
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 384

Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Court Rules Amendment) (No. 5) (Miscellaneous) 2016

Amendment of the Rules of the Court of Session 1994

- 2.—(1) The Rules of the Court of Session 1994⁽¹⁾ are amended in accordance with this paragraph.
- (2) In Rule 74.33 (applications in relation to disqualification orders or undertakings)⁽²⁾—
- (a) after paragraph (a), insert—
 - “(aa) under section 5A of that Act (for disqualification for certain convictions abroad);”;
 - (b) after paragraph (ca), insert—
 - “(cb) under section 8ZB of that Act (for disqualification of person instructing unfit director of insolvent company);
 - (cc) under section 8ZD of that Act (for order disqualifying person instructing unfit director: other cases);”;
 - (c) after paragraph (d), insert—
 - “(da) under section 15A of that Act (for compensation orders);
 - (db) under section 15C of that Act (for variation and revocation of compensation undertakings);”;
 - (d) in paragraph (f), for “rule 4(2) of the Insolvent Companies (Reports on Conduct of Directors) (No. 2) (Scotland) Rules 1986 (application for direction to comply with requirements to furnish information etc.)”, substitute “rule 3(2) of the Insolvent Companies (Reports on Conduct of Directors) (Scotland) Rules 2016⁽³⁾ (application for order directing compliance with requirements to furnish information etc.)”.
- (3) After Chapter 74 (companies)⁽⁴⁾, insert—

“CHAPTER 74A

**ORDERS AGAINST INSOLVENCY PRACTITIONERS
AND RECOGNISED PROFESSIONAL BODIES**

Application and interpretation of this Chapter

74A.1.—(1) This Chapter applies to applications under the Insolvency Act 1986 for orders against persons who act as insolvency practitioners and against recognised professional bodies.

(1) The Rules of the Court of Session 1994 are in schedule 2 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443, last amended by S.S.I. 2016/319).

(2) Rule 74.33 was last amended by S.S.I. 2005/521.

(3) S.I. 2016/185.

(4) Chapter 74 was last amended by S.S.I. 2016/318.

(2) In this Chapter—

“the Act of 1986” means the Insolvency Act 1986;

“act as insolvency practitioner” has the same meaning as in section 388 of the Act of 1986;

“recognised professional body” has the same meaning as in section 391 of the Act of 1986.

Applications

74A.2.—(1) An application—

(a) under section 391P of the Act of 1986 (application for, and power to make, direct sanctions order against a person acting as an insolvency practitioner); or

(b) under section 391T of the Act of 1986 (compliance order against a recognised professional body),

is made by petition.”.

(4) In the Appendix, in Form 37.2-A (form of jury precept)(**5**)—

(a) for “thirty six”, substitute “fifty”; and

(b) for “, Linlithgow and Haddington”, substitute “and Livingston”.