
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 347

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

PART 7

**WINDING UP - REPORTING, ACCOUNTS,
REMUNERATION, CLAIMS AND DISTRIBUTIONS**

CHAPTER 4

Claims by creditors

Submission of claims

7.16.—(1) A creditor, in order to obtain an adjudication as to the creditor's entitlement to a dividend (so far as funds are available) out of the assets of the company in respect of any accounting period, must submit the creditor's claim to the liquidator not later than 8 weeks before the end of the accounting period.

(2) A creditor must submit a claim by producing to the liquidator—

- (a) a statement of claim as described in paragraph (3); and
- (b) documentary evidence of debt,

but the liquidator may dispense with the requirement in sub-paragraph (b) in respect of any debt or any class of debt.

(3) The statement of claim must—

- (a) be made out by, or under the direction of, the creditor and dated and authenticated by the creditor or a person authorised on the creditor's behalf;
- (b) state the creditor's name and address;
- (c) if the creditor is a company, identify the company;
- (d) state the name and address of any person authorised to act on behalf of the creditor;
- (e) state the total amount claimed in respect of all debts (under deduction of the value of any security as estimated by the creditor unless the creditor is surrendering or undertaking to surrender the security);
- (f) state whether or not the claim includes any outstanding uncapitalised interest at the date on which the company went into liquidation;
- (g) contain particulars of how and when the debt was incurred by the company, and where relevant the date on which payment of the debt became due;
- (h) contain particulars of any security⁽¹⁾ held, the subjects covered, the date on which it was given and the value which the creditor puts on it;

(1) See section 248 of the Act for the definition of "security".

- (i) include details of any retention of title in relation to goods to which the debt relates;
 - (j) state the nature and amount of any preference under schedule 6 of the Act claimed in respect of the debt;
 - (k) in the case of a member State liquidator creditor, specify and give details of underlying claims in respect of which the creditor is claiming;
 - (l) include any details of any document by reference to which the debt can be substantiated; and
 - (m) state the name, postal address and authority of the person authenticating the statement of claim and documentary evidence of debt (if someone other than the creditor).
- (4) A claim submitted by a creditor, which has been accepted in whole or in part by the liquidator for the purpose of drawing a dividend in respect of any accounting period, is to be deemed to have been resubmitted for the purpose of obtaining an adjudication as to the creditor's entitlement to a dividend in respect of an accounting period or, as the case may be, any subsequent accounting period.
- (5) A creditor who has submitted a claim may at any time submit a further claim specifying a different amount for the claim, provided that a secured creditor is not entitled to produce a further claim specifying a different value for the security at any time after the liquidator has required the creditor to discharge, or convey or assign, the security under rule 7.24.