
STATUTORY INSTRUMENTS

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

Vacancies: contributory members of liquidation committee

17.9.—(1) This rule applies if there is a vacancy among the contributory members of a liquidation committee or where the number of contributory members of the committee is fewer than the maximum allowed under rule 17.3(3)(b) or 17.6(4) as the case may be.

(2) A vacancy need not be filled if—

- (a) the liquidator and a majority of the remaining contributory members agree; and
- (b) in the case of a committee of contributories only, the number of members does not fall below three.

(3) The liquidator may appoint a contributory to be a member of the committee, to fill a vacancy or as an additional member of the committee, if—

- (a) a majority of the remaining contributory members of the committee (provided there are at least two) agree to the appointment; and
- (b) the contributory agrees to act.

(4) Alternatively, the office-holder may seek a decision from contributories to appoint a contributory (with that contributory's consent) to fill the vacancy.

(5) Where the vacancy is filled by an appointment made by a decision of contributories which is not convened or chaired by the office-holder, the convener or chair must report the appointment to the office-holder.