

Association of Business Recovery Professionals

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Dear Ms McCorquodale

INSOLVENCY PROCESSES AND PROCEDURES THAT RELY ON THE SCOTTISH COURTS FOR PROGRESSION

R3 is the trade association for the UK's insolvency, restructuring, advisory, and turnaround professionals. We represent licensed insolvency practitioners, lawyers, turnaround and restructuring experts, students, and others in the profession. Our members work across the spectrum of the profession, from the global legal and accountancy firms through to smaller, local practices.

We understand that you are expecting this submission, which has been prepared by R3's Scottish Technical Committee ('STC') who deals with issues of general importance and significance to the profession in Scotland, keeping under review all UK and EU legislation, prospective and other matters relating to insolvency law and practice in Scotland specifically. The Committee is multi-disciplinary and has a good spread of representation, including practising insolvency practitioners, lawyers, solicitors, academics and others working within the insolvency profession.

STC has identified the insolvency processes and procedures that rely on the Scottish courts for progression. We think that that this is a comprehensive picture of the courts' involvement in insolvency, and the extent to which insolvency is rooted in court procedure, and are members rely on the courts to progress their cases.

The paper attached sets these out in some detail and distinguishes where a matter may be urgent or administrative and the implications of matters not being progressed timeously, or at all.

We see this as an opportunity to work together to make the current situation easier for all parties concerned and more akin to normal. This is an opportunity for real collaborative working in these unprecedented times with a view to keeping the wheels turning and avoiding more disruption in future, where we will be facing a backlog and we would be keen to find a way to do so.

We recognise that there has been significant progress made in relation to matters at the Court of Session and look forward to similar progress in the Sheriff Courts and providing input on that process where we can.

We appreciate this is a specialist area, but we work with experienced sheriff clerks and wonder if one or two could be allocated to continue to deal with administrative and routine applications to a hub sheriff court? We would be willing to support such an approach would welcome the opportunity to discuss how this may work in practice.

We look forward to hearing from you.

Yours sincerely

Iain Fraser

Chair of the R3 Scottish Technical Committee
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