
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 347

**The Insolvency (Scotland) (Receivership
and Winding up) Rules 2018**

PART 5

WINDING UP BY THE COURT

CHAPTER 3

Provisional liquidator

Application for appointment of provisional liquidator (section 135)

5.4.—(1) An application to the court for the appointment of a provisional liquidator under section 135 may be made by—

- (a) the petitioner;
- (b) a creditor of the company;
- (c) a contributory;
- (d) the company;
- (e) the directors of the company;
- (f) the Secretary of State;
- (g) a temporary administrator;
- (h) a member State liquidator appointed in main proceedings (including in accordance with Article 37(1) of the EU Regulation); or
- (i) any person who under any enactment would be entitled to present a petition for the winding up of the company.

(2) The court must not make the appointment unless and until the person being appointed provisional liquidator has lodged in court a statement to the effect that that person is qualified to act as an insolvency practitioner in relation to the company and consents to act as provisional liquidator.