

**SUPREME COURT, NORTHERN IRELAND
PROCEDURE**

The Rules of the Supreme Court (Northern Ireland) (No. 4) 1964

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 7 of the Northern Ireland Act 1962(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby exercise those powers and all other powers enabling us in that behalf as follows:—

1. In rule 11 of Order LIV of the Rules of the Supreme Court (Northern Ireland) 1936(b), which relates to applications and proceedings at Chambers, the words “requiring service” shall be inserted immediately after the words “originating summons”.

2. In rule 23 of Order LV, which relates to Chambers in the Chancery Division, the words “requiring service” shall be inserted immediately after the words “originating summons”.

3. In rule 9 of Order LVIII, which relates to appeals, for the words and figures “Companies Act (Northern Ireland) 1932” there shall be substituted the words and figures “Companies Acts (Northern Ireland) 1960 and 1963”.

4. For Order LXXIV, which relates to proceedings for and in the winding-up of companies, there shall be substituted the Order set out in Schedule I hereto.

5. In Order LXXV, which relates to procedure on applications under the Companies Act (Northern Ireland) 1932, for the title and rules 1-8 (inclusive) the following shall be substituted:—

“APPLICATIONS UNDER THE COMPANIES ACTS (NORTHERN IRELAND)
1960 AND 1963, OTHER THAN APPLICATIONS FOR OR IN THE
WINDING-UP OF COMPANIES

Interpretation

1. In this Order—

“The Act” means the Companies Act (Northern Ireland) 1960 as for the time being amended by any subsequent enactment;

“the company” means the company to which any application under this Order relates;

“the petition”; “the summons”, mean the petition or summons presented or taken out pursuant to this Order.

Unless the context otherwise requires, expressions defined in the Act and in Order LXXIV, rule 1, shall have the meanings so respectively defined.

The forms respectively referred to, are the forms set out in Appendix Q, Part II.

Application of Rules of Supreme Court

2. The Rules of the Supreme Court for the time being in force and the general practice of that Court including the course of procedure and practice in Chambers shall apply as regards all proceedings in relation to the applications to which this Order relates so far as may be practicable, except if and so far as the Act or this Order otherwise provides.

Title of proceedings

3.—(1) Every petition and summons and all notices, affidavits and other proceedings under any petition or summons shall be intituled in the High Court of Justice in Northern Ireland (Chancery Division), and in the matter of the company.

(2) An application for leave under section 179(1) of the Act shall be intituled in the matter of the company in relation to which the applicant was convicted or was guilty of such an offence or of such conduct as is mentioned in the said sub-section.

Proceedings in Chambers

4. The provisions of Order LXXIV, rules 10 and 11, shall apply to applications under this Order.

Applications by petition

5. The following applications shall be made by petition, that is to say, applications:—

- (a) to cancel an alteration of objects under section 5 of the Act;
- (b) to cancel an alteration in the form of the constitution of the company by substituting a memorandum and articles for a deed of settlement under section 345 of the Act;
- (c) to cancel an alteration in conditions in the memorandum under section 23 of the Act;
- (d) to confirm a reduction of capital under section 67 of the Act;
- (e) to confirm the reduction of any share premium account under section 56(1) of the Act or any capital redemption reserve fund under section 58(1)(d) of the Act;
- (f) to cancel any variation of the rights of holders of special classes of shares under section 72 of the Act;
- (g) to sanction the issue of shares at a discount under section 57 of the Act;
- (h) to sanction a compromise or arrangement under section 197(2);
- (i) to restore a company's name to the register under section 316(8) of the Act; and
- (j) for relief by officers of a company or by persons employed as auditors by a company under section 394(2) of the Act.

Applications other than by petition

6.—(1) Every application not required to be made by petition shall be made by summons.

(2) In any of the matters falling under the provisions of this rule an order may be made by the Judge upon an ex-parte application without the issue of a summons, if he is satisfied that the urgency of the matter or the interests of justice so require.

