
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 15

DECISION MAKING

CHAPTER 11

Records

Record of a decision

- 15.40.**—(1) The convener or chair must cause a record of the decision procedure to be kept.
- (2) In the case of a meeting, the record must be in the form of a minute of the meeting.
- (3) The record must be authenticated by the convener or chair and be retained by the office-holder as part of the records of the insolvency proceedings in question.
- (4) The record must identify the proceedings, and must include—
- (a) in the case of a decision procedure of creditors, a list of the names of the creditors who participated and their claims;
 - (b) in the case of a decision procedure of contributories, a list of the names of the contributories who participated;
 - (c) where a decision is taken on the election of members of a creditors' committee or liquidation committee, the names and addresses of those elected;
 - (d) a record of any change to the result of the resolution made under rule 15.38(6) and the reason for any such change; and
 - (e) in any case, a record of every decision made and how creditors voted.
- (5) Where a decision is sought using the deemed consent procedure, a record must be made of the procedure, authenticated by the convener, and must be retained by the office-holder as part of the records of the insolvency proceedings in question.
- (6) The record under paragraph (5) must—
- (a) identify the proceedings;
 - (b) state whether or not the decision was taken; and
 - (c) contain a list of the creditors or contributories who objected to the decision, and in the case of creditors, their claims.
- (7) A record under this rule must also identify any decision procedure (or the deemed consent procedure) by which the decision had previously been sought.