
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 15

DECISION MAKING

CHAPTER 3

Notices, voting and venues for decisions

Notices to creditors of decision procedure

15.8.—(1) This rule sets out the requirements for notices to creditors where a decision is sought by a decision procedure.

(2) The convener must deliver a notice to every creditor who is entitled to notice of the procedure.

(3) The notice must contain the following—

- (a) identification details for the proceedings;
- (b) details of the decision to be made or of any resolution on which a decision is sought;
- (c) a description of the decision procedure which the convener is using, and arrangements, including the venue, for the decision procedure;
- (d) a statement of the decision date;
- (e) except in the case of a decision in relation to a proposed CVA or IVA, a statement of by when the creditor must have delivered a proof in respect of the creditor's claim in accordance with these Rules failing which a vote by the creditor will be disregarded;
- (f) a statement that a creditor whose debt is treated as a small debt in accordance with rule 14.31(1) must still deliver a proof if that creditor wishes to vote;
- (g) a statement that a creditor who has opted out from receiving notices may nevertheless vote if the creditor provides a proof in accordance with paragraph (e);
- (h) in the case of a decision to remove a liquidator in a creditors' voluntary winding-up or a winding up by the court, a statement drawing the attention of creditors to section 173(2) or 174(4) (which relate to the release of the liquidator), as appropriate⁽¹⁾;
- (i) in the case of a decision to remove a trustee in a bankruptcy, a statement drawing the attention of creditors to section 299(3)⁽²⁾ (which relates to the release of the trustee);
- (j) in the case of a decision in relation to a proposed CVA or IVA, a statement of the effects of the relevant provisions of the following—
 - (i) rule 15.28 about creditors' voting rights,

(1) Section 173(2)(d) is amended, (2)(a), (b) and (e) are substituted and (2A) is inserted by paragraph 44 of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (c.26) and section 174(4) is amended by paragraph 45 of Schedule 9 to the same Act.

(2) Section 299(3) is amended by paragraph 24(3) of Schedule 19 to the Enterprise and Regulatory reform Act 2013 (c.24) and paragraph 78(3) to (5) of Schedule 9 to the Small Business, Enterprise and Employment Act 2015.

- (ii) rule 15.31 about the calculation of creditors' voting rights, and
 - (iii) rule 15.34 about the requisite majority of creditors for making decisions;
 - (k) except in the case of a physical meeting, a statement that creditors who meet the thresholds in sections 246ZE(7) or 379ZA(7) may, within five business days from the date of delivery of the notice, require a physical meeting to be held to consider the matter;
 - (l) in the case of a meeting, a statement that any proxy must be delivered to the convener or chair before it may be used at the meeting;
 - (m) in the case of a meeting, a statement that, where applicable, a complaint may be made in accordance with rule 15.38 and the period within which such a complaint may be made; and
 - (n) a statement that a creditor may appeal a decision in accordance with rule 15.35, and the relevant period under rule 15.35 within which such an appeal may be made.
- (4) The notice must be authenticated and dated by the convener.
- (5) Where the decision procedure is a meeting the notice must be accompanied by a blank proxy complying with rule 16.3.
- (6) This rule does not apply if the court orders under rule 15.12 that notice of a decision procedure be given by advertisement only.