

SCHEDULE

PART 1

AMENDMENT OF THE PRINCIPAL RULES

SECTION 3: AMENDMENT OF PART 2 OF THE RULES

Amendment of Rule 2.6

6. For subparagraph (a) of paragraph (2) of Rule 2.6 there shall be substituted the following:—
- “(a) on any person who has appointed, or is or may be entitled to appoint, an administrative receiver of the company;”.

Insertion of Rule 2.6A

7. After Rule 2.6 there shall be inserted the following rule:—

“**Notice to sheriff, etc**

2.6A. The petitioner shall forthwith after filing the petition give notice of its presentation to—

- (a) any sheriff or other officer who to his knowledge is charged with an execution or other legal process against the company or its property, and
- (b) any person who to his knowledge has distrained against the company or its property.”.

Amendment of Rule 2.7

8.—(1) In paragraph (4) of Rule 2.7 there shall be inserted at the beginning the words “Subject to paragraph (4A),”.

- (2) After paragraph (4) of Rule 2.7 there shall be inserted the following paragraph:—

“(4A) In the case of a person who—

- (a) is an authorised institution or former authorised institution within the meaning of the Banking Act 1987,
- (b) has appointed, or is or may be entitled to appoint, an administrative receiver of the company, and
- (c) has not notified an address for service,

the proper address is the address of an office of that person where, to the knowledge of the petitioner, the company maintains a bank account or, where no such office is known to the petitioner, the registered office of that person, or, if there is no such office, his usual or last known address.”.

Amendment of Rule 2.9

9. For subparagraph (c) of paragraph (1) of Rule 2.9 there shall be substituted the following:—
- “(c) any person who has appointed, or is or may be entitled to appoint, an administrative receiver of the company;”.

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Amendment of Rule 2.10

10. For subparagraph (a) of paragraph (3) of Rule 2.10 there shall be substituted the following:—

“(a) to any person who has appointed, or is or may be entitled to appoint, an administrative receiver of the company;”.

Amendment of Rule 2.11

11.—(1) In paragraph (1) of Rule 2.11 for the word “If” there shall be substituted the word “Where”.

(2) In paragraph (4) of Rule 2.11 for the words “instructions for” to the end there shall be substituted the words “the forms required for the preparation of the statement of affairs”.

Amendment of Rule 2.16

12.—(1) In Rule 2.16 the existing paragraph shall be numbered (1) and for subparagraph (f) of that paragraph there shall be substituted the following:—

“(f) the manner in which the affairs and business of the company—

(i) have, since the date of the administrator’s appointment, been managed and financed, and

(ii) will, if the administrator’s proposals are approved, continue to be managed and financed; and”.

(2) In Rule 2.16 after the existing paragraph there shall be added the following paragraph:—

“(2) Where the administrator intends to apply to the court under section 18 for the administration order to be discharged at a time before he has sent a statement of his proposals to creditors in accordance with section 23(1), he shall, at least 10 days before he makes such an application, send to all creditors of the company (so far as he is aware of their addresses) a report containing the information required by paragraph (1)(a)—(f)(i) of this Rule.”.

Amendment of Rule 2.19

13.—(1) In paragraph (4) of Rule 2.19 the words “At least 21 days” shall be omitted.

(2) After paragraph (4) of Rule 2.19 there shall be inserted the following paragraph:—

“(4A) Except in relation to a meeting summoned under section 23(1) or 25(2), at least 21 days’ notice of the meeting shall be given.”.

Amendment of Rule 2.28

14.—(1) In paragraph (1) of Rule 2.28 there shall be inserted at the beginning the words “Subject to paragraph (1A),”.

(2) After paragraph (1) of Rule 2.28 there shall be inserted the following paragraph:—

“(1A) Any resolution is invalid if those voting against it include more than half in value of the creditors to whom notice of the meeting was sent and who are not, to the best of the chairman’s belief, persons connected with the company.”.

Amendment of Rule 2.29

15. For Rule 2.29 there shall be substituted the following:—

“Reports and notices under sections 23 and 25

2.29. Any report or notice by the administrator of the result of a creditors' meeting held under section 23 or 25 shall have annexed to it details of the proposals which were considered by the meeting and of the revisions and modifications to the proposals which were so considered.”.

Amendment of Rule 2.33

16. For paragraph (2) of Rule 2.33 there shall be substituted the following:—

“(2) No person may act as a member of the committee unless and until he has agreed to do so and, unless the relevant proxy or authorisation contains a statement to the contrary, such agreement may be given by his proxy-holder or representative under section 375 of the Companies Act present at the meeting establishing the committee.

(2A) The administrator’s certificate of the committee’s due constitution shall not issue unless and until at least 3 of the persons who are to be members of the committee have agreed to act.”.

Amendment of Rule 2.37

17. In paragraph (2) of Rule 2.37 there shall be added at the end the words “, and for this purpose any proxy or any authorisation under section 375 of the Companies Act in relation to any meeting of creditors of the company shall, unless it contains a statement to the contrary, be treated as a letter of authority to act generally signed by or on behalf of the committee-member”.

Amendment of Rule 2.43

18. In paragraph (2) of Rule 2.43 for the words from “a statement incorporating” to the end there shall be substituted the words “a copy of any proposed resolution on which a decision is sought, which shall be set out in such a way that agreement with or dissent from each separate resolution may be indicated by the recipient on the copy so sent”.

Insertion of Rule 2.46A

19. After Rule 2.46 there shall be inserted the following rule:—

“Formal defects

2.46A. The acts of the creditors' committee established for any administration are valid notwithstanding any defect in the appointment, election or qualifications of any member of the committee or any committee-member’s representative or in the formalities of its establishment.”.

Amendment of Rule 2.47

20. For paragraph (7) of Rule 2.47 there shall be substituted the following:—

“(7) Where there are joint administrators, it is for them to agree between themselves as to how the remuneration payable should be apportioned. Any dispute arising between them may be referred—

- (a) to the court, for settlement by order, or
- (b) to the creditors' committee or a meeting of creditors, for settlement by resolution.

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(8) If the administrator is a solicitor and employs his own firm, or any partner in it, to act on behalf of the company, profit costs shall not be paid unless this is authorised by the creditors' committee, the creditors or the court.”.

Amendment of Rule 2.49

21. In paragraph (4) of Rule 2.49 after the word “appearing” in both places where it occurs there shall be inserted the words “or being represented”.

Amendment of Rule 2.55

22. In Rule 2.55 for the words “original appointment of an administrator” there shall be substituted the words “administration order”.