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STATUTORY INSTRUMENTS

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**2018 No. 1082**

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

PART 5

DECISION MAKING

CHAPTER 3

Notices, voting and venues for decisions

**Voting in a decision procedure**

**5.9.**—(1) In order to be counted in a decision procedure other than where votes are cast at a meeting, votes must—

- (a) be received by the convener on or before the decision date; and
- (b) in the case of a vote cast by a creditor—
  - (i) in a CVA, be accompanied by written notification of the creditor's debt unless such a notification has already been given to the convener;
  - (ii) in an administration, be accompanied by a statement of claim and documentary evidence of debt (where the requirement to provide the latter is not dispensed with under rule 5.26(2)) unless already given to the convener.

(2) In an administration, a vote must be disregarded if—

- (a) a statement of claim and, where required, documentary evidence of debt are not received by the convener on or before the decision date or, in the case of a meeting, at or before the meeting (unless under rule 5.24 the chair is content to accept them before resumption of the adjourned meeting); or
- (b) the convener decides, in the application of Chapter 7 of this Part, that the creditor is not entitled to cast the vote.

(3) The convener must have received at least one valid vote on or before the decision date in order for a decision to be made.