
STATUTORY INSTRUMENTS

2010 No. 688 (S. 2)

INSOLVENCY, SCOTLAND
COMPANIES

The Insolvency (Scotland) Amendment Rules 2010

Made - - - - *9th March 2010*
Laid before Parliament *10th March 2010*
Coming into force *6th April 2010*

THE INSOLVENCY (SCOTLAND) AMENDMENT RULES 2010

1. Citation, commencement and interpretation
 2. In these Rules “the principal Rules” means the Insolvency (Scotland)...
 3. Amendments to the principal Rules
 4. Transitional provisions – general
 5. Revocations and amendments relating to new provisions in the Act
 6. Amendments relating to preparation of proposals for voluntary arrangements
- Signature

SCHEDULE 1 — AMENDMENTS TO THE PRINCIPAL RULES

1. In Rule 0.2(1) before “territorial proceedings” insert— “Standard content” means—...
2. Insert after Rule 0.2(2)— (3) A document or information given,...
3. After Rule 1.1 insert— CHAPTER 1A THE GIVING OF NOTICE...
4. Omit Rule 1.2.
5. In Rule 1.3(2)— (a) omit “and” after paragraph (o); and...
6. In Rule 1.3(3) for “former’s” substitute “nominee’s”.
7. For Rule 1.5(1) substitute— (1) The directors shall, at the...
8. In Rule 1.5(4)— (a) for “their” substitute “the relevant director’s”;...
9. In Rule 1.6(3) for “him access to the company’s accounts...”
10. In paragraphs (1) and (2) of Rule 1.8 for “7”...
11. In Rule 1.9(1) omit “less than 14, nor”.
12. In Rule 1.9(2) after “lodged” insert “and shall state the...”
13. In Rule 1.9(2)— (a) omit “and” after paragraph (b); and...
14. After Rule 1.9(2) insert— (3) Notices calling the meetings shall...

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15. In Rule 1.10— (a) in paragraph (a), after “in administration”...
16. For Rule 1.11(1) substitute— (1) Notices calling meetings under section...
17. In Rule 1.11(2)— (a) delete “and” after paragraph (a); and...
18. Omit Rule 1.13.
19. In Rule 1.14(1) for “person summoning the meetings (“the convenor”)...
20. In Rule 1.14(3) for “7” substitute “5 business”.
21. After Rule 1.14(3) insert— (4) Meetings shall, in all cases,...
22. After Rule 1.14 insert— Remote Attendance at Meetings (1) This Rule applies to a request to the nominee...
23. After Rule 1.14A insert— Chairman of meeting as proxy holder...
24. At the end of Rule 1.15A(3) insert—
25. After Rule 1.15A insert— Entitlement to vote (members) (1) Members of a company at their meeting shall vote...
26. After Rule 1.16(5) insert— (6) During a meeting, the chairman...
27. After Rule 1.16 insert— Requisite Majorities at Creditors’ Meetings (1) Subject to paragraph (2), a resolution is passed at...
28. In Rule 1.17(3) before “days” insert “business”.
29. In Rule 1.17(4) for “immediately” substitute “as soon as reasonably...”
30. In Rule 1.18(1) for “may”, where it first occurs, substitute...
31. In Rule 1.18A(5) for “7” substitute “5 business”.
32. In paragraphs (4)(b) and (5) of Rule 1.20 for “7”...
33. For Rule 1.21 substitute— Supervisor’s accounts (1) This Rule applies where the voluntary arrangement authorises or...
34. In Rule 1.27(1)— (a) for “no later than 7 days...”
35. In Rule 1.27(4)— (a) for “their” substitute “the relevant director’s”;...
36. After Rule 1.30(2) insert— (2A) In addition to the standard...
37. In Rule 1.30(3) for “he” substitute “and address the nominee”...
38. In Rule 1.31(2) for “certified copy interlocutor” substitute “copy”.
39. After Rule 1.32(1) insert— (1A) In addition to the standard...
40. In Rule 1.32(2) for “he” substitute “and address the nominee”...
41. In Rule 1.35(d) for “he” substitute “and address the nominee”...
42. In paragraphs (1) and (2) of Rule 1.36 for “7”...
43. In Rule 1.36(3) for “his consent to act” substitute “that...”
44. In Rule 1.38 for “7” substitute “5 business”.
45. In Rule 1.39 omit paragraph (1).
46. For Rule 1.39(2) substitute— (2) Subject to the provisions in...
47. In Rule 1.40(2) for “he” substitute “the nominee”.
48. For Rule 1.40(4) substitute— (4) Each notice sent under this...
49. In Rule 1.43 for paragraphs (1) and (2) substitute—
50. After Rule 1.44(1) insert— (1A) During a meeting, the chairman...
51. For Rule 1.46(1) substitute— (1) Where a member State liquidator...
52. In Rule 1.47(1)(b)— (a) for “deponent’s belief” substitute “belief of...”
53. For Rule 1.47(1)(c) substitute— (c) the opinion of the person...
54. In paragraphs (1), (2) and (4) of Rule 1.48 for...
55. After Rule 1.49, insert— CHAPTER 10 Omission of Information from...
56. In Rule 2.1(1)(d) after the entry “—Chapter 5: Process of...”
57. After Rule 2.19(1) insert— (1A) In addition to the standard...
58. In Rule 2.22(1) after “administration” insert “or might be reasonably...”
59. In Rule 2.23(3) for “out of the assets” substitute “as...”
60. In Rule 2.24(1)— (a) for “the company’s affairs” substitute “affairs...”
61. After paragraph 2.25(1)(j) insert— (ka) a statement complying with paragraph...
62. For Rule 2.25(1)(l) substitute— (l) a statement (which must comply...

