
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 6

CREDITORS' VOLUNTARY WINDING UP

CHAPTER 3

Nomination and appointment of liquidators and information to creditors

Information to creditors and contributories (conversion of members' voluntary winding up into creditors' voluntary winding up)

6.13.—(1) The liquidator must deliver to the creditors and contributories within 28 days of the conversion of a members' voluntary winding up into a creditors' voluntary winding up under section 96 a notice which must contain—

- (a) the date the winding up became a creditors' voluntary winding up;
- (b) a report of the decision procedure or deemed consent procedure which took place under rule 6.10; and
- (c) the information required by paragraph (3).

(2) The notice must be accompanied by a copy of the statement of affairs or a summary except where the notice is being delivered to a creditor to whom a copy of the statement of affairs has previously been delivered under section 95(1A)(1).

(3) The required information is an estimate to the best of the liquidator's knowledge and belief of—

- (a) the value of the prescribed part (whether or not the liquidator might be required under section 176A to make the prescribed part available for the satisfaction of unsecured debts); and
- (b) the value of the company's net property (as defined by section 176A(6)).

(4) The liquidator may exclude from an estimate under paragraph (3) information the disclosure of which could seriously prejudice the commercial interests of the company.

(5) If the exclusion of such information affects the calculation of an estimate, the report must say so.

(6) If the liquidator proposes to make an application to court under section 176A(5) the report must say so and give the reason for the application.

(1) Section 95(1A) is inserted by paragraph 19(2) of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (c.26) which also omitted subsections (2) to (3) and (5) to (7).