
STATUTORY INSTRUMENTS

2018 No. 1082

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

PART 5

DECISION MAKING

CHAPTER 9

Records

Record of a decision

5.36.—(1) Where a decision is sought using a decision procedure, the convener or chair must make a record of the decision procedure.

(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 must include—

- (a) identification details for the insolvency proceedings;
- (b) a list of the names of the creditors who participated in the decision procedure and their claims;
- (c) where a decision is taken on the election of members of a creditors' committee, the names and addresses of those elected;
- (d) a record of any change to the result of the resolution made under rule 5.35(6) and the reason for any such change; and
- (e) in any case, a record of every decision made and how creditors voted.

(4) Where a decision is sought using the deemed consent procedure, the convener must make a record of the procedure.

(5) The record under paragraph (4) must be authenticated by the convener and must—

- (a) identify the insolvency proceedings;
- (b) state whether or not the decision was made; and
- (c) contain a list of the creditors who objected to the decision and their claims.

(6) A record made under this rule must also identify any decision procedure (or the deemed consent procedure) by which a decision had previously been sought.