
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 347

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

PART 5

WINDING UP BY THE COURT

CHAPTER 6

The liquidator

Appointment by the court (section 138(5), section 139(4) and section 140)

5.26.—(1) This rule applies where the liquidator is appointed by the court under section 138(5) (no person nominated or appointed by creditors and contributories), 139(4) (different persons nominated by creditors and contributories) or section 140^{M1} (winding up following administration or CVA).

(2) The court must not make the appointment unless and until the person being appointed liquidator has lodged in court a statement to the effect that that person is qualified to act as an insolvency practitioner in relation to the company and consents to act as liquidator.

(3) The liquidator's appointment is effective from the date of the order of appointment.

(4) The liquidator must—

(a) within 7 days beginning with the day the liquidator receives the copy order of appointment deliver notice of it to AiB; and

(b) within 28 days beginning with the day the liquidator receives the copy order of appointment—

(i) deliver notice of it to the creditors and contributories; or

(ii) if the court permits and in accordance with the directions of the court either—

(aa) gazette the notice; or

(bb) otherwise advertise the notice,

or both gazette the notice and otherwise advertise the notice.

(5) Where the liquidator gives notice under paragraph (4)(b)(i) the liquidator may, in addition—

(a) gazette the notice; or

(b) otherwise advertise the notice in such manner as the liquidator thinks fit,

or both gazette the notice and otherwise advertise the notice.

(6) Any notice under this rule must—

(a) state that a liquidator has been appointed;

(b) state the date of the appointment;

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)

- (c) state whether the liquidator proposes to seek decisions from creditors and contributories for the purpose of establishing a liquidation committee, or proposes only to seek a decision from creditors for that purpose; and
- (d) if the liquidator does not propose to seek any such decision, set out the powers of the creditors under the Act to require the liquidator to seek one.

Marginal Citations

M1 [Section 140\(3\)](#) is prospectively amended by paragraph 35 of schedule 9 to the 2015 Act.

Changes to legislation:

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