Summons for directions

7.—(1) Where the petition has been presented pursuant to paragraphs (a), (b), (c), (d), (e), (f) or (j) of rule 5, or where an order is sought under section 199 of the Act, an application shall in every case be made by summons to the Judge for directions as to the proceedings to be taken.

(2) Upon the hearing of the summons or upon any adjourned hearing or hearings thereof or any subsequent application, the Judge may make such order or orders and give such directions as he may think fit as to all the proceedings to be taken and more particularly with respect to the following matters, that is to say:—

(a) the publication of notices;

(b) in cases where the Court orders an inquiry as to the debts, claims or liabilities of or affecting a company or as to any such debts, claims or liabilities, the proceedings to be taken for settling the list of creditors entitled to object, including the dispensing with the observance of section 67(2) of the Act as regards any class or classes of creditors, fixing the date with reference to which the list of such creditors is to be made out, and generally fixing a time for and giving directions as to all necessary or proper steps in the matter whether expressly mentioned in any of the rules of this Order or not.

Orders under section 201 of the Act

8. Where an Order under section 201 of the Act has been made, the Judge shall give such directions as he shall think fit as to service of a copy of the order on the company and on the Registrar of Companies, and where such order involves a reduction of capital or alteration of the memorandum of association, the Act and the rules of this Order relative to such matters shall apply as the Judge may direct..”

6. The following further amendments shall be made to Order LXXV:—

(1) Rule 9 shall be amended as follows:—

(a) In line 2 thereof for the figure “8” there shall be substituted the figure “7”.

(b) In paragraph A there shall be substituted for the word “seven” in line 1, the words “twenty-one”, and for the word “one” in line 16, the word “two”.

(c) For paragraph E the following paragraph shall be substituted:—

“E. Notice of the presentation of the petition, of the effect of the order directing the enquiry and of the list of creditors shall, after the filing of the affidavit mentioned in paragraph A of this rule, be published at such times and in such newspapers as the Judge shall direct. Every such notice shall state the amount of any proposed reduction of the capital, and the places where the aforesaid list of creditors may be inspected, and the time within which creditors of the company who are not but are entitled to be entered on the said list, and are desirous of being entered therein, or creditors who are desirous of being entered therein for a larger or different amount, must send in their names and addresses, and the particulars of their debts or claims, and the names and addresses of their solicitors, if any, to the solicitor of the company. Such notice may be in Form No. 4 with such variations as the circumstances of the case may require.”

- (d) In paragraph I there shall be substituted for the figures "56(2)" wherever they appear therein, the figures "67(2)".
- (e) In paragraph M there shall be substituted for the figures and letter "56(2)(c)" the figures and letter "67(2)(c)".
- (f) In paragraph N there shall be substituted for the figures "56(2)" the figures "67(2)".
- (g) In paragraph O there shall be substituted for the figures "56(2)" the figures "67(2)".
- (h) In paragraph P there shall be substituted :—
 - (i) for the figures "58", the figures "69", and
 - (ii) for the figures "57", the figures "68".
- (2) In rule 11 and in the heading thereto there shall be substituted for the figures "149" the figures "199".
- (3) Rule 12 is hereby annulled.

7.—(1) The forms in Schedule II hereto shall be substituted for the forms in Part I of Appendix Q to the Rules of the Supreme Court.

- (2) In Part II of Appendix Q the following amendments shall be made :—
 - (a) Form 1 shall be deleted.
 - (b) At the commencement of Forms Nos. 2 and 5 the word "Title" shall be substituted for the words "Heading as in Form 1".
 - (c) At the commencement of Forms 3, 4, 6 and 7, the word "[Title]" shall be substituted for the words "In the matter of etc., as in No. 1."
 - (d) (i) In the title of Form 8 there shall be substituted for the words and figures "Section 149 of the Companies Act (Northern Ireland) 1932" the words and figures "section 199 of the Companies Act (Northern Ireland) 1960."
 - (ii) In the body of Form 8 there shall be substituted for the words and figures "section 149(2) of the Companies Act (Northern Ireland) 1932", wherever they occur, the words and figures "section 199(2) of the Companies Act (Northern Ireland) 1960".

