

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Insolvency (Scotland) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 1

Regulation 21

F1  
...

**Textual Amendments**

**F1** Sch. 1 revoked (30.11.2016) by The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016 (S.I. 2016/1034), art. 1, **Sch. 2 Pt. 2**

Regulation 21

SCHEDULE 1  
FORM 5  
STATEMENT OF CLAIM BY CREDITOR  
Bankruptcy (Scotland) Act 1985, Sections 22(2a) and 48

**WARNING:**

- It is a criminal offence for a creditor to produce a statement of claim, account, voucher or other evidence which is false, unless he shows that he acted lawfully and had reason to believe that it was false; or
- If a debtor who knows or has reason to think that it is false to fail to report it to the sheriff or official receiver within one month of acquiring such knowledge. On conviction either creditor or debtor may be liable to a fine and/or imprisonment.

<p>Notes</p> <p>(a) Debtor name and address of debtor</p> <p>(b) Debtor name and address of creditor</p> <p>(c) Debtor name and address, if applicable, of authorised person acting on behalf of the creditor</p> <p>(d) Debtor details of any other proceedings in which a claim has been or is being submitted in respect of the debt or part of the debt and the amount claimed</p> <p>(e) Debtor total amount claimed in respect of all the debts, the particulars of which are set out herein</p>	<p>Sequestration of the estate of</p> <p>(a) _____</p> <p>(b) _____</p> <p>(c) _____</p> <p>(d) _____</p> <p>I submit a claim of £( )</p> <p>In the above sequestration and certify that the particulars of the debt or debts making up that claim, which are set out overhead, are true, correct and accurate to the best of my knowledge and belief.</p> <p>Signed _____ Creditor/Person acting on behalf of creditor</p> <p>Date _____</p>
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PARTICULARS OF EACH DEBT	
<p><b>Notes</b></p> <p>A separate set of particulars should be made out in respect of each debt.</p> <p>1. Describe briefly the debt, giving details of the nature, the date when it was incurred and when payment became due.</p> <p>Attach any documentary evidence of the debt, if available.</p> <p>2. Insert total amount of the debt, showing separately the amount of principal and any interest which is due on the debt as at the date of preparation. Interest must only be claimed if the creditor is entitled to it. Show separately the VAT on the debt and indicate whether the VAT is being claimed back from HM Customs and Excise.</p> <p>3. Specify and give details of the nature of any security held in respect of the debt including:</p> <p>(i) the subjects covered and the date when it was given;</p> <p>(ii) the value of the security.</p> <p><b>Note:</b> The provisions extend only, at any time after 12 weeks from the date of preparation, to a creditor who holds a security or is entitled or assigns it to him on payment of the value specified by the creditor.</p> <p>(c) whether the creditor is surrendering or undertakes to surrender the security.</p> <p><b>Security is defined for the purposes of the Bankruptcy (Scotland) Act 1985 as meaning "any security, movable or immovable, or any right of lien, retention or preference".</b></p> <p>4. In the case of a member State liquidator creditor, specify and give details of underlying claim on request of which he is claiming as creditor.</p> <p>Attach documentary evidence of debts.</p> <p>5. In calculating the total amount of his claim, a secured creditor must deduct the value of any security or retention he has, unless he surrenders it (see note (c) above).</p>	
1. Particulars of debt	
2. Amount of debt	
3. Security for debt	
4. Underlying claim	
5. Total amount of the debt	

SCHEDULE 2

Regulation 29

[<sup>F2</sup>][<sup>F3</sup> PART I

**Textual Amendments**

- F2** Sch. 2 revoked in part (S.) (6.4.2019) by [The Insolvency \(Scotland\) \(Receivership and Winding up\) Rules 2018 \(S.S.I. 2018/347\)](#), rule 1, **sch. 1 para. 1**
- F3** Sch. 2 revoked in part (S.) (6.4.2019) by [The Insolvency \(Scotland\) \(Company Voluntary Arrangements and Administration\) Rules 2018 \(S.I. 2018/1082\)](#), rule 1, **Sch. 1 Table**

Rule 415 The Insolvency Act 1986 Form 47 (Scott)

Statement of Claims by Creditors

Pursuant to Rule 415(2)(a) of the Insolvency (Scotland) Rules 1986

**WARNING:**

It is a criminal offence:

- for a creditor to produce a statement of claim, account, voucher or other evidence which is false, unless he shows that he neither knew nor had reason to believe that it was false; or
- for a director or other officer of the company who knows or becomes aware that it is false to fail to report it to the liquidator within the month of acquiring such knowledge.

An offence under this provision or such director or other officer of the company may be liable to a fine, imprisonment or both.

Notes:

(a) Insert name of company

(b) Insert name and address of creditor

(c) Insert name and address, if applicable, of additional person acting on behalf of the creditor

(d) Insert total amount as at the date (see note (e) below) claimed in respect of all the debts, the particulars of which are set out overleaf.

(e) The date here is the date of company:

- (i) which is subject to a voluntary arrangement, or the date of a creditors meeting in the voluntary arrangement;
- (ii) which is administration in the date of the administration order;
- (iii) which is in receivership in the date of appointment of the receiver; and
- (iv) which is in liquidation in the commencement of the winding up.

