

Companies (Filing of Documents) (Amendment) Regulations 2003

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No. S 235

COMPANIES ACT (CHAPTER 50)

COMPANIES (FILING OF DOCUMENTS) (AMENDMENT) REGULATIONS 2003

In exercise of the powers conferred by sections 12A (1A) and (1B) and 411 of the Companies Act, the Minister for Finance hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Companies (Filing of Documents) (Amendment) Regulations 2003 and shall come into operation on 15th May 2003.

Amendment of regulation 4

2. Regulation 4 of the Companies (Filing of Documents) Regulations 2003 (G.N. No.

S 17/2003) (referred to in these Regulations as the principal Regulations) is amended —

- (a) by inserting, immediately after the word “completed” in paragraph (1), the words “and lodged”; and
- (b) by inserting, immediately after the word “completed” in paragraph (3), the words “or lodged”.

Deletion and substitution of regulation 6

3. Regulation 6 of the principal Regulations is deleted and the following regulation substituted therefor:

“Prescribed person

6.—(1) For the purposes of the Act, a prescribed person is —

- (a) an advocate and solicitor;
- (b) an accountant registered with the Institute of Certified Public Accountants of Singapore;
- (c) a member of the Association of International Accountants (Singapore Branch);
- (d) a member of the Institute of Company Accountants, Singapore;
- (e) a member of the Singapore Association of the Institute of Chartered Secretaries and Administrators;
- (f) a corporate secretarial agent;
- (g) a member of such other professional association as may be approved by the Minister and published by notification in the *Gazette*;
- (h) in a matter under these Regulations other than the incorporation of a company or the registration of a foreign company —
 - (i) an employee of a service bureau who is approved by the Minister as a prescribed person; or
 - (ii) an employee of the firm or corporation in which a prescribed person referred to in sub-paragraph (a), (b), (c), (d), (e), (f) or (g) is a partner or is employed, if —
 - (A) the employee is authorised by the prescribed person to act on that prescribed person’s behalf in the matter; and

(B) the employee is, in the opinion of the prescribed person, someone who has the knowledge and experience relevant to that matter; or

(i) any other person who, in the opinion of the Minister, is a fit and proper person to be a prescribed person.

(2) In this regulation —

“corporate secretarial agent” means a person who is carrying on the business of corporate secretarial services for one or more companies and who has been a secretary of a company for at least 3 years of the preceding 5 years;

“service bureau” means a service bureau which the Registrar has authorised to be established for the purpose of assisting in the lodgment of documents using the electronic filing system.”.

Amendment of regulation 38

4. Regulation 38 of the principal Regulations is amended —

(a) by deleting the word “and” at the end of paragraph (b); and

(b) by deleting paragraph (c) and substituting the following paragraphs:

“(c) in the case of an exempt private company with a revenue for the financial year concerned of more than \$2.5 million —

(i) the exempt private company certificate set out in Part V of the Schedule; or

(ii) the documents referred to in subparagraphs (i) to (v) of paragraph (b) prepared in accordance with the requirements of the Act; and

(d) in the case of an exempt private company with a revenue for the financial year concerned of \$2.5 million or below —

(i) the exempt private company certificate set out in Part V of the Schedule; or