

SCHEDULE

PART 1

AMENDMENT OF THE PRINCIPAL RULES

SECTION 5: AMENDMENT OF PART 4 OF THE RULES

Amendment of Rule 4.7

36.—(1) In subparagraph (e) of paragraph (4) of Rule 4.7 for the words from “(i) a recognised bank” to “were licensed” there shall be substituted the words “an authorised institution or former authorised institution within the meaning of the Banking Act 1987”.

(2) After paragraph (6) of Rule 4.7 there shall be added the following paragraphs:—

“(7) Where a petition is filed at the instance of a company’s administrator the petition shall—

- (a) be expressed to be the petition of the company by its administrator,
- (b) state the name of the administrator, the number of the petition on which the administration order was made and the date of that order, and
- (c) contain an application under section 18 requesting that the administration order be discharged and that the court make any such order consequential upon that discharge as it thinks fit.

(8) Any petition filed in relation to a company in respect of which there is in force an administration order or a voluntary arrangement under Part I of the Act shall be presented to the court which made the administration order or, as the case may be, to which the nominee’s report under section 2 was submitted.

(9) Any petition such as is mentioned in paragraph (7) above or presented by the supervisor of a voluntary arrangement under Part I of the Act in force for the company shall be treated as if it were a petition filed by contributories, and Chapter 4 in this Part of the Rules shall apply accordingly.

(10) Where a petition contains a request for the appointment of a person as liquidator in accordance with section 140 (appointment of former administrator or supervisor as liquidator) the person whose appointment is sought shall, not less than 2 days before the return day for the petition, file in court a report including particulars of—

- (a) a date on which he notified creditors of the company, either in writing or at a meeting of creditors, of the intention to seek his appointment as liquidator, such date to be at least 10 days before the day on which the report under this paragraph is filed, and
- (b) details of any response from creditors to that notification, including any objections to his appointment.”.