

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules set out the detailed procedures for the conduct of company voluntary arrangements (“CVAs”) and administration proceedings in Scotland under the Insolvency Act 1986 (“the Act”). The Rules accordingly give effect, for Scotland, to Parts 1 and 2 of the Act and to EU Regulation No 2015/848 of 20 May 2015 on insolvency proceedings (the EU Regulation).

These Rules, in conjunction with a related Scottish Statutory Instrument – the Insolvency (Scotland) Receivership and Winding Up Rules 2018 (which make provision in relation to winding up proceedings) - aim to modernise and consolidate the Insolvency (Scotland) Rules 1986 (S.I. 1986/1915, as amended). To the extent that they apply to CVAs and administration proceedings, the 1986 Rules are accordingly revoked by this instrument, along with a number of amending rules and related instruments.

These Rules also give effect to amendments made to the Act by the Small Business, Enterprise and Employment Act 2015 (c.26).

These Rules are structured as follows:

The Introductory Rules (rules 1-6) contain the citation, commencement, extent and application of these Rules. The Introductory Rules also introduce Schedule 1 (revocations), Schedule 2 (transitional and savings provisions) and Schedule 3 (punishment of offences).

Part 1 (rules 1.1-1.57) is a common part containing definitions and rules about the standard content of documents; the delivery of documents; the use of websites; and the keeping of records. Part 1 also gives effect to Schedule 4 which sets out the information to be contained in the Sederunt Book.

Part 2 (rules 2.1-2.44) contains rules about CVAs.

Part 3 (rules 3.1-3.119) contains rules about administration.

Part 4 (rules 4.1-4.3) contains rules about the block transfer of insolvency proceedings between insolvency practitioners.

Part 5 (rules 5.1-5.42) is a common part containing rules about decision making.

Part 6 (rules 6.1-6.8) is a common part containing rules about proxies and corporate representation.

Part 7 (rules 7.1-7.14) contains rules which give effect to the EU Regulation.

**Changes to legislation:**

There are currently no known outstanding effects for the The Insolvency (Scotland) (Company Voluntary Arrangements and Administration) Rules 2018.