
STATUTORY INSTRUMENTS

2018 No. 1082

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

PART 3

ADMINISTRATION

CHAPTER 1

Interpretation for this Part

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

Interpretation for Part 3

3.1. In this Part—

“pre-administration costs” means fees charged, and expenses incurred, by the administrator or another person qualified to act as an insolvency practitioner in relation to the company, before the company entered administration but with a view to it doing so; and

“unpaid pre-administration costs” means pre-administration costs which had not been paid when the company entered administration.

Proposed administrator’s statement and consent to act

3.2.—(1) References in this Part to a consent to act are to a statement by a proposed administrator headed “Proposed administrator’s statement and consent to act” which contains the following—

- (a) identification details for the company immediately below the heading;
 - (b) a certificate that the proposed administrator is qualified to act as an insolvency practitioner in relation to the company;
 - (c) the proposed administrator’s IP number;
 - (d) the name of the relevant recognised professional body which is the source of the proposed administrator’s authorisation to act;
 - (e) a statement that the proposed administrator consents to act as administrator of the company;
 - (f) a statement whether or not the proposed administrator has had any prior professional relationship with the company and, if so, a short summary of the relationship;
 - (g) the name of the person by whom the appointment is to be made or the applicant in the case of an application to the court for an appointment; and
 - (h) a statement that the proposed administrator is of the opinion that the purpose of the administration is reasonably likely to be achieved in the particular case.
- (2) The consent to act must be authenticated and dated by the proposed administrator.

(3) Where a number of persons are proposed to be appointed to act jointly or concurrently as the administrator of a company, each must make a separate consent to act.