

Companies (Winding Up) (Amendment) Rules 2002

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No. S 350

COMPANIES ACT (CHAPTER 50)

COMPANIES (WINDING UP) (AMENDMENT) RULES 2002

In exercise of the powers conferred by section 410 of the Companies Act, the Rules Committee, constituted under the Supreme Court of Judicature Act (Cap. 322), hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Companies (Winding Up) (Amendment) Rules 2002 and shall come into operation on 1st August 2002.

Amendment of rule 79

2. The Companies (Winding Up) Rules (R 1) (referred to in these Rules as the principal Rules) are amended by renumbering rule 79 as paragraph (1) of that rule, and by

inserting immediately thereafter the following paragraph:

“(2) Notwithstanding paragraph (1), a proof of debt filed by a moneylender in respect of a loan given by him shall not be filed electronically.”.

Deletion and substitution of rules 80 and 81

3. Rules 80 and 81 of the principal Rules are deleted and the following rules substituted therefor:

“Verification of proof

80. A declaration proving a debt may be made by the creditor himself or by any person authorised by or on behalf of the creditor.

Contents of proof

81.—(1) A declaration proving a debt —

(a) shall be in Form 77 set out in the Second Schedule to the Companies Regulations (Rg 1) or where it is filed electronically, in such electronic form as may be required by the Official Receiver; and

(b) must be filed by the creditor within 3 months after the winding up order is made.

(2) The documents substantiating the claim specified in the proof of debt shall accompany the proof of debt.

(3) If the proof of debt is filed electronically, the documents substantiating the claim specified in the proof of debt must be sent to the Official Receiver within 14 days from the date of submission of the proof of debt.”.

Amendment of rule 89

4. Rule 89 of the principal Rules is amended by deleting paragraphs (1) and (2) and substituting the following paragraphs:

“(1) In any case in which it appears that there are numerous claims for wages by workmen and others employed by the company, it shall be sufficient if one proof for all the claims is made either by a foreman or by some other person on behalf of the creditors in accordance with rules 80 and 81.

(2) A schedule setting forth the names and addresses of the workmen and others, and the amounts severally due to them —

(a) shall accompany the proof; or