
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 114

The Insolvency (Scotland) Amendment Rules 2014

Limited Disclosure of statement of affairs

25.—(1) In Rule 4.7(2) (notice requiring statement of affairs), after “Chapter”, insert “(except for Rule 4.8A)”.

(2) At the beginning of Rule 4.8(2) (form of the statement of affairs), insert “Subject to Rule 4.8A,”.

(3) After Rule 4.8, insert—

“Limited disclosure of the statement of affairs

4.8A.—(1) Where the liquidator thinks that it would prejudice the conduct of the winding up or might reasonably be expected to lead to violence against any person for the whole or part of the statement of affairs to be disclosed, the liquidator may apply to the court for an order of limited disclosure in respect of the statement, or any specified part of it.

(2) The court may order that the statement or, as the case may be, the specified part of it shall not be entered in the sederunt book.

(3) The liquidator shall as soon as reasonably practicable place a copy of the order in the sederunt book.

(4) A creditor who seeks disclosure of a statement or specified part of it in relation to which an order has been made under this Rule may apply to the court for an order that the liquidator disclose that statement or specified part.

(5) The court may attach to an order for disclosure any conditions as to confidentiality, duration and scope of the order in any material change of circumstances, and other matters as it sees fit.

(6) If there is a material change in circumstances rendering the limit on disclosure unnecessary, the liquidator shall, as soon as reasonably practicable after the change, apply to the court for the order to be discharged or varied; and upon the discharge or variation of the order the liquidator shall, as soon as reasonably practicable place a copy of the full statement of affairs (or so much of the statement as is no longer subject to the order) in the sederunt book.”.

(4) In Schedule 1 (modifications of Part 4 in relation to creditors’ voluntary winding-up)(1)—

(a) at the beginning of Rule 4.7(4) as substituted by paragraph 4, insert “Subject to Rule 4.8A,”; and

(b) after paragraph 4 insert—

“Rule 4.8A

4A. After paragraph (6) there shall be inserted the following—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(7) This Rule does not apply so far as section 95, 98 or 99 does not permit limited disclosure.”.”.