
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

Termination of appointment

5.10.—(1) Subject to paragraph (2), the appointment of the provisional liquidator may be terminated by the court on the application of the provisional liquidator, or a person specified in rule 5.4(1).

(2) In relation to a winding-up petition under section 124A (petition by Secretary of State for winding up on grounds of public interest) the appointment of the provisional liquidator may be terminated by the court on the application of the provisional liquidator or the Secretary of State.

(3) If the provisional liquidator's appointment terminates, in consequence of the dismissal of the winding-up petition or otherwise, the court may give such directions as it thinks just relating to—

- (a) the accounts of the provisional liquidator's administration;
- (b) the expenses properly incurred by the provisional liquidator; or
- (c) any other matters which it thinks appropriate.

(4) The provisional liquidator must give notice of termination of the appointment as provisional liquidator, unless the termination is on the making of a winding-up order or the court directs otherwise.

(5) The notice referred to in paragraph (4) must be delivered as soon as reasonably practicable to—

- (a) the registrar of companies;
- [^{F1}(aa) if a moratorium under Part A1 of the Act is in force for the company, the monitor;]
- (b) AiB;
- (c) the company (or the liquidator, if a liquidator was appointed for the company's voluntary winding up); and
- (d) any receiver of the whole or any part of the company's property.

(6) The notice under paragraph (4) must state—

- (a) that the appointment as provisional liquidator has been terminated;
- (b) the date of that termination; and
- (c) that the appointment terminated otherwise than on the making of a winding-up order.

Changes to legislation: *There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018, Section 5. (See end of Document for details)*

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Textual Amendments

- F1** Rule 5.10(5)(aa) inserted (1.10.2021) by The Insolvency (Scotland) (Receivership and Winding up) (Amendment) Rules 2021 (S.I. 2021/1025), rules 1, **10(2)** (with rules 4, 5)

Changes to legislation:

There are currently no known outstanding effects for the The Insolvency (Scotland) (Receivership and Winding up) Rules 2018, Section 5.