
STATUTORY INSTRUMENTS

2018 No. 1082

The Insolvency (Scotland) (Company Voluntary Arrangements and Administration) Rules 2018

PART 2

COMPANY VOLUNTARY ARRANGEMENTS

CHAPTER 3

Procedure for a CVA without a moratorium

Additional disclosure for assistance of nominee where nominee is not the liquidator or administrator

2.7.—(1) This rule applies where the nominee is not the administrator or the liquidator of the company.

(2) If it appears to the nominee that the nominee's report to the court cannot properly be prepared on the basis of information in the proposal and statement of affairs, the nominee may require the proposer to provide—

- (a) more information about the circumstances in which, and the reasons why, a CVA is being proposed;
- (b) particulars of any previous proposals which have been made in relation to the company under Part 1 of the Act; and
- (c) any further information relating to the company's affairs which the nominee thinks necessary for the purposes of the report.

(3) The nominee may require the proposer to inform the nominee whether, and if so in what circumstances, any person referred to in paragraph (4) has—

- (a) been concerned in the affairs of any other company (whether or not incorporated in Scotland) or limited liability partnership which has been the subject of insolvency proceedings;
- (b) been made bankrupt or had his or her estate sequestrated;
- (c) been the subject of a debt relief order;
- (d) granted a trust deed; or
- (e) entered into an arrangement with creditors.

(4) The persons referred to for the purposes of paragraph (3) are—

- (a) a director or officer of the company; and
- (b) a person who has been a director or officer of the company at any time in the period of two years ending with the date the nominee received the proposal.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5) The proposer must give the nominee such access to the company's accounts and records as the nominee may require to enable the nominee to consider the proposal and prepare the nominee's report.