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STATUTORY INSTRUMENTS

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**2018 No. 1082**

**The Insolvency (Scotland) (Company Voluntary Arrangements and Administration) Rules 2018**

**PART 2**

**COMPANY VOLUNTARY ARRANGEMENTS**

**CHAPTER 4**

**Procedure for a CVA with a Moratorium**

**Documents lodged with court to obtain moratorium (paragraph 7(1) of Schedule A1)**

**2.13.**—(1) The statement of the company's affairs which the directors lodge with the court under paragraph 7(1)(b) of Schedule A1 must be the same as the statement they submit to the nominee under paragraph 6(1)(b) of that Schedule.

(2) The statement required by paragraph 7(1)(c) of that Schedule that the company is eligible for a moratorium must—

- (a) be made by the directors;
- (b) state that the company meets the requirements of paragraph 3 of Schedule A1 and is not a company which falls within paragraph 2(2) of that Schedule; and
- (c) be authenticated and dated by the directors.

(3) The statement required by paragraph 7(1)(d) of Schedule A1 that the nominee has consented to act must be in the same terms as the statement referred to in rule 2.12(3)(b).

(4) The statement of the nominee's opinion required by paragraph 7(1)(e)(1) of that Schedule—

- (a) must be the same as the statement of opinion required by paragraph 6(2) of that Schedule; and
- (b) must be lodged with the court not later than ten business days after it was submitted to the directors.

(5) A statement from the nominee whether the proceedings will be main, secondary, territorial or non-EU proceedings with reasons for so stating must also be lodged with the court.

(6) The documents lodged with the court under paragraph 7(1) of Schedule A1, together with the statement required by paragraph (5) of this rule, must be accompanied by four copies of a schedule, authenticated and dated by the directors, identifying the company and listing all the documents lodged.

(7) The court must endorse the copies of the schedule with the date on which the documents were lodged and deliver three copies of the endorsed schedule to the directors.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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