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STATUTORY INSTRUMENTS

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**2016 No. 1024**

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

**PART 6**

**CREDITORS' VOLUNTARY WINDING UP**

**CHAPTER 4**

**The liquidator**

**Final account prior to dissolution (section 106)**

**6.28.**—(1) The final account which the liquidator is required to make up under section 106(1)(1) and deliver to members and creditors must comply with the requirements of rule 18.14.

(2) When the account is delivered to the creditors it must be accompanied by a notice which states—

- (a) that the company's affairs are fully wound up;
- (b) that the creditors have the right to request information from the liquidator under rule 18.9;
- (c) that the creditors have the right to challenge the liquidator's remuneration and expenses under rule 18.34;
- (d) that a creditor may object to the release of the liquidator by giving notice in writing to the liquidator before the end of the prescribed period;
- (e) that the prescribed period is the period ending at the later of—
  - (i) eight weeks after delivery of the notice, or
  - (ii) if any request for information under rule 18.9 or any application to court under that rule or rule 18.34 is made, when that request or application is finally determined;
- (f) that the liquidator will vacate office under section 171 on delivering to the registrar of companies the final account and notice saying whether any creditor has objected to release; and
- (g) that the liquidator will be released under section 173(2) at the same time as vacating office unless any of the company's creditors objected to the liquidator's release.

(3) The copy of the account which the liquidator delivers to the registrar of companies under section 106(3) must be accompanied by a notice containing the statement required by section 106(3) (a) of whether any creditors have objected to the liquidator's release.

(4) Where a creditor has objected to the liquidator's release rule 6.33 applies to an application by the liquidator to the Secretary of State for release.

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(1) New section 106 substituted by paragraph 29 of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (c.26).  
(2) Section 173(2)(d) is amended and a new (2)(a), (b) and (e) and (2A) are inserted by paragraph 44 of Schedule 9 to the Small Business, Enterprise and Employment act 2015 (c.26).

(5) The liquidator is not obliged to prepare or deliver any progress report which may become due under these Rules in the period between the date to which the final account is made up and the date when the account is delivered to the registrar of companies under section 106(3)(a).