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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 347**

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

**PART 1**

**SCOPE, INTERPRETATION, TIME AND RULES ABOUT DOCUMENTS**

**CHAPTER 8**

Standard contents of notices for delivery to other persons etc.

[Note: the requirements in Chapter 8 must be read with rule 1.7 which sets out the information required to identify an office-holder, a company etc.]

**Standard contents of notices to be delivered to persons other than the registrar of companies or Accountant in Bankruptcy**

**1.25.**—(1) Where the Act or these Rules require a notice to be delivered to a person other than the registrar of companies or AiB in respect of insolvency proceedings under Parts 3 to 5 of the Act or the EU Regulation, the notice must contain the standard contents set out in this Chapter (in addition to any content specifically required by the Act or another provision of these Rules).

(2) A notice of more than one type must satisfy the requirements which apply to each.

(3) The requirements in respect of a document which is to be delivered to another person at the same time as the registrar of companies or AiB may be satisfied by delivering to that other person a copy of the document delivered to the registrar or AiB.

**Standard contents of all notices**

**1.26.** A notice must—

- (a) state the nature of the notice;
- (b) identify the insolvency proceedings;
- (c) state the section (or paragraph) of the Act or the rule under which the notice is given; and
- (d) in the case of a notice delivered by the office-holder, state the contact details for the office-holder.

**Standard contents of notices relating to the office of office-holders**

**1.27.** A notice relating to the office of the office-holder must also identify the office-holder and state—

- (a) the date of the event of which notice is delivered;
- (b) where the notice relates to an appointment, the person, body or court making the appointment; and

- (c) where the notice relates to the termination of an appointment, the reason for that termination.

#### **Standard contents of notices relating to documents**

**1.28.** A notice relating to a document must also state—

- (a) the nature of the document;
- (b) the date of the document; and
- (c) where the document relates to a period of time, the period of time to which the document relates.

#### **Standard contents of notices relating to court proceedings or orders**

**1.29.** A notice relating to court proceedings must also identify those proceedings and if the notice relates to a court order state—

- (a) the nature of the order; and
- (b) the date of the order.

#### **Standard contents of notices of the results of decisions**

**1.30.** A notice of the result of a decision procedure, deemed consent procedure or meeting must also state—

- (a) the purpose of the procedure or meeting;
- (b) a description of the procedure or meeting used;
- (c) in the case of a decision procedure or meeting, the venue;
- (d) in the case of a deemed consent procedure, the date the decision was deemed to have been made;
- (e) whether, in the case of a meeting, the required quorum was in place; and
- (f) the outcome (including any decisions made or resolutions passed).

#### **Standard contents of returns or reports of matters considered by company members by written resolution**

**1.31.** A return or report of a matter, consideration of which has been sought from the members of a company by written resolution, must also specify—

- (a) the purpose of the consideration; and
- (b) the outcome of the consideration (including any resolutions passed).

**Changes to legislation:**

There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018, CHAPTER 8.