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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 347**

**INSOLVENCY**

**COMPANIES**

**The Insolvency (Scotland) (Receivership  
and Winding up) Rules 2018**

*Made - - - - 13th November 2018*

*Laid before the Scottish*

*Parliament - - 14th November 2018*

*Coming into force 6th April 2019*

**THE INSOLVENCY (SCOTLAND)  
(RECEIVERSHIP AND WINDING UP) RULES 2018**

1. Citation and commencement
2. Revocations
3. Extent and application
4. Transitional and savings provisions
5. Punishment of offences

**PART 1**

**SCOPE, INTERPRETATION, TIME AND RULES ABOUT DOCUMENTS**

**CHAPTER 1**

**Scope of these Rules**

**1.1 Scope**

**CHAPTER 2**

**Interpretation**

[Note: the terms which are defined in rule 1.2 include...

**1.2 Defined terms**

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018. (See end of Document for details)

## CHAPTER 3

### Calculation of time periods

- 1.3 Periods of time expressed in days
- 1.4 Periods of time expressed in months

## CHAPTER 4

### Form and content of documents

- 1.5 Requirement for writing and form of documents
- 1.6 Authentication
- 1.7 Information required to identify persons and insolvency proceedings etc.
- 1.8 Reasons for stating whether proceedings are or will be COMI proceedings, establishment proceedings etc.
- 1.9 Prescribed format of documents
- 1.10 Variations from prescribed contents

## CHAPTER 5

### Standard contents of Gazette notices and the Gazette as evidence etc.

[Note: (1) the requirements in Chapter 5 must be read...

Note: (2) this Chapter does not apply to the notice...

- 1.11 Contents of notices to be gazetted under the Act or Rules
- 1.12 Standard contents of Gazette notices
- 1.13 The Gazette: evidence, variations, errors and timing

## CHAPTER 6

### Standard contents of notices advertised otherwise than in the Gazette

[Note: the requirements in Chapter 6 must be read with...

- 1.14 Standard contents of notices advertised otherwise than in the Gazette
- 1.15 Non-Gazette notices: clear and comprehensible

## CHAPTER 7

### Standard contents of documents to be delivered to the registrar of companies and the Accountant in Bankruptcy

[Note: the requirements in Chapter 7 must be read with...

- 1.16 Standard contents of documents delivered to the registrar of companies and the Accountant in Bankruptcy
- 1.17 Registrar of companies and Accountant in Bankruptcy: covering notices
- 1.18 Standard contents of all documents
- 1.19 Standard contents of documents relating to the office of office-holders
- 1.20 Standard contents of documents relating to other documents
- 1.21 Standard contents of documents relating to court orders
- 1.22 Standard contents of returns or reports of decisions
- 1.23 Standard contents of returns or reports of matters considered by company members by written resolution

1.24 Standard contents of documents relating to other events

## CHAPTER 8

### Standard contents of notices for delivery to other persons etc.

[Note: the requirements in Chapter 8 must be read with...

- 1.25 Standard contents of notices to be delivered to persons other than the registrar of companies or Accountant in Bankruptcy
- 1.26 Standard contents of all notices
- 1.27 Standard contents of notices relating to the office of office-holders
- 1.28 Standard contents of notices relating to documents
- 1.29 Standard contents of notices relating to court proceedings or orders
- 1.30 Standard contents of notices of the results of decisions
- 1.31 Standard contents of returns or reports of matters considered by company members by written resolution

## CHAPTER 9

### Delivery of documents and opting out (sections 246C and 248A )

#### Application of Chapter

- 1.32 (1) Subject to paragraph (2), this Chapter applies where a...
- 1.33 Delivery to the creditors and opting out
- 1.34 Creditor's election to opt out
- 1.35 Office-holder to provide information to creditors on opting out
- 1.36 Delivery of documents to authorised recipients
- 1.37 Delivery of documents to joint office-holders
- 1.38 Postal delivery of documents
- 1.39 Delivery by document exchange
- 1.40 Personal delivery of documents
- 1.41 Electronic delivery of documents
- 1.42 Electronic delivery of documents to the court
- 1.43 Electronic delivery by office-holders
- 1.44 Use of website by office-holder to deliver a particular document (section 246B)
- 1.45 General use of website to deliver documents
- 1.46 Retention period for documents made available on websites
- 1.47 Proof of delivery of documents
- 1.48 Delivery of statements of claim and documentary evidence of debt

