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STATUTORY INSTRUMENTS

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**2016 No. 1024**

**The Insolvency (England and Wales) Rules 2016**

PART 15

DECISION MAKING

CHAPTER 2

Decision procedures

**Deemed consent (sections 246ZF and 379ZB)**

**15.7.**—(1) This rule makes further provision about the deemed consent procedure to that set out in sections 246ZF and 379ZB(1).

(2) A notice seeking deemed consent must, in addition to the requirements of section 246ZF or 379ZB (as applicable) comply with the requirements of rule 15.8 so far as applicable and must also contain—

- (a) a statement that in order to object to the proposed decision a creditor must have delivered a notice, stating that the creditor so objects, to the convener not later than the decision date together with a proof in respect of the creditor's claim in accordance with these Rules failing which the objection will be disregarded;
- (b) a statement that it is the convener's responsibility to aggregate any objections to see if the threshold is met for the decision to be taken as not having been made; and
- (c) a statement that if the threshold is met the deemed consent procedure will terminate without a decision being made and if a decision is sought again on the same matter it will be sought by a decision procedure.

(3) In this rule, the threshold is met where the appropriate number of relevant creditors (as defined in sections 246ZF and 379ZB) have objected to the proposed decision.

(4) For the purpose of aggregating objections, the convener may presume the value of relevant creditors' claims to be the value of claims by those creditors who, in the convener's view, would have been entitled to vote had the decision been sought by a decision procedure in accordance with this Part, even where those creditors had not already met the criteria for such entitlement to vote.

(5) The provisions of rules 15.31(2) (calculation of voting rights), 15.32 (calculation of voting rights: special cases) and 15.33 (procedure for admitting creditors' claims for voting) apply to the admission or rejection of a claim for the purpose of the convener deciding whether or not an objection should count towards the total aggregated objections.

(6) A decision of the convener on the aggregation of objections under this rule is subject to appeal under rule 15.35 as if it were a decision under Chapter 8 of this Part.

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(1) Section 246ZF is inserted by section 122 of the Small Business, Enterprise and Employment Act 2015 (c.26) and section 379ZB is inserted by section 123 of that Act.

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**Status:** *This is the original version (as it was originally made).*

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