

SCHEDULE

Rule 2

AMENDMENTS TO THE PRINCIPAL RULES

PART 1

1. In Part 1 (Company Voluntary Arrangements) of the Rules, wherever “forthwith” appears, substitute with “as soon as is reasonably practicable”.

2. For Rule 1.30(2) substitute—

“On receipt of the copies of the schedule pursuant to paragraph (1), the nominee—

- (a) as soon as is reasonably practicable, shall advertise the coming into force of the moratorium once in the Edinburgh Gazette; and
- (b) may advertise the coming into force of the moratorium in such other manner as the nominee thinks fit.”

3. For Rule 1.32(1) substitute—

“After the moratorium comes to an end, the nominee—

- (a) as soon as is reasonably practicable, shall advertise its coming to an end once in the Edinburgh Gazette; and
- (b) may advertise its coming to an end in such other manner as the nominee thinks fit;

and such notice shall specify the date on which the moratorium came to an end.”

4. For Rule 2.19(1) substitute—

“The notice of appointment, which an administrator must publish as soon as is reasonably practicable after his appointment by virtue of paragraph 46(2)(b), shall be advertised in the Edinburgh Gazette and may be advertised in such other manner as the administrator thinks fit.”

5. For Rule 2.25(6) substitute—

“Where the administrator wishes to publish a notice under paragraph 49(6), the notice shall be advertised in such manner as the administrator thinks fit.”

6. After Rule 2.25(6) insert—

“(6A) A notice published under Rule 2.25(6) shall—

- (a) state the full name of the company;
- (b) state the full name and address of the administrator;
- (c) give details of the administrator’s appointment; and
- (d) specify an address to which any member of the company can write to request that a copy of the statement of proposals be provided free of charge.”

7. After Rule 2.26 insert—

“Notice of meetings

2.26A.—(1) The administrator shall publish notice of an initial creditors’ meeting under paragraph 51 in the Edinburgh Gazette and the notice may be advertised in such other manner as the administrator thinks fit.

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(2) An administrator may publish notice of any other meeting, in such manner as the administrator thinks fit to ensure the meeting comes to the notice of any persons who are entitled to attend.

(3) A notice published under paragraphs (1) or (2) shall include—

- (a) the name, registered number and address of the registered office of the company in administration;
- (b) the venue fixed for the meeting;
- (c) the date and time of the meeting; and
- (d) the full name and address of the administrator.

(4) Rule 7.3(3) (notice of meeting) shall not apply to a meeting of creditors summoned by the administrator.”

8. For Rule 2.34(3) substitute—

“Where the administrator wishes to publish a notice under paragraph 54(3), the notice shall be advertised in such manner as the administrator thinks fit.”

9. After Rule 2.34(3) insert—

“(4) The notice referred to in paragraph (3) shall—

- (a) state the full name of the company;
- (b) state the name and address of the administrator;
- (c) specify an address to which any member of the company can write to request that a copy of the statement be provided free of charge; and
- (d) be published as soon as is reasonably practicable after the administrator sends the statement to the creditors.”

10. For Rule 2.45(3) substitute—

“Where the administrator wishes to publish a notice under paragraph 80(5), the notice

- (a) shall be published in the Edinburgh Gazette; and
- (b) may be advertised in such other manner as the administrator thinks fit.”

11. For Rule 2.45(4) substitute—

“A notice published under Rule 2.45(3) shall—

- (a) state the full name of the company;
- (b) state the name and address of the administrator;
- (c) state the date when the administrator’s appointment ceased to have effect;
- (d) specify an address to which any creditor of the company can write to request that a copy of the notice be provided; and
- (e) be published within five business days of filing the notice of the end of administration with the court.”

12. In Rule 7.3(3) omit the words “In the case of a creditors’ meeting” to “shall publish such a notice.”.

13. In Rule 7.3(3A) after the words “this paragraph” insert—

“or Rule 2.26A (1) or (2)”.

14. For Form 1.10 (Scot) (Advertisement of coming into force or ending of moratorium) in Schedule 5, Part 1, substitute Form 1.10 (Scot) set out in Part 2 of the Schedule to these Rules.

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15. For Form 2.10B (Scot) (Notification of appointment of administrator) in Schedule 5, Part 2, substitute Form 2.10B (Scot) set out in Part 2 of the Schedule to these Rules.

PART 2

Forms for Insertion into Schedule 5 to the Principal Rules

Rule 1.30/1.32

Form 1.10 (Scot)

Advertisement of coming into force or ending of moratorium (for Edinburgh Gazette and other advertising)

The Insolvency Act 1986

(a) Insert full name of company

In the matter of (a) _____

_____ Limited

(b) Give details of nature of business carried on by the company

Nature of business (b)

A moratorium under section 1A of the Insolvency Act 1986 came into force

(c) Insert date

on (c) _____

OR (d)

(d) Delete as applicable

The moratorium under section 1A of the Insolvency Act 1986 which came

into force on (c) _____ came to an end

on (c) _____

Signed _____ Nominee

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Rule 2.19

The Insolvency Act 1986

Form 2.10B (Scot)

Notification of appointment of administrator (for Edinburgh Gazette and other advertising)

Pursuant to paragraph 46(2)(b) of Schedule B1 to the Insolvency Act 1986 and Rule 2.19 of the Insolvency (Scotland) Rules 1986

Name of company	Company number
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Nature of business _____

Registered office of company _____

(a) Insert date

Appointment of administrator made on (a) _____ 20

*Delete as applicable

by *order of/*notice of appointment lodged in (b) _____

(b) Insert full name of court

Name(s) and address(es) of administrator(s) _____

Administrator/Joint administrator (IP No(s) _____)