
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 119

Act of Sederunt (Rules of the Court of Session and Sheriff Court Company Insolvency Rules Amendment) (Miscellaneous) 2014

Amendment of Chapter 74 of the Rules of the Court of Session

2.—(1) Chapter 74 of the Rules of the Court of Session (companies)(1) is amended in accordance with the following subparagraphs.

(2) In rule 74.28 (appeals against adjudication of claims), for paragraph (1) substitute—

“(1) An appeal under rule 4.16B(6) of the Insolvency Rules (adjudication of claims)(2) by a creditor or any member or contributory of the company against a decision of the liquidator shall be made by note in process.”

(3) For rule 74.32A (replacement liquidators)(3), substitute—

“Replacement liquidators: block transfer orders

74.32A.—(1) This rule applies to an application under rule 4.26B(1) of the Insolvency Rules (application for block transfer order)(4).

(2) An application mentioned in paragraph (1) shall be made by petition.

(3) Paragraph (4) applies where an application includes the name of one or more sheriff court petition.

(4) The Deputy Principal Clerk shall notify the sheriff clerk of every sheriff court listed in the application that an application has been made.

(5) Where the court grants an application, it may order the replacement liquidator to be appointed in any or all of the cases listed in the application.

(6) Where the court pronounces an interlocutor granting a block transfer order—

(a) the Deputy Principal Clerk shall send a certified copy of that interlocutor to the replacement liquidator;

(b) the court may direct that a copy of the interlocutor is—

(i) to be put in the process of every Court of Session petition where the replacement liquidator has been appointed;

(ii) to be sent to the sheriff clerk to be put in the process of every sheriff court petition where the replacement liquidator has been appointed; and

(c) the court may make such orders as it thinks fit for the intimation and advertisement of the appointment of the replacement liquidator.”

(1) Chapter 74 was last amended by [S.S.I. 2013/162](#).

(2) [S.I. 1986/1915](#). Rule 4.16B was inserted by [S.S.I. 2014/114](#).

(3) Rule 74.32A was inserted by [S.S.I. 2006/83](#).

(4) Rule 4.26B was inserted by [S.S.I. 2014/114](#).