
STATUTORY INSTRUMENTS

2018 No. 1082

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

PART 4

BLOCK TRANSFER OF PROCEEDINGS

Application for a block transfer order

- 4.2.**—(1) An application for a block transfer order may be made to the Court of Session for—
- (a) the removal of the outgoing office-holder by the exercise of any of the powers in paragraph (2);
 - (b) the appointment of a replacement office-holder by the exercise of any of the powers in paragraph (3); or
 - (c) such other order or direction as may be necessary or expedient in connection with the matters referred to in sub-paragraphs (a) and (b).
- (2) The powers referred to in paragraph (1)(a) are those in—
- (a) section 7(5) and paragraph 39(6) of Schedule A1; and
 - (b) paragraph 88 of Schedule B1 and rule 4.1(2).
- (3) The powers referred to in paragraph (1)(b) are those in —
- (a) section 7(5) and paragraph 39(6) of Schedule A1; and
 - (b) paragraphs 63, 91 and 95 of Schedule B1 and rule 4.12(2).
- (4) Subject to paragraph (5), the application may be made by any of the following—
- (a) the outgoing office-holder (if able and willing to do so);
 - (b) any person who holds office jointly with the outgoing office-holder;
 - (c) any person who is proposed to be appointed as the replacement office-holder;
 - (d) any creditor in a case subject to the application;
 - (e) the recognised professional body which was the source of the outgoing office-holder's authorisation (immediately before the application is made); or
 - (f) the Secretary of State.
- (5) Where one or more of the outgoing office-holders in the schedule required by paragraph (8) is an administrator, an application may not be made unless the applicant is a person permitted to apply to replace the outgoing office-holder under section 13 or paragraph 63, 91 or 95 of Schedule B1 or such a person is joined as applicant in relation to the replacement of the outgoing office-holder.
- (6) An applicant (other than the Secretary of State) must deliver a notice of the intended application to the Secretary of State on or before the date the application is made.
- (7) The application must be served on—

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- (a) the outgoing office-holder (if not the applicant or deceased);
 - (b) any person who holds office jointly with the outgoing office-holder; and
 - (c) such other person as the Court of Session directs.
- (8) The application must contain a schedule setting out—
- (a) identification details for the insolvency proceedings; and
 - (b) the capacity in which the outgoing office-holder was appointed.
- (9) The application must be supported by evidence—
- (a) setting out the circumstances as a result of which it is expedient to appoint a replacement office-holder; and
 - (b) exhibiting the consent to act of each person who is proposed to be appointed as replacement office-holder.