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STATUTORY INSTRUMENTS

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**2018 No. 1082**

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

**PART 3**

**ADMINISTRATION**

**CHAPTER 12**

**Replacing the administrator**

**Notice of intention to resign**

- 3.63.**—(1) The administrator must give at least five business days' notice of intention—
- (a) to resign in a case falling within rule 3.62(1); or
  - (b) to apply for the court's permission to resign in a case falling within rule 3.62(2).
- (2) The notice must contain—
- (a) identification details for the insolvency proceedings;
  - (b) the date of the appointment of the administrator; and
  - (c) the name of the person who made the appointment or the administration application, as the case may be.
- (3) The notice must also contain—
- (a) the date with effect from which the administrator intends to resign; or
  - (b) where the administrator was appointed by an administration order, the date on which the administrator intends to lodge with the court an application for permission to resign.
- (4) Notice must be delivered—
- (a) to any continuing administrator of the company;
  - (b) to the creditors' committee (if any);
  - (c) if there is neither a continuing administrator nor a creditors' committee, to—
    - (i) the company, and
    - (ii) the company's creditors;
  - (d) to the member State liquidator appointed in relation to the company (if there is one);
  - (e) where the administrator was appointed by the holder of a qualifying floating charge under paragraph 14 of Schedule B1, to—
    - (i) the person who appointed the administrator, and
    - (ii) all holders of prior qualifying floating charges;
  - (f) where the administrator was appointed by the company or the directors of the company under paragraph 22 of Schedule B1, to—

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- (i) the appointer, and
  - (ii) all holders of qualifying floating charges.
- (5) The notice must be accompanied by a summary of the administrator's receipts and payments.