
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 347

INSOLVENCY

COMPANIES

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

Made - - - - 13th November 2018

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Coming into force 6th April 2019

**THE INSOLVENCY (SCOTLAND)
(RECEIVERSHIP AND WINDING UP) RULES 2018**

1. Citation and commencement
2. Revocations
3. Extent and application
4. Transitional and savings provisions
5. Punishment of offences

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Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018. (See end of Document for details)

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[Note: the requirements in Chapter 8 must be read with...

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Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018. (See end of Document for details)

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[Note: a document required by the Act or these Rules...

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[Note: a document required by the Act or these Rules...

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[Note: a document required by the Act or these Rules...

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[Note: a document required by the Act or these Rules...

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[Note: a document required by the Act or these Rules...

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[Note: a document required by the Act or these Rules...

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[Note: a document required by the Act or these Rules...

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[Note: a document required by the Act or these Rules...

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- 3.2 (1) This rule applies where the liquidator is appointed by...
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Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018. (See end of Document for details)

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[Note: a document required by the Act or these Rules...

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[Note: a document required by the Act or these Rules...

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- 4.21 Power to fill vacancy in office of liquidator
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- 4.22 (1) This rule applies where the liquidator is appointed by...
- 4.23 Liquidator's resignation and replacement
- Removal of liquidator by creditors
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- 4.25 (1) This rule applies where an application is made to...
- Deceased liquidator
- 4.26 (1) If the liquidator dies a notice of the fact...
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Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018. (See end of Document for details)

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[Note: a document required by the Act or these Rules...

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- 5.1 Application of Part 5

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- 5.2 Interpretation
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[Note: a document required by the Act or these Rules...

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- 5.5 Order of appointment of provisional liquidator – delivery of copy
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- 5.6 (1) This rule applies where under rule 5.5 the provisional...
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[Note: a document required by the Act or these Rules...

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- 5.17 Delivery of accounts to liquidator

- 5.18 Expenses of assistance in preparing accounts
- 5.19 Further disclosure

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[Note: a document required by the Act or these Rules...

- 5.21 Appointment of liquidator under section 138(1) (interim liquidator)
- 5.22 Choosing a person to be liquidator
- 5.23 Appointment of liquidator by creditors or contributories
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- 5.26 Appointment by the court (section 138(5), section 139(4) and section 140)
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- 5.29 (1) This rule applies where an application is made to...
 - Deceased liquidator
- 5.30 (1) If the liquidator dies a notice of the fact...
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[Note: a document required by the Act or these Rules...

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- 5.42 Caution
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Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018. (See end of Document for details)

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[Note: a document required by the Act or these Rules...

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[Note: a document required by the Act or these Rules...

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Dissolution after winding up

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[Note: a document required by the Act or these Rules...

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- 7.3 Reports by interim liquidator: estimate of prescribed part
- 7.4 Progress reports: content
- 7.5 Remuneration and outlays etc.: members' voluntary winding up
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- 7.7 Progress reports in voluntary winding up: timing and delivery
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- [Note: a document required by the Act or these Rules...]
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- [Note: a document required by the Act or these Rules...]
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Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018. (See end of Document for details)

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[Note: a document required by the Act or these Rules...

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- 8.1 Application of Part

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- [Note: a document required by the Act or these Rules...]
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- 8.18 (1) In this Chapter, “requisitioned decision” means—
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- 8.21 Chair at meetings
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- 8.23 Adjournment by chair
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Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018. (See end of Document for details)

- 8.32 Calculation of voting rights: winding up of authorised deposit-taker
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- 8.39 Contributories' voting rights and requisite majorities

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- 8.41 Company meetings
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- 10.2 Functions of a committee

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Membership and formalities of formation of a committee

[Note: (1) a document required by the Act or these...

Note: (2) see sections 215, 363, 365 and 371 of...

