
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 17

CREDITORS' AND LIQUIDATION COMMITTEES

CHAPTER 5

Supply of information by the office-holder to the committee

[Note: a document required by the Act or these Rules must also contain the standard contents set out in Part 1.]

Notice requiring office-holder to attend the creditors' committee (administration and administrative receivership) (paragraph 57(3)(a) of Schedule B1 and section 49(2))

[Note: in an administration paragraph 57(3) of Schedule B1 enables the creditors' committee to require the administrator to provide the committee with information: section 49(2) makes similar provision in an administrative receivership.]

17.22.—(1) This rule applies where—

- (a) a committee in an administration resolves under paragraph 57(3)(a) of Schedule B1 to require the attendance of an administrator; or
- (b) a committee in an administrative receivership resolves under section 49(2) to require the attendance of the administrative receiver.

(2) The notice delivered to the office-holder requiring the office-holder's attendance must be—

- (a) accompanied by a copy of the resolution; and
- (b) authenticated by a member of the committee.

(3) A member's representative may authenticate the notice for the member.

(4) The meeting at which the office-holder's attendance is required must be fixed by the committee for a business day, and must be held at such time and place as the office-holder determines.

(5) Where the office-holder so attends, the committee may elect one of their number to be chair of the meeting in place of the office-holder or an appointed person.

Office-holder's obligation to supply information to the committee (winding up and bankruptcy)

[Note: see section 49(2) and paragraph 57(3) of Schedule B1 for the office-holder's duty in an administrative receivership and an administration to supply information to the creditors' committee.]

17.23.—(1) This rule applies in relation to a creditors' voluntary winding up, a winding up by the court and a bankruptcy.

(2) The office-holder must deliver a report to every member of the liquidation committee or the creditors' committee (as appropriate) containing the information required by paragraph (3)—

- (a) not less than once in every period of six months (unless the committee agrees otherwise); and
 - (b) when directed to do so by the committee.
- (3) The required information is a report setting out—
- (a) the position generally in relation to the progress of the proceedings; and
 - (b) any matters arising in connection with them to which the office-holder considers the committee's attention should be drawn.
- (4) The office-holder must, as soon as reasonably practicable after being directed by the committee—
- (a) deliver any report directed under paragraph (2)(b);
 - (b) comply with a request by the committee for information.
- (5) However the office-holder need not comply with such a direction where it appears to the office-holder that—
- (a) the direction is frivolous or unreasonable;
 - (b) the cost of complying would be excessive, having regard to the relative importance of the information; or
 - (c) there are insufficient assets to enable the office-holder to comply.
- (6) Where the committee has come into being more than 28 days after the appointment of the office-holder, the office-holder must make a summary report to the members of the committee of what actions the office-holder has taken since the office-holder's appointment, and must answer such questions as they may put to the office-holder relating to the office-holder's conduct of the proceedings so far.
- (7) A person who becomes a member of the committee at any time after its first establishment is not entitled to require a report under this rule by the office-holder of any matters previously arising, other than a summary report.
- (8) Nothing in this rule disentitles the committee, or any member of it, from having access to the office-holder's record of the proceedings, or from seeking an explanation of any matter within the committee's responsibility.