
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 15

DECISION MAKING

CHAPTER 5

Requisitioned decisions

Requisitions of decision

15.18.—(1) In this Chapter, “requisitioned decision” means a decision on nominations requested to be sought under section 136(5)(c) or a decision requested to be sought under section 168(2)(1), 171(2)(b), 171(3A)(2), 172(3), 298(4)(c)(3) or 314(7)(4) or paragraph 52(2) or 56(1) of Schedule B1(5).

(2) A request for a decision to be sought under paragraph 52(2) of Schedule B1 must be delivered within 8 business days of the date on which the administrator’s statement of proposals is delivered.

(3) The request for a requisitioned decision must include a statement of the purpose of the proposed decision and either—

- (a) a statement of the requesting creditor’s claim or contributory’s value, together with—
 - (i) a list of the creditors or contributories concurring with the request and of the amounts of their respective claims or values, and
 - (ii) confirmation of concurrence from each creditor or contributory concurring; or
- (b) a statement of the requesting creditor’s debt or contributory’s value and that that alone is sufficient without the concurrence of other creditors or contributories.

(4) A decision procedure must be instigated under section 171(2)(b) for the removal of the liquidator, other than a liquidator appointed by the court under section 108, if 25% in value of the company’s creditors, excluding those who are connected with the company(6), request it.

(5) Where a decision procedure under section 171(2)(b), 171(3), 171(3A) or 298(4)(c) is to be instigated, or is proposed to be instigated, the court may, on the application of any creditor, give directions as to the decision procedure to be used and any other matter which appears to the court to require regulation or control.

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- (1) Section 136(5)(c) is amended by paragraph 31(3) of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 (c.26) and section 168(2) is substituted by paragraph 41 of Schedule 9 to that Act.
 - (2) Section 171(2)(b) is amended, subsections (3) and (6) are substituted and subsections (3A) and (7) are inserted by paragraph 42 of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 and section 171(3A) is inserted by paragraph 42(3) of that Act.
 - (3) Section 172(3) is amended by paragraph 43(3) of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 and section 298(4)(c) is amended by paragraph 77(3)(c) of Schedule 9 to that Act.
 - (4) Section 314(7) is amended by paragraph 81 of Schedule 9 to the Small Business, Enterprise and Employment Act 2015.
 - (5) Paragraph 52(20) is amended by paragraph 10(6) of Schedule 9 to the Small Business, Enterprise and Employment Act 2015 and paragraph 56(1) is amended by paragraph 10(19) of Schedule 9 to that Act.
 - (6) “Connected with a company” is defined in section 249 of the Act.

(6) Where the official receiver receives a request under section 136(5)(c) and it appears that it is properly made, the official receiver must withdraw any notices previously given under section 136(5)(b) and act in accordance with Chapter 2 as if the official receiver had decided under section 136 to seek nominations.