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STATUTORY INSTRUMENTS

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**2018 No. 1082**

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

**[<sup>F1</sup>PART 1A**

**MORATORIUM**

**[<sup>F1</sup>CHAPTER 11**

*Challenges to monitor remuneration*

**Textual Amendments**

**F1** Pt. 1A inserted (1.10.2021) by [The Insolvency \(Scotland\) \(Company Voluntary Arrangements and Administration\) \(Amendment\) Rules 2021 \(S.I. 2021/1026\)](#), rules 1, 6 (with rules 4, 5)

[Note: a document required by the Act or these Rules must also contain the standard contents set out in Part 1.]

**Challenges to monitor's remuneration in subsequent insolvency proceedings**

**1A.24.**—(1) An administrator or liquidator may apply to the court on the grounds that remuneration charged by the monitor in relation to a prior moratorium was excessive.

(2) An application under this rule may not be made after the end of the period of 2 years beginning with the day after the day on which the moratorium ends.

(3) On an application under this paragraph the court may—

(a) dismiss the application;

(b) order the monitor to repay—

(i) some or all of the remuneration; and

(ii) to pay interest on that sum at the rate specified in paragraph (4) for the period beginning with the date on which the remuneration was paid to the monitor and ending with the date of repayment; or

(c) make such other order as it sees fit.

(4) The rate specified for the purpose of paragraph (3)(b)(ii) is the official rate.]

**Changes to legislation:**

There are currently no known outstanding effects for the The Insolvency (Scotland) (Company Voluntary Arrangements and Administration) Rules 2018, Cross Heading: CHAPTER 11.