
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 17

CREDITORS' AND LIQUIDATION COMMITTEES

CHAPTER 7

Winding up by the court following an administration

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

Continuation of creditors' committee

[Note: paragraph 83(8)(f) of Schedule B1 makes similar provision to this rule for the liquidation committee to continue where the administration is followed by a creditors' voluntary winding up.]

17.29.—(1) This rule applies where—

- (a) a winding-up order has been made by the court on the application of the administrator under paragraph 79 of Schedule B1(1);
- (b) the court makes an order under section 140(1) appointing the administrator as the liquidator; and
- (c) a creditors' committee was in existence immediately before the winding-up order was made.

(2) The creditors' committee shall continue in existence after the date of the order as if appointed as a liquidation committee under section 141(2).

(3) However, subject to rule 17.8(3)(a), the committee cannot act until—

- (a) the minimum number of persons required by rule 17.3 have agreed to act as members of the liquidation committee (including members of the former creditors' committee and any other who may be appointed under rule 17.8); and
- (b) the liquidator has delivered a notice of continuance of the committee to the registrar of companies.

(4) The notice must be delivered as soon as reasonably practicable after the minimum number of persons required have agreed to act as members or, if applicable, been appointed.

(5) The notice must contain—

- (a) a statement that the former creditors' committee is continuing in existence;
- (b) identification details for any company that is a member of the committee;

(1) Paragraph 79(2)(c) is amended by paragraph 10(29) of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (c.26).

(2) Section 141 subsections (1) to (3) are substituted by paragraph 36 of Schedule 9 to the Small Business, Enterprise and Employment Act 2015.

- (c) the full name and address of each member that is not a company.
- (6) The notice must be authenticated and dated by the office-holder.