
STATUTORY INSTRUMENTS

2018 No. 1082

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

PART 1

SCOPE, INTERPRETATION, TIME AND RULES ABOUT DOCUMENTS

CHAPTER 10

Inspection of documents, copies and provision of information

Right to copies of documents

1.49. Where the Act, in relation to proceedings under Parts 1 and 2, or these Rules, gives a person the right to inspect documents, that person has a right to be supplied on request with copies of those documents on payment of the standard fee for copies.

Charges for copies of documents provided by the office-holder

1.50. Except where prohibited by these Rules, an office-holder is entitled to require the payment of the standard fee for copies of documents requested by a creditor, member or member of a creditors' committee.

Offence in relation to inspection of documents

1.51.—(1) It is an offence for a person who does not have a right under these Rules to inspect a relevant document falsely to claim to be a creditor or a member of a company with the intention of gaining sight of the document.

(2) A relevant document is one which is on the court file or held by the office-holder or any other person and which a creditor or a member of a company has the right to inspect under these Rules.

Right to list of creditors

1.52.—(1) In an administration, a creditor has the right to require the administrator to provide a list of the names and addresses of the creditors and the amounts of their respective debts.

(2) The administrator, on being required to provide such a list—

- (a) must deliver it to the person requiring the list as soon as reasonably practicable; and
- (b) may charge the standard fee for copies for a hard copy.

(3) The administrator may omit the name and address of a creditor if the administrator thinks its disclosure would be prejudicial to the conduct of the insolvency proceedings or might reasonably be expected to lead to violence against any person.

(4) In such a case the list must include—

- (a) the amount of that creditor's debt; and

- (b) a statement that the name and address of the creditor has been omitted for that debt.

Confidentiality of documents: grounds for refusing inspection

1.53.—(1) Where an office-holder considers that a document forming part of the records of the insolvency proceedings—

- (a) should be treated as confidential; or
- (b) is of such a nature that its disclosure would be prejudicial to the conduct of the insolvency proceedings or might reasonably be expected to lead to violence against any person,

the office-holder may decline to allow it to be inspected by a person who would otherwise be entitled to inspect it.

(2) The persons to whom the office-holder may refuse inspection include members of a creditors' committee.

(3) Where the office-holder refuses inspection of a document, the person wishing to inspect it may apply to the court which may reconsider the office-holder's decision.

(4) The court's decision may be subject to such conditions (if any) as it thinks just.

Sederunt book

1.54.—(1) The office-holder must maintain a sederunt book during the office-holder's term of office for the purpose of providing an accurate record of the insolvency proceedings.

(2) The office-holder must include in the sederunt book—

- (a) the information listed in Schedule 4; and
- (b) a copy of anything else required to be recorded in it by any provision of the Act or these Rules.

(3) The office-holder must make the sederunt book available for inspection at all reasonable hours by any interested person.

(4) Any entry in the sederunt book is sufficient evidence of the facts stated in it, except where it is relied upon by the office-holder in the office-holder's own interest.

(5) The office-holder must retain, or make arrangements for the retention of, the sederunt book for the period specified in regulation 13(5) of the Insolvency Practitioners Regulations 2005(1).

(6) Where the sederunt book is maintained in electronic form, it must be capable of reproduction in hard copy form.

Transfer and disposal of company's books, papers and other records

1.55.—(1) Where an administration has terminated and other insolvency proceedings under Parts 2 to 5 of the Act have commenced in relation to the same company, the administrator must, before the expiry of the earlier of—

- (a) the period of 30 days beginning with the date the office-holder in the subsequent insolvency proceedings makes a request to the administrator to do so; or
- (b) the period of six months beginning with the date the administration ends,

deliver to the office-holder appointed in the subsequent proceedings the books, papers and other records of the company.

(2) Where an administration has terminated and no subsequent insolvency proceedings under Parts 2 to 5 of the Act have commenced in relation to the same company, the administrator must dispose of the books, papers and records of the company in accordance with the directions of—

- (a) the creditors' committee (if there is one); or
- (b) where there is no creditors' committee, the court.

(3) If no directions under paragraph (2) have been given by the expiry of the period of 12 months after the date of dissolution of the company, the administrator may dispose of the company's books, papers and records in such a way as the administrator considers appropriate.