
STATUTORY INSTRUMENTS

2018 No. 1082

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

PART 3

ADMINISTRATION

CHAPTER 12

Replacing the administrator

Notice of intention to resign

- 3.63.**—(1) The administrator must give at least five business days' notice of intention—
- (a) to resign in a case falling within rule 3.62(1); or
 - (b) to apply for the court's permission to resign in a case falling within rule 3.62(2).
- (2) The notice must contain—
- (a) identification details for the insolvency proceedings;
 - (b) the date of the appointment of the administrator; and
 - (c) the name of the person who made the appointment or the administration application, as the case may be.
- (3) The notice must also contain—
- (a) the date with effect from which the administrator intends to resign; or
 - (b) where the administrator was appointed by an administration order, the date on which the administrator intends to lodge with the court an application for permission to resign.
- (4) Notice must be delivered—
- (a) to any continuing administrator of the company;
 - (b) to the creditors' committee (if any);
 - (c) if there is neither a continuing administrator nor a creditors' committee, to—
 - (i) the company, and
 - (ii) the company's creditors;
 - (d) to the member State liquidator appointed in relation to the company (if there is one);
 - (e) where the administrator was appointed by the holder of a qualifying floating charge under paragraph 14 of Schedule B1, to—
 - (i) the person who appointed the administrator, and
 - (ii) all holders of prior qualifying floating charges;
 - (f) where the administrator was appointed by the company or the directors of the company under paragraph 22 of Schedule B1, to—

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- (i) the appointer, and
 - (ii) all holders of qualifying floating charges.
- (5) The notice must be accompanied by a summary of the administrator's receipts and payments.