
STATUTORY INSTRUMENTS

2002 No. 2709

The Insolvency (Scotland) Amendment Rules 2002

Citation and commencement

1.—(1) These Rules may be cited as the Insolvency (Scotland) Amendment Rules 2002 and shall come into force on 1st January 2003.

(2) References in these Rules to “the commencement date” are to the date referred to in paragraph (1).

Interpretation

2.—(1) In these Rules references to the “principal Rules” are to the Insolvency (Scotland) Rules 1986(1) and a Rule referred to by number alone means the Rule so numbered in the principal Rules.

(2) These Rules shall be construed as one with the principal Rules.

Amendment to Rule 0.2

3. In Rule 0.2 (interpretation), after the definition of “accounting period” in paragraph (1), insert—

““authorised person” is a reference to a person who is authorised pursuant to section 389A(2) of the Act to act as nominee or supervisor of a voluntary arrangement proposed or approved under Part I or Part VIII of the Act.”.

Amendments to Parts 1 and 7 of the principal Rules

4.—(1) Subject to paragraph (2), Parts 1 and 7 of the principal Rules have effect subject to the amendments set out respectively in Parts 1 and 2 of the Schedule to these Rules.

(2) The amendments to Parts 1 and 7 of the principal Rules set out respectively in Parts 1 and 2 of the Schedule to these Rules do not apply in relation to a voluntary arrangement under Part I of the Act where—

- (a) a proposal is made by the directors of a company and before the commencement date the intended nominee has endorsed a copy of the written notice of the proposal under Rule 1.4(3);
- (b) a proposal is made by the liquidator or the administrator (acting as the nominee) and before the commencement date the liquidator or administrator (as the case may be) has sent out a notice summoning the meetings under section 3 of the Act as required by Rule 1.11; or
- (c) a proposal is made by the liquidator or the administrator of a company (not acting as the nominee) and before the commencement date the intended nominee has endorsed a copy of the written notice of the proposal under Rule 1.12(2);

and Parts 1 and 7 of the principal Rules without the amendments made in Parts 1 and 2 of the Schedule to these Rules shall continue to apply in such cases.

(1) S.I.1986/1915: amended by S.I. 1987/1921.

(2) Section 389A was inserted into the Insolvency Act 1986 (c. 45) by section 4(4) of the Insolvency Act 2000 (c. 39).

Amendment to Schedule 4 to the principal Rules

5. In Schedule 4 to the principal Rules the entry relating to Rule 1.24 is deleted.

Amendments to Schedule 5 to the principal Rules

6.—(1) Subject to paragraph (2), in Schedule 5 to the principal Rules, for Forms 1.1 (Scot) to 1.4 (Scot) there are substituted Forms 1.1 (Scot) to 1.19 (Scot) as set out in Part 3 of the Schedule to these Rules.

(2) Forms 1.1 (Scot) to 1.19 (Scot) are for use in relation to any voluntary arrangement under Part I of the Act other than any of the cases mentioned in paragraph (2) of Rule 4 to these Rules and in those cases Forms 1.1 (Scot) to 1.4 (Scot) in Schedule 5 to the principal Rules, instead of those substituted by Part 3 of the Schedule to these Rules, shall continue to be used.

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Parliamentary Under-Secretary of State for
Competition, Consumers and Markets,
Department of Trade and Industry

29th October 2002