## CHAPTER 10

### Inspection of documents, copies and provision of information

- 1.49 Right to copies of documents
- 1.50 Charges for copies of documents provided by the office-holder
- 1.51 Offence in relation to inspection of documents
- 1.52 Right to list of creditors
- 1.53 Confidentiality of documents: grounds for refusing inspection
- 1.54 Sederunt book
- 1.55 Transfer and disposal of company's books, papers and other records

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018. (See end of Document for details)

## CHAPTER 11

### Formal defects

- 1.56 Power to cure defects in procedure
- 1.57 Formal defects

## PART 2

## RECEIVERSHIP

### CHAPTER 1

#### Appointment of receiver by the holder of the floating charge under section 51(1)

[Note: a document required by the Act or these Rules...

- 2.1 Receipt of instrument of appointment and acceptance of appointment
- 2.2 Certified copy instrument of appointment
- 2.3 Notice under section 53(1)

### CHAPTER 2

#### Appointment of receiver by the court under section 51(2)

[Note: a document required by the Act or these Rules...

- 2.4 Notice under section 54(3)

### CHAPTER 3

#### Information to be given by receiver when appointed (section 65(1))

[Note: a document required by the Act or these Rules...

- 2.5 Notice of appointment of receiver

### CHAPTER 4

#### Statement of Affairs

[Note: a document required by the Act or these Rules...

- 2.6 Interpretation
- 2.7 Requirement to provide a statement of affairs (section 66(1))
- 2.8 Statement of affairs: contents and delivery (section 66(2))
- 2.9 Statement of affairs: statement of concurrence
- 2.10 Statement of affairs: expenses
- 2.11 Limited disclosure

### CHAPTER 5

#### Receiver's report

[Note: a document required by the Act or these Rules...

- 2.12 Receiver's report under section 67(1): content (prescribed part)
- 2.13 Receiver's report under section 67(1): notice
- 2.14 Unsecured creditors request for copy report (section 67(2)(b))

- 2.15 Receiver's report – notice to unsecured creditors and invitation to form a creditors' committee

## CHAPTER 6

### Receiver's summary of receipts and payments

[Note: a document required by the Act or these Rules...

- 2.16 Summary of receipts and payments

## CHAPTER 7

### Cessation of appointment of receiver

[Note: a document required by the Act or these Rules...

- 2.17 Resignation  
2.18 Deceased receiver: notice  
Other vacation of office  
2.19 (1) This rule applies where a receiver vacates office—

## CHAPTER 8

### Receivers and the prescribed part

- 2.20 Receiver to deal with prescribed part

## PART 3

## MEMBERS' VOLUNTARY WINDING UP

## CHAPTER 1

### Statutory declaration of solvency (section 89)

[Note: a document required by the Act or these Rules...

Statutory declaration of solvency: requirements additional to those in section 89

- 3.1 (1) The statutory declaration of solvency required by section 89...

## CHAPTER 2

### The liquidator

[Note: a document required by the Act or these Rules...

Appointment by the company

- 3.2 (1) This rule applies where the liquidator is appointed by...  
3.3 Meetings in members' voluntary winding up of authorised deposit-takers  
Appointment by the court (section 108)  
3.4 (1) This rule applies where the liquidator is appointed by...  
3.5 Liquidator's resignation  
Removal of liquidator by company meeting  
3.6 A liquidator removed by a meeting of the company must...  
Removal of liquidator by the court  
3.7 (1) This rule applies where an application is made to...

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018. (See end of Document for details)

Deceased liquidator

- 3.8 (1) If the liquidator dies a notice of the fact...  
Loss of qualification as insolvency practitioner
- 3.9 (1) This rule applies where the liquidator vacates office on...
- 3.10 Application by former liquidator to the Accountant of Court for release (section 173(2)(b))
- 3.11 Delivery of draft final account to members (section 94)
- 3.12 Final account prior to dissolution (section 94)
- 3.13 Liquidator's duties on vacating office (hand-over of assets etc.)
- 3.14 Taking possession and realisation of company's assets
- 3.15 Realisation of the company's heritable property
- 3.16 Power of court to set aside certain transactions entered into by liquidator
- 3.17 Rule against improper solicitation by or on behalf of the liquidator

CHAPTER 3

Special manager

- 3.18 Application for and appointment of special manager (section 177)
- 3.19 Caution
- 3.20 Failure to find or maintain caution
- 3.21 Accounting
- 3.22 Termination of appointment

CHAPTER 4

Conversion to creditors' voluntary winding up

- 3.23 Statement of affairs (section 95)

PART 4

CREDITORS' VOLUNTARY WINDING UP

CHAPTER 1

Application of Part

- 4.1 Application of Part 4

CHAPTER 2

Statement of affairs and other information

[Note: a document required by the Act or these Rules...

