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STATUTORY INSTRUMENTS

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**2016 No. 1024**

**The Insolvency (England and Wales) Rules 2016**

**PART 17**

**CREDITORS' AND LIQUIDATION COMMITTEES**

**CHAPTER 3**

**Membership and formalities of formation of a committee**

**Establishment of committees**

**17.5.**—(1) Where the creditors, or where applicable, contributories, decide that a creditors' or liquidation committee should be established, the convener or chair of the decision procedure (if not the office-holder) must—

- (a) as soon as reasonably practicable deliver a notice of the decision to the office-holder (or to the person appointed as office-holder); and
- (b) where a decision has also been made as to membership of the committee, inform the office-holder of the names and addresses of the persons elected to be members of the committee.

(2) Before a person may act as a member of the committee that person must agree to do so.

(3) A person's proxy-holder attending a meeting establishing the committee or, in the case of a corporation, its duly appointed representative, may give such agreement (unless the proxy or instrument conferring authority contains a statement to the contrary).

(4) Where a decision has been made to establish a committee but not as to its membership, the office-holder must seek a decision from the creditors (about creditor members of the committee) and, where appropriate in a winding up by the court, a decision from contributories (about contributory members of the committee).

(5) The committee is not established (and accordingly cannot act) until the office-holder has delivered a notice of its membership in accordance with paragraph (9) or (10).

(6) The notice must contain the following—

- (a) a statement that the committee has been duly constituted;
- (b) identification details for any company that is a member of the committee;
- (c) the full name and address of each member that is not a company.

(7) The notice must be authenticated and dated by the office-holder.

(8) The notice must be delivered as soon as reasonably practicable after the minimum number of persons required by rule 17.3 have agreed to act as members and been elected.

(9) Where the notice relates to a liquidation committee or a creditors' committee other than in a bankruptcy the office-holder must, as soon as reasonably practicable, deliver the notice to the registrar of companies.

(10) Where the notice relates to a creditors' committee in a bankruptcy the office-holder must, as soon as reasonably practicable—

- (a) in bankruptcy proceedings based on a petition file the notice with the court; and
- (b) in bankruptcy proceedings based on a bankruptcy application deliver the notice to the official receiver.