

Statement of Claim by Creditor

Pursuant to the Insolvency (Scotland) Rules 1986

WARNING

It is a criminal offence

- For a creditor to produce a statement of claim, account, voucher, or other evidence which is false, unless he shows that he neither knew nor had reason to believe that it was false; or

- For a director or other officer of the company who knows or becomes aware that it is false to fail to report it to the insolvency practitioner within one month of acquiring such knowledge.

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

Notes

(a) *Insert name of company*

(b) *Insert name and address of creditor*

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

(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*

(e) *The date due in the case of the company*

- (i). *Which is subject to a voluntary arrangement is the date of commencement of the voluntary process*
- (ii). *Which is in administration is the date on which the company entered administration;*
- (iii). *Which is in receivership is the date of appointment of the receiver; and*
- (iv). *Which is in liquidation is the commencement of the winding up.*

The date of the commencement of the winding up is

- (i). *In a voluntary winding up the date of resolution by the company for winding up (section 86 or 98); and*
- (ii). *In a winding up by the court the date of the presentation of the petition for winding up unless it is preceded by a resolution for voluntary winding up (section 129)*

(a)

You MUST insert the name of the creditor here. IF the creditor is a company or a limited liability partnership, enter the full legal entity name. IF you are an individual (e.g. a former employee) insert your name and home address.

(b)

IF you have a party submitting and dealing with a claim on your behalf and who correspondence should be sent (e.g. a professional advisor) you MUST enter their name and address.

(c)

IF there is no other party dealing with your claim on your behalf this should be left blank.

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

Enter the total amount owed to you at the date of insolvency including VAT, any interest and charges to which you are entitled. This should correspond with section 2 on the second page of this form.

Signed _____

You MUST sign the form.

Creditor/person acting on behalf of creditor

Date _____

You MUST date the form.

Form 4.7 (Scot) (contd.)

PARTICULARS OF EACH DEBT

Notes

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

1. Describe briefly the debt, giving details of its nature, the date when it was secured and when payment became due.

Attach any documentary evidence of the debt, if available.

2. Insert total amount of the debt, showing separately the amount of principal and any interest which is due on the debt as at the due date (see note (e)). Interest may only be claimed if the creditor is entitled to it. Show separately the VAT on the debt and indicate whether the VAT is being claimed back from HM Revenue & Customs.

3. Insert the nature and amount of any preference under Schedule 6 to the Act claimed in respect of the debt.

4. Specify and give details of the nature of any security held in respect of the debt including-

(a) the subjects covered and the date when it was given.

(b) the value of the security.

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)." For claims in administration procedure security also includes a hire purchase agreement for the hire of goods for more than three months and a conditional sale agreement (see Rule 2.33).

In liquidation only the creditor should state whether he is surrendering or undertakes to surrender his security; the liquidator may at any time after 12 weeks from the date of the commencement of the winding up note (e) require a creditor to discharge a security or to convey or assign it to him on payment of the value specified by the creditor.

You MUST provide a description of the debt which you are claiming including whether the debt is for goods or services, the payment terms and any actions taken to enforce the debt.

You MUST provide all relevant documentary evidence to support the debt including copy invoices, a statement of account, any court decrees/arrestments granted, any enforcement actions implemented.

1. Particulars of debt

You MUST enter the total amount owed to you at the date of insolvency including VAT, any interest and charges to which you are entitled (appropriate documentation must be provided to evidence that you are entitled to interest and charges).

2. Amount of debt

The total amount of your debt SHOULD be entered in part (d) of this form on page 1.

You MUST enter a breakdown of the total sum due to you showing:-
 - The principal debt
 - The value of any interest
 - The value of any VAT

You SHOULD confirm if the VAT on your debt is being reclaimed from HM Revenue & Customs

3. Preference claimed for debt

4. Security for debt

You MUST detail any preference you are claiming. This will include certain sums due if you were an employee of the company including arrears of wages for up to 4 months prior to insolvency up to a maximum of £800, outstanding holiday pay and certain unpaid pension contributions. These sums should have been provided previously to our ERA contacts.

You MUST detail any security you are claiming in support of the sums due to you, including what this security covers and the value of the security.

Appropriate documentation supporting your security should be provided with your claim.