

Notice of intention to appoint an administrator by company or director(s)

Pursuant to paragraph 26 of Schedule B1 to the Insolvency Act 1986 and Rule 2.13 of the Insolvency (Scotland) Rules 1986

Name of Company

Company number

(a) Insert name and address of registered office of company

1. Notice is given that, in respect of (a) _____ (“the company”)

*Delete as applicable

*the company/the directors of the company (“the appointor”) intend to appoint

(b) Give name(s) and address(es) of proposed administrator(s)

(b) _____

as administrator(s) of the company.

2. The amount of the company’s share capital paid up or credited as paid up is £ _____

3. This notice is being given to the following person(s), being person(s) who is/are or may be entitled to appoint an administrative receiver of the company or an administrator of the company under paragraph 14 of Schedule B1 to the Insolvency Act 1986:

(c) _____

(c) Insert name and address of each person to whom notice is given

4. The company has not, within the last twelve months—

- (i) been in administration;
- (ii) been the subject of a moratorium under Schedule A1 to the Insolvency Act 1986 which has ended on a date when no voluntary arrangement was in force; or
- (iii) been the subject of a voluntary arrangement which was made during a moratorium for the company under Schedule A1 to the Insolvency Act 1986 and which ended prematurely within the meaning of section 7B of the Insolvency Act 1986.

5. In relation to the company there is no—

- (i) petition for winding up which has been presented but not yet disposed of;
- (ii) administration application which has not yet been disposed of; or
- (iii) administrative receiver in office,

*Delete as applicable

6. The company *is/is not *an insurance undertaking/a credit institution/an investment undertaking providing services involving the holding of funds or securities for third parties/a collective investment undertaking under Article 1.2 of the EC Regulation.

(d) Insert whether main, secondary or territorial proceedings

7. For the following reasons it is considered that the EC Regulation*will/will not apply. If it does, these proceedings will be (d) _____ proceedings as defined in Article 3 of the Regulation: _____

8. Attached to this notice is *a copy of the resolution of the company to appoint an administrator/a record of the decision of the directors to appoint an administrator.

(e) Insert full name of court

9. This notice is to be lodged in (e) _____

Any enquiries should be addressed not to the court but to the appointor at the address stated in this form.

(f) Insert name and address of person making declaration

10. I(f) _____

(If making the declaration on behalf of appointor indicate capacity e.g. director/solicitor)

hereby do solemnly and sincerely declare that:

- (i) the company is or is likely to become unable to pay its debts;
- (ii) the company is not in liquidation; and
- (iii) the statements in paragraphs 4 and 5 are, so far as I am able to ascertain, true,

and that the information provided in this notice is to the best of my knowledge and belief true,

AND I making this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

Declared at _____

Signed _____

This _____ day of _____ 20

before me _____

Note: this form now to be sent to all those required to be sent the forms by Rule 2.13(2)

A Notary Public or Justice of the Peace or Solicitor

Consent of Floating Charge Holder to Appointment of Administrator

(Do not detach this part of the form)

If, having read this notice, you have no objection to the making of this appointment you should complete the details in the box below and return a copy of this notice as soon as possible, and within five business days from receipt of this notice, to the appointor at the following address:

(g) Appointor to insert address

(g) _____

If your consent has not been given within five business days the appointor may make the appointment notwithstanding that you have not notified your consent to the appointment.

(h) Insert name and address

(h) _____

being the holder of the following floating charge over the company's property:

(i) _____

consents to the appointment of the administrator(s) in accordance with the details of this notice.

Signed _____
(If signing on behalf of a firm or company state position or office held)

Dated _____

(i) Give details of charge, date registered and financial limit (if any)

Endorsement to be completed by the court

(j) Insert date and time

This notice was lodged on (j) _____