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- 10.3 (1) A committee in a receivership must have at least...
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- 10.5 Establishment of committees
- 10.6 Liquidation committee established by contributories
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[Note: a document required by the Act or these Rules...

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- 10.18 Voting rights and resolutions
- 10.19 Resolutions by correspondence
- 10.20 Remote attendance at meetings of committee
- 10.21 Procedure for requests that a place for a meeting should be specified

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018. (See end of Document for details)

CHAPTER 5

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[Note: a document required by the Act or these Rules...
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- 10.22 (1) This rule applies where a committee in a receivership...
- 10.23 Office-holder's obligation to supply information to the committee (winding up)

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[Note: a document required by the Act or these Rules...

- 10.24 Expenses of members etc.
- 10.25 Dealings by committee members and others: winding up
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- 10.28 Special rule for winding up by the court: functions vested in the court

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[Note: a document required by the Act or these Rules...
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- 10.29 (1) This rule applies where— (a) a winding-up order has...

PART 11

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[Note: a document required by the Act or these Rules...

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- 11.2 Conversion into other winding up proceedings: application
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- 11.12 Group coordination proceedings (Section 2 of Chapter 5 of the EU Regulation)
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Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018. (See end of Document for details)

- 11.14 Delivery of group coordination order to registrar of companies
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- 11.16 Publication of opening of proceedings by a member State liquidator
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[Note: a document required by the Act or these Rules...

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- 1. In this Schedule, "the 1986 Rules" means the Insolvency (Scotland)...

SCHEDULE 2 Transitional and savings provisions

- 1. General
- 2. Requirement for office-holder to provide information to creditors on opting out
- 3. Electronic communication
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- 12. Forms
- 13. Insolvency registers
- 14. Savings in respect of special insolvency rules: limited liability partnerships

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SCHEDULE 4 Information to be included in the sederunt book

Receivership

- 1. The instrument of appointment of the receiver under section 53....
- 2. (1) Each statement of affairs and each statement of concurrence...
- 3. Any order for limited disclosure under rule 2.11(3) must be inserted...
- 4. On discharge or variation of an order for limited disclosure...
- 5. The report by the receiver under section 67.

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- 6. A certificate of appointment of the liquidator by the company...
- 7. The inventory and valuation of the assets of the company...

Changes to legislation: There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018. (See end of Document for details)

8. (1) The statement of affairs under rule 4.2 must be...
9. (1) The statement of affairs under rule 4.3 must be...
10. Any statement of concurrence under Part 4 of these Rules,...
11. Any order for limited disclosure under rule 4.6(3) must be inserted...
12. On discharge or variation of an order for limited disclosure...
13. A certificate of appointment of the liquidator by creditors or...
14. The inventory and valuation of the assets of the company...
15. (1) Each statement of affairs and each statement of concurrence...
16. Any order for limited disclosure under rule 5.16(3) must be inserted...
17. On discharge or variation of an order for limited disclosure...
18. A certificate of appointment of the liquidator under rule 5.23....
19. The inventory and valuation of the assets of the company...
20. Any transcript prepared of a public examination under section 133....
Common parts Any petition for winding up or
the appointment of any...

Common parts

21. Any petition for winding up or the appointment of any...
22. Any decision or order of the court, including any decision...
23. Any progress report required by Chapter 1 of Part 7....
24. Any final report or account mentioned in Chapter 2 of...
25. Where the liquidator accepts or rejects a claim under rule...
26. A record of the court's decision on any appeal against...
27. A record of an agreement or determination under rule 7.31(2)(c)(i)...
28. The audited accounts.
29. The scheme of division.
30. The final determination in relation to the liquidator's outlays and...
31. A record of a decision procedure made in accordance with...
32. A record of a deemed consent procedure made in accordance...
33. All proxies.
34. A copy of every resolution passed under rule 10.18 (voting...
35. A copy of every resolution passed under rule 10.19 (resolutions...
36. A note that the agreement of the committee to a...
Explanatory Note

Changes to legislation:

There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018.