8. Nothing in these rules shall be deemed to revive any Order or rule annulled by any former Order, nor to prejudice or affect anything done or suffered before the date on which these rules come into force under any Order or rule which was in force before the said date.

9. These rules may be cited as the Rules of the Supreme Court (Northern Ireland) (No. 4) 1964, and shall come into force on the 1st day of January, 1965.

Dated the 25th day of September, 1964.

Signed *MacDermott*,
Charles L. Sheil,
Robert Lowry,
E. W. Jones,
A. McGonigal,
Leonard I. G. Fox,
James J. Napier.

SCHEDULE I

Rule 4.

ORDER TO BE SUBSTITUTED FOR ORDER LXXIV
OF THE RULES OF THE SUPREME COURT

ORDER LXXIV

PROCEEDINGS FOR AND IN THE WINDING-UP OF COMPANIES

PART I

PRELIMINARY

Interpretation of terms

1. In this Order, unless the context otherwise requires:—

“the Act” means the Companies Act (Northern Ireland) 1960(a) as for the time being amended by any subsequent enactment;

“the bank” means the Bank as defined in Order XCI, rule 1, or such other bank as the Judge in any particular case may nominate;

“Chief Clerk” means the Chief Clerk or the Assistant Chief Clerk;

“the company” means a company which is being wound-up or against which proceedings to have it wound up have been commenced;

“Judge” means any Judge of the Supreme Court and includes the Chief Clerk exercising the powers of any such Judge;

“proceedings” means the proceedings in the winding-up of a company under the Act;

“Registrar” means the Chancery Registrar;

“Registrar of Companies” means the Registrar of Companies for Northern Ireland;

“the rules” means the rules of this Order and includes the prescribed forms.

“sealed” means sealed with the seal of the Court.

The forms respectively referred to are the forms set out in Appendix Q, Part I.

Unless the context otherwise requires words or expressions contained in the rules shall bear the same meaning as in the Act.

Application of the rules

2.—(1) Subject to the limitation hereinafter mentioned, the rules shall apply to the proceedings in every winding-up of a company which may commence on and after the date on which the rules come into operation, and they shall also, so far as practicable, and subject to any general or special order of the Court, apply to all proceedings which may be taken or instituted after the said date in the winding-up of a company which commenced before the said date.

(2) Rules which from their nature and subject-matter are, or which, by the head lines above the group in which they are contained or by their terms are made applicable only to the proceedings in a winding-up by the Court, or only to such proceedings and to proceedings in a creditors' voluntary winding-up, shall not apply to the proceedings in a voluntary winding-up, or, as the case may be, in a members' voluntary winding-up, whether any such voluntary winding-up is or is not being continued under the supervision of the Court.

(a) 1960. c. 22.

Use of prescribed forms

3.—(1) The above-mentioned forms where applicable, and where they are not applicable, forms of the like character, with such variations as circumstances may require, shall be used.

(2) Where such forms are applicable, any costs occasioned by the use of any other or more prolix forms shall be borne by, or disallowed to, the party using the same, unless the Court or Judge shall otherwise direct.

Exercise of jurisdiction of the High Court

4. Subject to the provisions of the Supreme Court of Judicature Act (Ireland) 1877(a) and the Acts amending the same as now in force in Northern Ireland, and to the Rules of the Supreme Court, jurisdiction of the High Court of Justice in Northern Ireland to wind-up companies shall be exercised by the Chancery Judge.

PART II

PROCEEDINGS

Title and filing of proceedings (Form 1)

5.—(1) Every petition, motion, summons, affidavit and other proceeding shall be dated and shall be intitled as in Form 1. Numbers and dates shall be denoted by figures.

(2) All petitions, affidavits, summonses, orders, notices, and other proceedings required to be filed in Court shall be kept and remain of record in the Central Office and all proceedings in the winding-up of a company commenced after 1st January, 1965, shall, subject to the directions of the Court, be placed in a separate file in continuous order.