Statement of affairs made out by the liquidator under section 95(1A)

Note: the "official rate" referred to in paragraph (2)(c) is...

- 4.2 (1) This rule applies to the statement of affairs made...  
Statement of affairs made out by the directors under section 99(1)
- 4.3 (1) This rule applies to the statement of affairs made...
- 4.4 Additional requirements as to statements of affairs
- 4.5 Statement of affairs: statement of concurrence
- 4.6 Limited disclosure
- 4.7 Expenses of statement of affairs and decisions sought from creditors

- 4.8 Delivery of accounts to liquidator (section 235)
- 4.9 Expenses of assistance in preparing accounts

### CHAPTER 3

#### Nomination and appointment of liquidators and information to creditors

[Note: a document required by the Act or these Rules...

- 4.10 Application of the rules in this Chapter
- 4.11 Nomination of liquidator and information to creditors on conversion from members' voluntary winding up (section 96)
- 4.12 Creditors' decision on appointment other than at a meeting (conversion from members' voluntary winding up)
- 4.13 Information to creditors and contributories (conversion of members' voluntary winding up to creditors' voluntary winding up)
- 4.14 Information to creditors and appointment of liquidator
- 4.15 Information to creditors and contributories
- 4.16 Further information where administrator becomes liquidator (paragraph 83(3) of schedule B1)
- 4.17 Report by director etc.
- 4.18 Decisions on nomination
- 4.19 Invitation to creditors to form a liquidation committee

### CHAPTER 4

#### The liquidator

[Note: a document required by the Act or these Rules...

- Appointment by creditors or by the company
- 4.20 (1) This rule applies where a person is appointed as...
- 4.21 Power to fill vacancy in office of liquidator
- Appointment by the court (section 100(3) or 108)
- 4.22 (1) This rule applies where the liquidator is appointed by...
- 4.23 Liquidator's resignation and replacement
- Removal of liquidator by creditors
- 4.24 (1) Where the creditors decide that the liquidator be removed,...
- Removal of liquidator by the court
- 4.25 (1) This rule applies where an application is made to...
- Deceased liquidator
- 4.26 (1) If the liquidator dies a notice of the fact...
- Loss of qualification as insolvency practitioner
- 4.27 (1) This rule applies where the liquidator vacates office on...
- 4.28 Vacation of office on making of winding-up order
- 4.29 Application by former liquidator for release (section 173(2)(b) or (e))
- 4.30 Final account prior to dissolution (section 106)
- 4.31 Liquidator's duties on vacating office (hand-over of assets etc.)
- 4.32 Taking possession and realisation of company's assets
- 4.33 Realisation of the company's heritable property
- 4.34 Power of court to set aside certain transactions
- 4.35 Rule against improper solicitation
- 4.36 Permission for exercise of powers by liquidator

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018. (See end of Document for details)

## CHAPTER 5

### Special Manager

[Note: a document required by the Act or these Rules...

- 4.37 Application for and appointment of special manager (section 177)
- 4.38 Caution
- 4.39 Failure to give or keep up caution
- 4.40 Accounting
- 4.41 Termination of appointment

## PART 5

### WINDING UP BY THE COURT

#### CHAPTER 1

##### Application of Part

- 5.1 Application of Part 5

#### CHAPTER 2

##### The statutory demand (sections 123(1)(a) and 222(1)(a))

- 5.2 Interpretation
- 5.3 The statutory demand

#### CHAPTER 3

##### Provisional liquidator

[Note: a document required by the Act or these Rules...

- 5.4 Application for appointment of provisional liquidator (section 135)
- 5.5 Order of appointment of provisional liquidator – delivery of copy  
Delivery of copy order of appointment of provisional liquidator – notice
- 5.6 (1) This rule applies where under rule 5.5 the provisional...
- 5.7 Notice of appointment of provisional liquidator
- 5.8 Caution
- 5.9 Remuneration
- 5.10 Termination of appointment

#### CHAPTER 4

##### Statement of affairs and other information

[Note: a document required by the Act or these Rules...

