
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 5

MEMBERS' VOLUNTARY WINDING UP

CHAPTER 2

The liquidator

Delivery of proposed final account to members (section 94)

5.9.—(1) The liquidator must deliver a notice to the members accompanied by the proposed final account required by section 94(1)(1) and rule 18.14 giving them a minimum of eight weeks' notice of a specified date on which the liquidator intends to deliver the final account as required by section 94(2).

- (2) The notice must inform the members that when the company's affairs are fully wound up—
- (a) the liquidator will make up the final account and deliver it to the members; and
 - (b) when the final account is delivered to the registrar of companies the liquidator will be released under section 171(6)(2).
- (3) The affairs of the company are not fully wound up until the latest of—
- (a) the period referred to in paragraph (1) having expired without the liquidator receiving any request for information under rule 18.9 or the filing of any application to court under that rule or under rule 18.34 (application to court on the grounds that the liquidator's remuneration or expenses are excessive);
 - (b) any request for information under rule 18.9 having been finally determined (including any applications to court under that rule); or
 - (c) any application to the court under rule 18.34 having been finally determined.

(4) However the liquidator may conclude that the company's affairs are fully wound up before the period referred to in paragraph (1) has expired if every member confirms in writing to the liquidator that they do not intend to make any such request or application.

(1) A new section 94 is inserted by paragraph 18 of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (c.26).
(2) A new section 171(6) is inserted by paragraph 42(4) of Schedule 9 to the Small Business, Enterprise and Employment Act 2015.