
STATUTORY INSTRUMENTS

2018 No. 1082

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

[^{F1}PART 1A

MORATORIUM

[^{F1}CHAPTER 9

Termination of moratorium by monitor

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.]

Notice bringing the moratorium to an end (section A38)

1A.20.—(1) Notice bringing the moratorium to an end under section A38 must be lodged with the court in accordance with paragraph (2).

(2) The notice must—

(a) be lodged with the court—

(i) together with one copy for the company; and

(ii) as soon as practicable after the duty to bring the moratorium to an end arises.

(b) be headed “Notice of termination of moratorium by monitor under section A38”;

(c) state—

(i) that the notice is lodged for the purpose of terminating a moratorium under section A38 of the Act;

(ii) the identification details of the company to which the notice relates;

(iii) the name and contact details of the monitor;

(iv) the court in which the notice is lodged;

(v) where the court has previously allocated a number to the insolvency proceedings within which the notice is lodged, that number;

(vi) the date on which the notice is lodged;

(vii) the grounds on which the moratorium is to be terminated;

(viii) the monitor’s reasons for concluding that those grounds are made out; and

- (ix) the date on which the monitor concluded that those grounds were made out; and
 - (d) be authenticated by, or on behalf of, the monitor.
- (3) The court must endorse both the notice and the copy of the notice with the date and time of lodging.
- (4) The endorsed copy of the notice must be delivered to the monitor.
- (5) The monitor must deliver—
- (a) the endorsed copy of the notice to the company; and
 - (b) further copies of that notice to—
 - (i) the registrar of companies; and
 - (ii) where paragraph (7) applies, the person specified in paragraphs 7(b),
- within the period of 3 business days beginning with the day on which the endorsed copy of the notice is delivered to the monitor.
- (6) Paragraph (7) applies where—
- (a) notification is required to be given to any of the relevant persons referred to in section A17(8)(b) to (d); or
 - (b) the moratorium is for a company which is a regulated company within the meaning given by section A49.
- (7) Where this paragraph applies the monitor must deliver a copy of the document delivered to the registrar of companies to—
- (a) the persons referred to in section A17(8)(b) to (d) for the purpose of giving the notification required by that section; and
 - (b) the appropriate regulator, for the purpose of giving the notification required by section A49(3).

Debts that are to be disregarded for the purpose of section A38(1)(d) of the Act

- 1A.21.** For the purpose of deciding whether to bring a moratorium to an end under section A38(1) (d) the monitor must disregard—
- (a) any debts that the monitor has reasonable grounds for thinking are likely to be—
 - (i) paid; or
 - (ii) compounded to the satisfaction of the creditor; within 5 business days of the decision; and
 - (b) any debts in respect of which the creditor has agreed to defer payment until a time that is later than the decision.]

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 9.