- 5.11 Interpretation
- 5.12 Notice requiring statement of affairs (section 131)
- 5.13 Statement of affairs: contents and delivery
- 5.14 Statement of affairs: statement of concurrence
- 5.15 Statement of affairs: expenses
- 5.16 Limited disclosure
- 5.17 Delivery of accounts to liquidator



- 5.18 Expenses of assistance in preparing accounts
- 5.19 Further disclosure

## CHAPTER 5

### Further information where winding up follows administration

- 5.20 Further information where winding up follows administration

## CHAPTER 6

### The liquidator

[Note: a document required by the Act or these Rules...

- 5.21 Appointment of liquidator under section 138(1) (interim liquidator)
- 5.22 Choosing a person to be liquidator
- 5.23 Appointment of liquidator by creditors or contributories
- 5.24 Decision on nomination
- 5.25 Invitation to creditors and contributories to form a liquidation committee
- 5.26 Appointment by the court (section 138(5), section 139(4) and section 140)
- 5.27 Liquidator's resignation
  - Decision of creditors to remove liquidator
- 5.28 (1) This rule applies where a decision is made, using...
  - Removal of liquidator by the court (section 172(2))
- 5.29 (1) This rule applies where an application is made to...
  - Deceased liquidator
- 5.30 (1) If the liquidator dies a notice of the fact...
  - Loss of qualification as insolvency practitioner
- 5.31 (1) This rule applies where the liquidator vacates office on...
- 5.32 Application by liquidator for release (section 174(4)(b) or (d))
- 5.33 Final account prior to dissolution (section 146)
- 5.34 Relief from, or variation of, duty to report
- 5.35 Liquidator's duties on vacating office
- 5.36 Taking possession and realisation of the company's assets
- 5.37 Realisation of the company's heritable property
- 5.38 Power of court to set aside certain transactions
- 5.39 Rule against improper solicitation

## CHAPTER 7

### Special manager

[Note: a document required by the Act or these Rules...

- 5.40 Application of this Chapter and interpretation
- 5.41 Appointment and remuneration of special manager (section 177)
- 5.42 Caution
- 5.43 Failure to give or keep up caution
- 5.44 Accounting
- 5.45 Termination of appointment

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018. (See end of Document for details)

## CHAPTER 8

### Public examination of company officers and others (section 133)

[Note: a document required by the Act or these Rules...

- 5.46 Request by a creditor for a public examination (section 133(2))
- 5.47 Request by a contributory for a public examination (section 133(2))
- 5.48 Further provisions about requests by a creditor or contributory for a public examination
- 5.49 Notice of the public examination
- 5.50 Examinee unfit for examination
- 5.51 Expenses of examination

## CHAPTER 9

### Distribution of company's assets by the liquidator

- 5.52 Winding up commencing as voluntary
- 5.53 Saving for powers of the court (section 156)

## CHAPTER 10

### MISCELLANEOUS

[Note: a document required by the Act or these Rules...

#### *Limitation*

- 5.54 Limitation of actions

#### *Dissolution after winding up*

Dissolution after winding up

- 5.55 Where the court makes an order under section 204(5) or...

## PART 6

### BLOCK TRANSFER OF WINDING UP PROCEEDINGS

[Note: a document required by the Act or these Rules...

- 6.1 Power to make a block transfer order
- 6.2 Application for block transfer order
- 6.3 Action following application for a block transfer order

## PART 7

### WINDING UP - REPORTING, ACCOUNTS, REMUNERATION, CLAIMS AND DISTRIBUTIONS

- 7.1 Application of Part

## CHAPTER 1

### Reporting

[Note: a document required by the Act or these Rules...

- 7.2 Reports by interim liquidator in a winding up by the court
- 7.3 Reports by interim liquidator: estimate of prescribed part
- 7.4 Progress reports: content
- 7.5 Remuneration and outlays etc.: members' voluntary winding up
- 7.6 Remuneration and outlays etc.: creditors' voluntary winding up and winding up by the court
- 7.7 Progress reports in voluntary winding up: timing and delivery  
Progress reports in winding up by the court: timing and delivery
- 7.8 (1) Subject to paragraph (2), the liquidator's progress report in...