The date of commencement of the winding up is:

- (i) in a voluntary winding up the date of the resolution by the company for winding up (section 84(1)), and
- (ii) in a winding up by the court, the date of the presentation of the petition for winding up (unless it is provided for a resolution for "summary" winding up (section 129)).

I/We, a claimant of (a) c. \_\_\_\_\_, in the liquidation of the above company and certify that the particulars of the debt or debts stated in the claim, which are set out overleaf, are true, complete and accurate, to the best of my knowledge and belief.

Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Chair/Person acting on behalf of creditor

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PARTICULARS OF EACH DEBT	Form 4.71 (Scott) (contd)
<p><b>Notes</b></p> <p>A separate set of particulars should be made out in respect of each debt.</p> <p>1. Describe briefly the debt, giving details of its nature, the date when it was incurred and when payment became due.</p> <p>Attach any documentary evidence of the debt, if available.</p> <p>2. Insert total amount of the debt, showing separately the amount of principal and any interest which is due on the date as the date due for interest (i.e. interest may only be claimed if the creditor is entitled to it). Show separately the VAT on the debt and indicate whether the VAT is being claimed back from HM Customs and Excise.</p> <p>3. Insert the name and amount of any preference under Schedule 6 of the Act claimed in respect of the debt.</p> <p>4. Specify and give details of the nature of any security held in respect of the debt including:</p> <p>(i) the subjects covered and the date when it was given;</p> <p>(ii) the value of the security.</p> <p>Security is defined in section 240B(1) of the Insolvency Act 1986 as including any security which is enforceable or enforceable, any floating charge and any right of lien or preference and any right of retention (other than a right of compensation or set-off). For rules in administration procedure security also includes a retention of title agreement. For purposes of these regulations, agreements for sale free of purchase money more than three months and a conditional sale agreement (see Rules 2.11 and 2.12).</p> <p>In liquidation only the creditor should state whether he is submitting in evidence to the liquidator his security. He liquidator may at any time after 12 weeks from the date of commencement of the winding up (over 60) require a creditor to discharge a security or to remove or assign it to him on payment of the value specified by the creditor.</p>	<p>1. <b>Particulars of debt</b></p> <p>2. <b>Amount of debt</b></p> <p>3. <b>Preference claimed for debt</b></p> <p>4. <b>Security for debt</b></p>
<p>5. In calculating the total amount of his claim in a liquidation, a creditor shall add the value of any security as retained by him unless he surrenders it (see rule 4.7). This may apply to an administrator (see Rule 2.13).</p> <p>6. In the case of a member State liquidator creditor, specify and give details of underlying claims in respect of which he is claiming a credit.</p>	<p>5. <b>Total amount of the debt</b></p> <p>6. <b>Underlying claims</b></p>

## PART III]

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PART II

Rule 4.84 Form 4.30 (SC01)

**Confirmation by Court of Creditors' Voluntary Winding up Application and Order**  
(Title) (Registered No. )

(a) Insert name of applicant

1. I (a) ..... identify make application to the court for confirmation of the creditors' voluntary winding up proceedings under Part IV of the Insolvency Act 1986 in relation to

(b) .....

(b) Insert name of company

(c) Insert date of resolution

2. The resolution for voluntary winding up was passed on

(c) .....

(d) Insert date

3. I was appointed liquidator of the company on (d) .....

(e) Insert whether made, amended or renewed proceedings

4. I declare that the IC Regulation will apply and that these proceedings will be (e) ..... proceedings as defined in Article 3 of the IC Regulation.

5. I attach the following documents required to accompany the application under Rule 4.84

(a) copy of resolution for voluntary winding up

(b) evidence of my appointment as liquidator of the company

(c) copy of statement of affairs required under section 99

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**Affidavit**

After sections 1 to 4 have been completed (and having the documents required under section 4 available), this affidavit must be sworn before a senior police or commissioner for ombuds.

(f) Insert name and occupation

I (f) .....

(g) Insert full address

of (g) .....

.....

swear that the contents of this application are to the best of my knowledge and belief true and that the documents exhibited hereto are all those required to accompany this application under Rule 4.84 and that they are true copies of the stated documents.

Signature of Applicant .....

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(h) Insert place

SWORN at (h) .....

this day of ..... 01 .....

(i) Insert month and year

before me (i) .....

(j) Insert full name and address of Notary Public or Commissioner for Ombuds

Signature .....

(k) Insert as applicable

(l) Insert date

Upon reading the application dated (h) ..... of

(m) Insert name of applicant

(j) .....

and the evidence lodged in support

It is hereby confirmed by the court that the proceedings are creditors' voluntary winding up proceedings under Part IV of the Insolvency Act 1986.

Dated .....

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**Changes and effects yet to be applied to :**

- Pt. 1 revoked by [S.I. 2016/1034 Sch. 2 Pt. 2](#)
- Sch. 1 revoked by [S.I. 2016/1034 Sch. 2 Pt. 2](#)