
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 347

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

PART 8

DECISION MAKING

CHAPTER 11

Records

Record of a decision

8.40.—(1) Where a decision is sought using a decision procedure, the convener or chair must make a record of the decision procedure.

(2) In the case of a meeting, the record must be in the form of a minute of the meeting.

(3) The record must be authenticated by the convener or chair and must include—

- (a) identification details for the insolvency proceedings;
- (b) in the case of a decision procedure of creditors, a list of the names of the creditors who participated and their claims;
- (c) in the case of a decision procedure of contributories, a list of the names of the contributories who participated;
- (d) where a decision is taken on the election of members of a creditors' committee or liquidation committee, the names and addresses of those elected;
- (e) a record of any change to the result of the resolution made under rule 8.38(6) and the reason for any such change; and
- (f) in any case, a record of every decision made and how creditors voted.

(4) Where a decision is sought using the deemed consent procedure, the convener must make a record of the procedure.

(5) The record under paragraph (4) must be authenticated by the convener and must—

- (a) identify the proceedings;
- (b) state whether or not the decision was taken; and
- (c) contain a list of the creditors or contributories who objected to the decision, and in the case of creditors, their claims.

(6) A record under this rule must also identify any decision procedure (or the deemed consent procedure) by which the decision had previously been sought.