## CHAPTER 2

### Final accounts

- [Note: a document required by the Act or these Rules...]
- 7.9 Contents of final account

## CHAPTER 3

### Liquidator's remuneration

- [Note: a document required by the Act or these Rules...]
- 7.10 Determination of outlays and remuneration: members' voluntary winding up
  - 7.11 Determination of outlays and remuneration: creditors' voluntary winding up and winding up by the court
  - 7.12 Appeal against fixing of outlays and remuneration: creditors' voluntary winding up and winding up by the court
  - 7.13 Recourse of liquidator to decision of creditors: creditors' voluntary winding up and winding up by the court
  - 7.14 Recourse to the court: creditors' voluntary winding up and winding up by the court
  - 7.15 Creditors' claim that remuneration is excessive: creditors' voluntary winding up and winding up by the court

## CHAPTER 4

### Claims by creditors

- [Note: a document required by the Act or these Rules...]
- 7.16 Submission of claims
  - 7.17 False claims or evidence
  - 7.18 Evidence of claims
  - 7.19 Adjudication of claims
  - 7.20 Entitlement to draw a dividend
  - 7.21 Liabilities and rights of co-obligants
  - 7.22 Amount which may be claimed generally
  - 7.23 Debts depending on contingency
  - 7.24 Secured debts
  - 7.25 Claims in foreign currency

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018. (See end of Document for details)

## CHAPTER 5

### Official rate of interest

- 7.26 Specified rate of interest

## CHAPTER 6

### Distribution of company's assets by the liquidator

[Note: a document required by the Act or these Rules...

- 7.27 Order of priority in distribution
- 7.27A Priority of moratorium debts in a subsequent winding up
- 7.28 Order of priority of expenses of liquidation
- 7.29 Winding up commencing as voluntary
- 7.30 Saving for powers of the court (section 156)  
Estate to be distributed in respect of the accounting periods
- 7.31 (1) The liquidator must make up accounts of the liquidator's...
- 7.32 Payment of dividends
- 7.33 Unclaimed dividends
- 7.34 Small debts
- 7.35 Contents of notice to be delivered to creditors owed small debts etc.

## PART 8

### DECISION MAKING

## CHAPTER 1

### Application of Part

- 8.1 Application of Part

## CHAPTER 2

### Decision procedures

[Note: a document required by the Act or these Rules...

- 8.2 Interpretation  
The prescribed decision procedures
- 8.3 The following decision procedures are prescribed for the purpose of...
- 8.4 Electronic voting
- 8.5 Virtual meetings
- 8.6 Physical meetings  
Deemed consent
- 8.7 (1) This rule makes further provision about the deemed consent...

## CHAPTER 3

### Notices, voting and venues for decisions

[Note: a document required by the Act or these Rules...

- 8.8 Notices to creditors of decision procedure
- 8.9 Voting in a decision procedure

- 8.10 Venue for the decision procedure  
Notice of decision procedures or of seeking deemed consent: when and to whom delivered
- 8.11 (1) Notices of decision procedures, and notices seeking deemed consent,...
- 8.12 Notice of decision procedure by advertisement only
- 8.13 Gazetting and advertisement
- 8.14 Notice to company officers in respect of meetings
- 8.15 Non-receipt of notice of decision
- 8.16 Decisions on remuneration and conduct

## CHAPTER 4

### Decision making in particular proceedings

[Note: a document required by the Act or these Rules...

- 8.17 Decisions in winding up of authorised deposit-takers

## CHAPTER 5

### Requisitioned decisions

[Note: a document required by the Act or these Rules...

Requisitions of decision

- 8.18 (1) In this Chapter, “requisitioned decision” means—
- 8.19 Expenses and timing of requisitioned decision

## CHAPTER 6

### Constitution of meetings

- 8.20 Quorum at meetings
- 8.21 Chair at meetings
- 8.22 The chair – attendance, interventions and questions

## CHAPTER 7

### Adjournment and suspension of meetings

- 8.23 Adjournment by chair
- 8.24 Adjournment of meetings to remove a liquidator
- 8.25 Adjournment in absence of chair
- 8.26 Statements of claim and documentary evidence of debt in adjournment
- 8.27 Suspension

## CHAPTER 8

### Creditors' voting rights and majorities

[Note: a document required by the Act or these Rules...

