
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 15

DECISION MAKING

CHAPTER 3

Notices, voting and venues for decisions

Notice of decision procedures or of seeking deemed consent: when and to whom delivered

15.11.—(1) Notices of decision procedures, and notices seeking deemed consent, must be delivered in accordance with the following table.

<i>Proceedings</i>	<i>Decisions</i>	<i>Persons to whom notice must be delivered</i>	<i>Minimum notice required</i>
administration	decisions of creditors	the creditors who had claims against the company at the date when the company entered administration (except for those who have subsequently been paid in full)	14 days
administrative receivership	decisions of creditors	the creditors	14 days
creditors' voluntary winding up	decisions of creditors for appointment of liquidator (including any decision made at the same time on the liquidator's remuneration or the establishment of a liquidation committee)	the creditors	14 days on conversion from members' voluntary liquidation, 7 days on conversion from member's voluntary liquidation where deemed consent has been objected to and in other cases, 3 business days
creditors' voluntary winding up or a winding up by the court	decisions of creditors to consider whether a replacement should be appointed	the creditors	28 days

<i>Proceedings</i>	<i>Decisions</i>	<i>Persons to whom notice must be delivered</i>	<i>Minimum notice required</i>
	after a liquidator's resignation		
winding up by the court	decisions of creditors to consider whether to remove or replace the liquidator (other than after a liquidator's resignation)	the creditors and the official receiver	14 days
creditors' voluntary winding up or a winding up by the court	other decisions of creditors	the creditors	14 days
winding up by the court	decisions of contributories	every person appearing (by the company's records or otherwise) to be a contributory	14 days
proposed CVA	decisions of creditors	the creditors	7 days for a decision on proposed modifications to the proposal from the company's directors under paragraph 31(7) of Schedule A1(1); 7 days for consideration of proposal where physical meeting requisitioned; in other cases, 14 days
proposed IVA	decisions of creditors	the creditors	14 days
bankruptcy	decisions of creditors to consider whether a replacement should be appointed after the resignation of a trustee	the creditors and the official receiver	28 days
bankruptcy	decisions of creditors to consider removing the trustee	the creditors and the official receiver	14 days
bankruptcy	decisions of creditors on appointment of new trustee following	the creditors	7 days

(1) Paragraph 31(7) is amended by paragraph 9(18) of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (c.26).

<i>Proceedings</i>	<i>Decisions</i>	<i>Persons to whom notice must be delivered</i>	<i>Minimum notice required</i>
	removal of previous trustee (including any decision made at the same time on the establishment of a creditors' committee)		
bankruptcy	other decisions of creditors	the creditors	14 days

(2) This rule does not apply where the court orders under rule 15.12 that notice of a decision procedure be given by advertisement only.