**NOTICE OF DECISION BEING SOUGHT BY CORRESPONDENCE   
(A DECISION PROCEDURE)**

**[COMPANY NAME] LIMITED (**the **Company) - In Creditors’ Voluntary Liquidation**

**Registered Number - [Insert registered number]**

Pursuant to S246ZE of the Insolvency Act 1986 and Rule 17.5(4) of Part 17 of the Insolvency (England and Wales) Rules 2016 (**the Rules**).

**THE PROPOSED DECISION(S)**

The following decision is proposed by the Liquidator (**the Convener**) as a decision to be made by the Company’s creditors by correspondence:

1. *That creditors decide on the nomination of members to the Liquidation Committee. If less than three members are so nominated by the Decision Date below, the Committee will not be established. If more than five members are nominated, a further decision will then be sought from creditors as to the members to be elected.*

**ENSURING YOUR VOTES ON THE PROPOSED DECISIONS ARE COUNTED**

In order for votes on the Proposed Decision to be counted, a creditor must have delivered the **Voting Form** accompanying this Notice, together with a proof of debt in respect of their claim to the Convener (unless already submitted), whose contact details are below, on or before [Insert the agreed Decision Date - 14 days clear notice from delivery required under R15.11] (**the Decision Date**), failing which their vote will be disregarded.

**Appeal of Convener’s decision**

Pursuant to Rule 15.35 of the Rules, any creditor may apply to the court to appeal a decision of the Convener. However, an appeal must be made within 21 days of the Decision Date.

**Nominations for membership of the Liquidation Committee**

In relation to the proposed decision set out above concerning the membership of the committee, any nominations for membership must be received by the Convener on or before the Decision Date and will only be accepted if the Convener is satisfied as to the nominee’s eligibility to be a member of such committee under Rule 17.4 of the Rules. Please note that nominations for membership should be made on the **Voting Form** accompanying this notice.

Rule 17.4 confirms that:

A creditor is eligible to be a member of such a committee if:

(a) the person has proved for a debt;

(b) the debt is not fully secured; and

(c) neither of the following apply:

(i) the proof has been wholly disallowed for voting purposes, or

(ii) the proof has been wholly rejected for the purpose of distribution or dividend.

No person can be a member as both a creditor and a contributory.

A body corporate may be a member of a liquidation committee, but it cannot act otherwise than by a representative appointed under rule 17.17.

**Creditors with a small debt**

Any creditor whose debt is treated as a small debt (less than £1,000 inclusive of VAT) must still deliver a proof of debt in respect of their claim with their Voting Form if they wish to vote on the Proposed Decision.

**Creditors who have opted out of receiving notices**

Any creditor who has opted out of receiving notices but still wishes to vote on the Proposed Decision is entitled to do so. However, they must have delivered a completed Voting Form, together with a proof in respect of their claim (unless one has already been submitted) to the Convener, whose contact details are below, by no later than the Decision Date, failing which their vote will be disregarded.

**Request for a physical meeting**

Insolvency legislation also provides that creditors who meet certain thresholds, namely 10% in value of creditors, 10% in number of creditors or 10 creditors, may require a physical meeting to be held to consider the Proposed Decision. Such a request must be made in writing to the Convener within five business days from [Insert delivery date of this notice] and should be accompanied by a proof of debt (unless already submitted).

**Contact details**

Documents required to be delivered to the Convener pursuant to this notice can be sent by post to the Liquidator at [IP Firm Name & Address] or alternatively by email to [IP email address]. Any person who requires further information may contact [Name] by telephone on [Telephone] or alternatively by e-mail at [Email address].

Dated:

Signed: …………………………………………..

**Liquidator**