
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 81

Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Court Rules Amendment) (Miscellaneous) 2019

Savings

5.—(1) Where an application or appeal to a court is lodged or a petition is presented under the Insolvency Act 1986(1) or the Insolvency (Scotland) Rules 1986(2) before 6th April 2019 and the application or appeal or petition has not been determined or withdrawn, paragraphs 2 and 3 of this Act of Sederunt are of no effect.

(2) For the purposes of insolvency proceedings under the Limited Liability Partnerships Regulations 2001(3) and the Limited Liability Partnerships (Scotland) Regulations 2001(4), paragraphs 2 and 3 of this Act of Sederunt are of no effect.

(3) For the purposes of Parts VII, VIII, IX and XI of Chapter 74 of the Rules of the Court of Session 1994, paragraph 2(7) of this Act of Sederunt is of no effect.

(4) Where paragraph 4 of schedule 2 of either the Insolvency (Scotland) (Company Voluntary Arrangements and Administration) Rules 2018(5) or the Insolvency (Scotland) (Receivership and Winding Up) Rules 2018(6) (statements of affairs) applies, so far as is necessary in a particular case to give effect to the saving effected by that paragraph, paragraphs 2(10)(a), 3(3) and 3(24) of this Act of Sederunt are of no effect.

(5) Where paragraph 5(1) of schedule 2 of either the Insolvency (Scotland) (Company Voluntary Arrangements and Administration) Rules 2018 or the Insolvency (Scotland) (Receivership and Winding Up) Rules 2018 (savings in respect of meetings taking place on or after 6th April 2019 and resolutions by correspondence) applies, so far as is necessary in a particular case to give effect to the saving effected by that paragraph, paragraphs 2(7)(c), (9), (10)(a), (17), 3(3), (8)(a), (10) and (20) of this Act of Sederunt are of no effect.

(6) Where paragraph 6(1) of schedule 2 of the Insolvency (Scotland) (Receivership and Winding Up) Rules 2018 (savings in respect of final meetings taking place on or after 6th April 2019) applies, so far as is necessary to give effect to the saving effected by that paragraph, paragraphs 2(17) and 3(20) of this Act of Sederunt are of no effect.

(1) 1986 c.45.

(2) S.I. 1986/1915.

(3) S.I. 2001/1090, last amended by S.I. 2017/1119.

(4) S.S.I. 2001/128, last amended by S.I. 2017/1119.

(5) S.I. 2018/1082.

(6) S.S.I. 2018/347.