Affidavits

6. Any person intending to use any affidavit in any proceedings shall file the same in the Central Office, and a copy of any affidavit filed by any person other than the official liquidator, shall be delivered to the official liquidator in lieu of a notice of intention to use the same.

Directions of the Judge

7.—(1) Where in any rule reference is made to directions of the Judge, (not being directions given by the Judge in person), it shall not be necessary for a summons to be issued for the purpose only of obtaining such directions, which may be applied for informally to the Chief Clerk by personal application, letter or telephone.

(2) A note of such directions, signed by the Chief Clerk or a clerk of the Department, shall be given or sent to the applicant.

Inspection of proceedings

8. Every person who has been a director or officer of a company which is being wound up by the Court or under its supervision shall be entitled, free of charge, and every contributory and every creditor whose debt or claim has been admitted, shall be entitled on payment of the prescribed fee, at all reasonable times, to inspect all documents filed in the Central Office in connection with the winding-up and to take copies of or extracts from any such documents, or be furnished with such copies or extracts on payment of the prescribed fee.

(a) 40 & 41 Vict. c. 57,

Matters to be heard in Court and Chambers

9.—(1) The following matters and applications shall be heard in open Court:—

- (a) petitions;
- (b) applications under section 243 of the Act;
- (c) applications under section 230 of the Act;
- (d) applications under section 315 of the Act;
- (e) applications for the committal of any person to prison for contempt; and
- (f) such matters and applications as the Judge may from time to time by any general or special order direct to be heard in open Court.

(2) Examinations of persons summoned before the Court under section 241 of the Act shall be held in Chambers unless the Court shall otherwise direct.

(3) Every other matter or application under the Act to which the rules apply may be heard and determined in Chambers.

Applications in Chambers

10. Subject to the provisions of the Act and the rules:—

(a) The Chief Clerk may, under the general or special directions of the Judge, hear and determine any application or matter which under the Act and the rules may be heard and determined in Chambers.

(b) Any matter or application before the Chief Clerk may at any time be adjourned by him to be heard before the Judge in person.

(c) Any matter or application before the Judge in person may, if he thinks fit, be adjourned from Chambers to Court, or from Court to Chambers.

(d) Any person affected by any order of the Chief Clerk may within 21 days from the date of entry of the order apply to the Judge in person to set aside, discharge or vary the same.

Committal of witness

11.—(1) Where a person examined before the Chief Clerk refuses to answer to the satisfaction of the Chief Clerk any question which he may allow to be put, the Chief Clerk shall report such refusal to the Judge and upon such report being made the person in default shall be in the same position, and may be dealt with in the same manner, as if he had made default in answering before the Judge.

(2) The report shall be in writing and shall set forth the question put, and the answer (if any) given by the person examined.

(3) Upon receiving the report the Judge may take such action thereon as he thinks fit.

Motions and summonses

12.—(1) Every application in Court other than a petition shall be made by motion, notice of which shall be served on every person against whom an order is sought.

(2) Every application in Chambers shall be by summons, which, unless otherwise ordered, shall be served on every person against whom an order is sought.

Service of summonses, notices, etc.

13. All notices, summonses, and other documents other than those of which personal service is required, may be sent by prepaid post letter to the last known address of the person to be served therewith, or in the case of a creditor or contributory who has entered his name and address and the name and registered place of business of his solicitor (if any) pursuant to rule 121(3), to the address of the creditor or contributory or his solicitor so entered or last entered; and the notice, summons or document shall be considered as served at the time that the same ought to be delivered in the ordinary course of post by the post office, and notwithstanding the same may be returned by the post office.

Omission of christian name

14. No service under the rules shall be deemed invalid by reason of the christian name or names or the fore-name or fore-names of the person on whom service is sought to be made having been omitted or designated by initial letters in the list of contributories, or in the summons, order, notice or other document wherein the name of such contributory or creditor is contained, where the Judge is satisfied that such service is in other respects sufficient.

