

Voting rules

Any creditor whose debt is treated as a small debt in accordance with the Rule 14.31(1) of the Insolvency (England & Wales) Rules 2016 (the Rules) must still deliver a proof if the creditor wishes to vote.

A creditor who has opted out from receiving notices may nevertheless vote if the creditor also provides a proof by the time set out in the notice.

In a decision relating to a proposed IVA under Rule 15.28 of the Rules every creditor, secured or unsecured, who has notice of the decision procedure is entitled to vote in respect of that creditor's debt. A secured creditor will only be able to vote in respect of their unsecured claim. If a creditor's claim is unliquidated, or not ascertained it is to be valued at £1 unless the Chair agrees to place a higher value on it. This value will then be used for voting purposes only.

Under Rule 15.31 of the Rules, a creditor may vote for the amount of their claim at the interim order date if there is an interim order, or the decision date if there is no interim order, or in either case at the bankruptcy order date if the debtor is an undischarged bankrupt.

Under Rule 15.34 of the Rules, a decision approving a proposal or a modification is made when three-quarters or more (in value) of those voting approve it. The decision is not made if more than half of the total value of creditors who are not associates of the debtor vote against it.

Creditors who have taken all steps necessary to attend the virtual meeting under the arrangements made by the convener, but that do not enable them to attend the whole or part of the meeting, may complain under Rule 15.38 of the Rules. A complaint must be made as soon as reasonably practicable and in any event no later than 4pm on the business day following the day on which the person was, or appeared to be, excluded; or where an indication is sought under Rule 15.37 of the Rules, the day on which the complainant received the indication.

A creditor may appeal a decision by application to the court in accordance with Rule 15.35 of the Rules. Any such appeal must be made within 28 days of when the notice of the outcome of the meeting has been given.