
STATUTORY INSTRUMENTS

2018 No. 1082

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

PART 3

ADMINISTRATION

CHAPTER 4

Appointment of administrator by company or directors

Notice of appointment after notice of intention to appoint

3.24.—(1) Notice of an appointment under paragraph 22 of Schedule B1 (when notice of intention to appoint has been given under paragraph 26) must be headed “Notice of appointment of an administrator by a company (where a notice of intention to appoint has been given)” or “Notice of appointment of an administrator by the directors of a company (where a notice of intention to appoint has been given)” and must contain—

- (a) identification details for the company immediately below the heading;
- (b) a statement that the company has, or the directors have, as the case may be, appointed the person named as administrator of the company;
- (c) the name and address of the person appointed as administrator;
- (d) a statement that a copy of the administrator’s consent to act accompanies the notice;
- (e) a statement that the company is, or the directors are, as the case may be, entitled to make an appointment under paragraph 22 of Schedule B1;
- (f) a statement that the appointment is in accordance with Schedule B1;
- (g) a statement whether the company is an Article 1.2 undertaking;
- (h) a statement whether the proceedings flowing from the appointment will be main, secondary, territorial, or non-EU proceedings and the reasons for so stating;
- (i) a statement that the company has, or the directors have, as the case may be, given notice of their intention to appoint in accordance with paragraph 26(1) of Schedule B1, that a copy of the notice was lodged with the court, the date of that lodging and either—
 - (i) that five business days have elapsed since notice was given under paragraph 26(1) of Schedule B1, or
 - (ii) that each person to whom the notice was given has consented to the appointment; and
- (j) the date and time of the appointment by the company or its directors.

(2) Where two or more administrators are appointed, the notice must also specify in terms of paragraph 100(2) of Schedule B1—

- (a) which functions, if any, are to be exercised by those persons acting jointly; and
- (b) which functions, if any, are to be exercised by any or all of those persons.

Status: This is the original version (as it was originally made).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

(3) The statutory declaration included in the notice in accordance with paragraph 29(2) of Schedule B1 must be made not more than five business days before the notice is lodged with the court.

(4) If the statutory declaration is not made by the person making the appointment it must indicate the capacity in which the person making the declaration does so.