- 8.28 Creditors' voting rights
- 8.29 Scheme manager's voting rights
- 8.30 Claim made in proceedings in other member States
- 8.31 Calculation of voting rights

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018. (See end of Document for details)

- 8.32 Calculation of voting rights: winding up of authorised deposit-taker
- 8.33 Procedure for admitting creditors' claims for voting
- 8.34 Requisite majorities
- 8.35 Appeals against decisions under this Chapter

## CHAPTER 9

### Exclusions from meetings

[Note: a document required by the Act or these Rules...

- 8.36 Action where person excluded
- 8.37 Indication to excluded person
- 8.38 Complaint

## CHAPTER 10

### Contributories' voting rights and majorities

- 8.39 Contributories' voting rights and requisite majorities

## CHAPTER 11

### Records

- 8.40 Record of a decision

## CHAPTER 12

### Company meetings

- 8.41 Company meetings
- 8.42 Remote attendance: notification requirements
- 8.43 Location of company meetings
- 8.44 Action where person excluded
- 8.45 Indication to excluded person
- 8.46 Complaint

## PART 9

### PROXIES AND CORPORATE REPRESENTATION

[Note: a document required by the Act or these Rules...

- 9.1 Application and interpretation
- 9.2 Specific and continuing proxies
- 9.3 Blank proxy
- 9.4 Use of proxies
- 9.5 Use of proxies by the chair
- 9.6 Right of inspection and delivery of proxies
- 9.7 Proxy-holder with financial interest
- Resolution conferring authorisation to represent corporation
- 9.8 (1) A person authorised to represent a corporation (other than...

## PART 10

### CREDITORS' AND LIQUIDATION COMMITTEES

#### CHAPTER 1

##### Introductory

##### 10.1 Scope and interpretation

#### CHAPTER 2

##### Functions of a committee

##### 10.2 Functions of a committee

#### CHAPTER 3

##### Membership and formalities of formation of a committee

[Note: (1) a document required by the Act or these...

Note: (2) see sections 215, 363, 365 and 371 of...

Number of members of a committee

##### 10.3 (1) A committee in a receivership must have at least...

##### 10.4 Eligibility for membership of creditors' or liquidation committee

##### 10.5 Establishment of committees

##### 10.6 Liquidation committee established by contributories

##### 10.7 Notice of change of membership of a committee

##### 10.8 Vacancies: creditor members of creditors' or liquidation committee

##### 10.9 Vacancies: contributory members of liquidation committee

##### 10.10 Resignation

##### 10.11 Termination of membership

##### 10.12 Removal

##### 10.13 Cessation of liquidation committee in a winding up when creditors are paid in full

#### CHAPTER 4

##### Meetings of Committee

[Note: a document required by the Act or these Rules...

##### 10.14 Meetings of committee

##### 10.15 The chair at meetings

##### 10.16 Quorum

##### 10.17 Committee members' representatives

##### 10.18 Voting rights and resolutions

##### 10.19 Resolutions by correspondence

##### 10.20 Remote attendance at meetings of committee

##### 10.21 Procedure for requests that a place for a meeting should be specified

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018. (See end of Document for details)

## CHAPTER 5

### Supply of information by the office-holder to the committee

[Note: a document required by the Act or these Rules...

Notice requiring office-holder to attend the creditors' committee  
(receivership: section 68(2))

- 10.22 (1) This rule applies where a committee in a receivership...
- 10.23 Office-holder's obligation to supply information to the committee (winding up)

## CHAPTER 6

### Miscellaneous

[Note: a document required by the Act or these Rules...

- 10.24 Expenses of members etc.
- 10.25 Dealings by committee members and others: winding up
- 10.26 Dealings by committee members and others: receivership
- 10.27 Formal defects
- 10.28 Special rule for winding up by the court: functions vested in the court

## CHAPTER 7

### Winding up by the court following an administration

[Note: a document required by the Act or these Rules...

Continuation of creditors' committee

- 10.29 (1) This rule applies where— (a) a winding-up order has...

## PART 11

### THE EU REGULATION

[Note: a document required by the Act or these Rules...

