) unless it has already been lodged under that Rule.

(3) If any vote cast by a creditor is received without a proof of debt, or the liquidator decides that the creditor or contributory is not entitled to vote according to Rules 4.67 to 4.70, then that creditor’s or contributory’s vote must be disregarded.

(4) The closing date shall be set at the discretion of the liquidator; but in any event it must not be set less than 14 days from the giving of notice provided for in paragraph (1).

(5) For the resolution to be passed, the liquidator must receive at least one valid vote by the closing date specified in the notice.

(6) If no valid vote is received by the closing date specified, the liquidator must call a meeting of creditors or contributories at which the resolution could be passed.

(7) Creditors whose debts amount to at least 10% of the total debts of the company may, within 5 business days from the giving of notice provided for in paragraph (1), require the liquidator to summon a meeting of creditors to consider the resolution.

(8) Contributories representing at least 10% of the total voting rights of all contributories having the right to vote at a meeting of contributories may, within 5 business days from the giving of notice provided for in paragraph (1), require the liquidator to summon a meeting of contributories to consider the resolution.

(9) A reference in these Rules to a resolution passed at a creditors’ or contributories’ meeting includes a reference to a resolution passed under this Rule.

(10) This Rule does not apply in respect of any resolution which the Act requires to be passed at a meeting.”.