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STATUTORY INSTRUMENTS

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**2016 No. 1024**

The Insolvency (England and Wales) Rules 2016

PART 17

CREDITORS' AND LIQUIDATION COMMITTEES

CHAPTER 3

Membership and formalities of formation of a committee

**Vacancies: creditor members of creditors' or liquidation committee**

**17.8.**—(1) This rule applies if there is a vacancy among the creditor members of a creditors' or liquidation committee or where the number of creditor members of the committee is fewer than the maximum allowed.

(2) A vacancy need not be filled if—

- (a) the office-holder and a majority of the remaining creditor members agree; and
- (b) the total number of creditor members does not fall below three.

(3) The office-holder may appoint a creditor, who is qualified under rule 17.4 to be a member of the committee, to fill a vacancy or as an additional member of the committee, if—

- (a) a majority of the remaining creditor members of the committee (provided there are at least two) agree to the appointment; and
- (b) the creditor agrees to act.

(4) Alternatively, the office-holder may seek a decision from creditors to appoint a creditor (with that creditor's consent) to fill the vacancy.

(5) Where the vacancy is filled by an appointment made by a decision of creditors which is not convened or chaired by the office-holder, the convener or chair must report the appointment to the office-holder.