- 11.1 Interpretation of this Part
- 11.2 Conversion into other winding up proceedings: application
- 11.3 Conversion into winding up proceedings: court order
- 11.4 Confirmation of creditors' voluntary winding up: application
- 11.5 Confirmation of creditors' voluntary winding up: court order
- 11.6 Confirmation of creditors' voluntary winding up: notice to member State liquidator
- 11.7 Proceedings in another member State: duty to give notice
- 11.8 Member State liquidator: rules on creditors' participation in proceedings
- 11.9 Main proceedings in Scotland: undertaking in respect of assets in another member State (Article 36 of the EU Regulation)
- 11.10 Main proceedings in another member State: approval of undertaking offered by the member State liquidator to local creditors in the UK
- 11.11 Powers of a liquidator, provisional liquidator or member State liquidator in proceedings concerning members of a group of companies (Article 60 of the EU Regulation)
- 11.12 Group coordination proceedings (Section 2 of Chapter 5 of the EU Regulation)
- 11.13 Group coordination order (Article 68 of the EU Regulation)



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- 11.14 Delivery of group coordination order to registrar of companies
- 11.15 Liquidator or provisional liquidator's report
- 11.16 Publication of opening of proceedings by a member State liquidator
- 11.17 Statement by member State liquidator that insolvency proceedings in another member State are closed etc.

## PART 12

### PERMISSION TO ACT AS DIRECTOR ETC. OF COMPANY WITH A PROHIBITED NAME (SECTION 216)

[Note: a document required by the Act or these Rules...

- 12.1 Preliminary
  - 12.2 Application for permission under section 216(3)
  - 12.3 Power of court to call for liquidator's report
  - 12.4 First excepted case
  - 12.5 Statement as to the effect of the notice under rule 12.4(2)
  - 12.6 Second excepted case
  - 12.7 Third excepted case
- Signature

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#### SCHEDULE 1 Revocations

- 1. In this Schedule, "the 1986 Rules" means the Insolvency (Scotland)...

#### SCHEDULE 2 Transitional and savings provisions

- 1. General
- 2. Requirement for office-holder to provide information to creditors on opting out
- 3. Electronic communication
- 4. Statements of affairs
- 5. Savings in respect of meetings taking place on or after the commencement date and resolutions by post
- 6. Savings in respect of final meetings taking place on or after the commencement date
- 7. Progress reports and statements to the registrar of companies
- 8. Foreign currency
- 9. General powers of liquidator
- 10. Accounting periods
- 11. Applications before the court
- 12. Forms
- 13. Insolvency registers
- 14. Savings in respect of special insolvency rules: limited liability partnerships

#### SCHEDULE 3 Punishment of offences under these Rules

#### SCHEDULE 4 Information to be included in the sederunt book

##### *Receivership*

- 1. The instrument of appointment of the receiver under section 53....
- 2. (1) Each statement of affairs and each statement of concurrence...
- 3. Any order for limited disclosure under rule 2.11(3) must be inserted...
- 4. On discharge or variation of an order for limited disclosure...
- 5. The report by the receiver under section 67.

##### *Winding up*

- 6. A certificate of appointment of the liquidator by the company...
- 7. The inventory and valuation of the assets of the company...

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018. (See end of Document for details)

8. (1) The statement of affairs under rule 4.2 must be...
9. (1) The statement of affairs under rule 4.3 must be...
10. Any statement of concurrence under Part 4 of these Rules,...
11. Any order for limited disclosure under rule 4.6(3) must be inserted...
12. On discharge or variation of an order for limited disclosure...
13. A certificate of appointment of the liquidator by creditors or...
14. The inventory and valuation of the assets of the company...
15. (1) Each statement of affairs and each statement of concurrence...
16. Any order for limited disclosure under rule 5.16(3) must be inserted...
17. On discharge or variation of an order for limited disclosure...
18. A certificate of appointment of the liquidator under rule 5.23....
19. The inventory and valuation of the assets of the company...
20. Any transcript prepared of a public examination under section 133....  
Common parts Any petition for winding up or  
the appointment of any...

#### *Common parts*

21. Any petition for winding up or the appointment of any...
22. Any decision or order of the court, including any decision...
23. Any progress report required by Chapter 1 of Part 7....
24. Any final report or account mentioned in Chapter 2 of...
25. Where the liquidator accepts or rejects a claim under rule...
26. A record of the court's decision on any appeal against...
27. A record of an agreement or determination under rule 7.31(2)(c)(i)...
28. The audited accounts.
29. The scheme of division.
30. The final determination in relation to the liquidator's outlays and...
31. A record of a decision procedure made in accordance with...
32. A record of a deemed consent procedure made in accordance...
33. All proxies.
34. A copy of every resolution passed under rule 10.18 (voting...
35. A copy of every resolution passed under rule 10.19 (resolutions...
36. A note that the agreement of the committee to a...  
Explanatory Note

**Changes to legislation:**

There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018.