

## Claim (Rule 7.16)

### Statement of claim by creditor

#### In accordance with rule 7.16 of the Insolvency (Scotland) (Receivership and Winding Up) Rules 2018

##### Warning

It is a criminal offence

- for a creditor to produce a statement of claim or documentary evidence of debt or other evidence which is false, unless the creditor neither knew nor had reason to believe that they were false.
- if a company knew or became aware that the statement of claim or documentary evidence of debt or other evidence was false and failed as soon as practicable after acquiring such knowledge to report it to the liquidator

On conviction either the creditor or such director or other officer of the company may be liable to a fine and/or imprisonment.

(a) Insert name and registered address of company

(a)

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(b) Insert name and address of creditor including any registered or trading company names

(b)

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(c) Insert name and address, if applicable of person authorised to act on behalf of the creditor

(c)

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(d) Insert total amount as at the due date (see note (e) below) claimed in respect of all the debts, the particulars of which are set out overleaf.

I submit a claim of (d) £\_\_\_\_\_ in the liquidation of the above company and certify that the particulars of the debt or debts making up the claim, which are set out overleaf, are true, complete and accurate, to the best of my knowledge and belief

(e) The due date is the date the company went into liquidation being:

- if it passes a resolution for a voluntary winding up, the date of the resolution.
- the date of a winding up order made by the court if a voluntary resolution has not previously been passed
- if the winding up was immediately preceded by an administration the date the company entered administration

Signed \_\_\_\_\_  
Creditor/Person authorised to act on the creditor's behalf

Date \_\_\_\_\_

Name, address and authority of person authenticating the claim and documentary evidence of debt on behalf of the creditor in BLOCK CAPITALS

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## **Particulars of each debt**

A separate set of particulars should be made out in respect of each debt.

1. Describe briefly the debt, giving details of how and when it was incurred and where relevant the date on which payment of the debt became due

Attach documentary evidence of the debt, if available or details of documents by reference to which the debt can be substantiated.

2. Insert total amount of the debt, showing separately the principal and any un-capitalised interest at the date the company went into liquidation (see note (e)). Interest may only be claimed if the creditor is entitled to it.

3. State the nature and any amount of any preference under schedule 6 of the Insolvency Act 1986 claimed in respect of the debt.

4. Specify and give particulars of any security held in respect of the debt including:
  - a. the subjects covered
  - b. the date the security was given.
  - c. the value the creditor puts on it.

Security is defined in section 248(b) of the Insolvency Act 1986 as meaning “any security (whether heritable or moveable), any floating charge and any right of lien or preference and any right of retention (other than a right of compensation or set off)”

The creditor should state whether they are surrendering or undertakes to surrender their security. The liquidator may at any time after 12 weeks from the date of the company went into liquidation (note (e)) require a secured creditor at the expense of the company's assets to discharge the security or to convey

## **1. Particulars of debt**

## **2. Amount of debt**

## **3. Preference claimed for debt**

## **4. Security for debt**

or assign it to the liquidator on payment to the creditor of the value specified by the creditor

5. Specify details of any retention of title in relation to goods to which the debt relates.
6. In calculating the amount of a secured creditor's claim the creditor should deduct the value of any security as estimated by them unless the creditor is surrendering or undertaking to surrender the security.
7. In the case of a member State liquidator creditor, specify and give details of underlying claims in respect of which the creditor is claiming.

**5. Retention of title**

**6. Total amount of the debt**

**7. Underlying claims**