63. Omit paragraph 2.25(1)(m).
64. After Rule 2.25(1) insert— (1A) In this Part—
65. After Rule 2.25(3) insert— (3A) Where proposals are deemed under...
66. In Rule 2.25(5) for “10” substitute “7 business”.
67. For Rule 2.25(6A) substitute— (6A) A notice published under Rule...
68. After Rule 2.25 insert— Limited disclosure of paragraph 49 statement...
69. In Rule 2.26A— (a) for paragraphs (1) and (2) substitute—...
70. After Rule 2.26A insert— Remote Attendance at Meetings (1) This Rule applies to a request to the administrator...
71. In Rule 2.27(2) omit the words “once only and”.
72. In Rule 2.27 omit paragraph (4).
73. After Rule 2.27 insert— Suspension and Adjournment (1) This Rule applies to all meetings of creditors, and...
74. In Rule 2.28(6) for “4.15 as applied by this Part”...
75. For Rule 2.29 substitute— Applicable Law (Company Meetings) Subject to anything to the contrary in the Act and...
76. In Rule 2.31 for “12” substitute “8 business”.
77. In Rule 2.32(1) for “does” substitute “and (b) do”.
78. After Rule 2.32 insert— Notice of meetings by advertisement only...
79. After Rule 2.34(1)(h)(iii) insert— ; and (iv) where applicable, the...
80. In Rule 2.34(2) after “5” insert “business”.
81. In Rule 2.35(1)(a) after “notice of the meeting” insert “and...”
82. In Rule 2.35(1)(b) omit “to the registrar of companies and”...
83. After Rule 2.35 insert— Action where person excluded (1) In this Rule and Rules 2.35B and 2.35C an...
84. For Rule 2.36 substitute— Constitution of committee (1) Where it is resolved by the creditors’ meeting to...
85. For Rule 2.38(2) substitute— (2) For the purposes of this...
86. In Rule 2.39A(1)— (a) after “remuneration” insert “or outlays”; and...
87. In Rule 2.39A(5)— (a) for “has” substitute “and outlays have”;...
88. In Rule 2.39B(3)(a)(viii) after “Rule 2.39” insert “and unpaid pre-administration...”
89. After Rule 2.39B insert— Pre-administration costs (1) Where the administrator has made a statement of pre-administration...
90. After Rule 2.41(5)(b) insert— ; and (c) in Rule 4.66(1)(d)...
91. After Rule 2.41A insert— New administrator appointed (1) If a new administrator is appointed in place of...
92. In Rule 2.43(2) after “and to all” insert “other”.
93. At the end of the heading to Rule 2.45 insert...
94. In Rule 2.45(2) for “those” substitute “other”.
95. In Rule 2.46(3) for “7” substitute “5 business”.
96. For Rule 2.47 substitute— Moving from administration to creditors’ voluntary...
97. In Rule 2.48(2) for “those” substitute “other persons”.
98. In Rule 2.50(1) for “7” substitute “5 business”.
99. In Rule 2.51(2) for “those” substitute “other persons”.
100. In Rule 2.52(1) omit “or, where the deceased administrator was...”
101. In Rule 2.52 insert after paragraph (1)—
102. For Rule 2.57(1) substitute— (1) Where a member State liquidator...
103. In Rule 2.58(1)(b) for “a winding up” substitute “winding-up proceedings”....
104. In Rule 2.59(1) and (2) for “winding up” substitute “winding-up...”
105. In Rule 7.3(2) for sub-paragraph (a) substitute—

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106. In Rule 7.9(4)(a) omit “supervisor”.
107. In Rule 7.9(4)(b) omit “voluntary arrangement;”.
108. In Rule 7.9 omit sub-sub-paragraph (4)(c)(i).
109. In Rule 7.11 omit paragraph (2).
110. In Rule 7.12 omit paragraph (2).
111. After Rule 7.13B(2) insert— (3) In an administration, paragraph (2)...
112. After Rule 7.21(1) insert— (1A) In Parts 1 and 2...
113. After Rule 7.21 insert— Contents of notices in Parts 1...
114. After Rule 7.30, insert— Electronic submission of information instead of...
115. For Rule 7.35 substitute— Information about time spent on a...
116. In Form 2.25B (Scot) (Notice of move from administration to...
117. The Form contained in Schedule 2 to these Rules is...
118. In Form 2.30B (Scot) (Notice of vacation of office by...

SCHEDULE 2 — FORM FOR INSERTION INTO SCHEDULE 5 TO THE
PRINCIPAL RULES

Explanatory Note