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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 247**

**Act of Sederunt (Rules of the Court of Session  
1994 and Sheriff Court Company Insolvency  
Rules Amendment) (Insolvency) 2019**

**Amendment of the Rules of the Court of Session 1994**

**2.—(1)** Chapter 74 (companies) of the Rules of the Court of Session 1994<sup>(1)</sup> is amended in accordance with this paragraph.

(2) In rule 74.30A (applications under section 176A of the Act of 1986)<sup>(2)</sup>, after paragraph (1) insert—

- “(1A) The petition or note, as the case may be, must include averments in relation to—
- (a) the type of insolvency proceedings in which the application arises;
  - (b) the financial position of the company;
  - (c) the basis for the applicant’s view that the cost of making a distribution to unsecured creditors would be disproportionate to the benefits; and
  - (d) whether any other insolvency practitioner is acting in relation to the company and, if so, that insolvency practitioner’s name and address.”

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<sup>(1)</sup> The Rules of the Court of Session 1994 are in schedule 2 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443), last amended by S.S.I. 2019/227.  
<sup>(2)</sup> Rule 74.30A was inserted by S.S.I. 2003/385.