PART III

PETITIONS

Forms of petition (Forms 2 and 3)

15. Every petition shall be in the Forms 2 or 3 and shall be dated and signed by the petitioner, or by one of the petitioners, if more than one, or, in case the petition is presented by a corporation, by a director, secretary or other principal officer thereof.

Presentation of petition

16. A petition shall be presented at the Central Office. The Registrar shall appoint the time and place at which the petition is to be heard. Notice of the time and place appointed for hearing the petition shall be written on the petition and sealed copies thereof, and the Registrar may, at any time before the petition has been advertised, alter the time appointed and fix another time.

Advertisement of petition (Form 4)

17. Every petition shall be advertised seven clear days before the hearing as follows:—

- (a) in the case of a company whose registered office, or if there shall be no such office, then whose principal or last known principal place of business is or was situate within ten miles of the Royal Courts of Justice (Ulster), Belfast, once in the *Gazette*, and once at least in one Belfast daily newspaper as may be directed by the Registrar;
- (b) in the case of any other company, once in the *Gazette*, and once at least in one newspaper circulating in the district where the registered office, or principal or last known principal place of business, as the case may be, of such company is or was situate, or in such other newspaper as shall be directed by the Registrar; and
- (c) the advertisement shall state the day on which the petition was presented, and the name and address of the petitioner and of his solicitor.

(2) Where the petitioner or his solicitor does not within the time hereby prescribed, or within such extended time as the Registrar may allow, duly advertise the petition in the manner prescribed by this rule, the appointment of the time and place at which the petition is to be heard shall be cancelled by the Registrar and the petition shall be removed from the file, unless the Judge shall otherwise direct.

Service of petition (Forms 5 and 6)

18. Every petition shall, unless presented by the company, be served upon the company at the registered office (if any) of the company, and if there is no registered office, then at the principal or last known principal place of business of the company, if any such can be found, by leaving a copy with any member, officer or servant of the company there, or in case no such member, officer or servant can be found there, then by leaving a copy at such registered office or principal place of business, or by serving it on such member, officer or servant of the company as the Court may direct, and where the company is being wound up voluntarily, every such petition shall also be served upon the liquidator (if any) appointed for the purpose of winding-up the affairs of the company.

Verification of petition (Forms 7 and 8)

19. Every petition shall be verified by affidavit referring thereto, which may be sworn before or after the petition is presented. Such affidavit shall be made by the petitioner, or by one of the petitioners, if more than one, or, in case the petition is presented by a corporation, by a director, secretary or other principal officer thereof, and shall be filed along with the petition or within seven days after the petition is presented, and such affidavit shall be sufficient prima facie evidence of the statements in the petition.

Copy of petition to be furnished to creditor or contributory

20. Every creditor, or contributory, of the company shall be entitled to be furnished by the solicitor for the petitioner with a copy of the petition within three days after requiring same, on paying the prescribed charge for such copy.

No appearance to petition

21. No person shall be required to enter an appearance to a petition.

Substitution of creditor or contributory as petitioner

22.—(1) The Court may substitute as a petitioner, upon such terms as it thinks just, any creditor or contributory who is prepared to prosecute the petition and who, in the opinion of the Court, would have the right to do so, where:—

- (a) a petition is presented by a person who is not entitled to present it; or
- (b) a petitioner, whether he is entitled to present the petition or not,—
 - (i) fails to advertise his petition within the time prescribed by the rules or within such extended time as the Registrar may allow;
 - (ii) consents to withdraw his petition or to allow it to be dismissed or the hearing adjourned;
 - (iii) fails to appear in support of his petition when it is called on in Court; or
 - (iv) on appearing does not apply for an order in the terms of the prayer of his petition.

(2) Where a petitioner fails to advertise his petition or consents to withdraw his petition the order under paragraph (1) may be made at any time.

PART IV

PROVISIONAL LIQUIDATOR

Appointment of provisional liquidator

23.—(1) After the presentation of a petition for the winding-up of a company by the Court, upon the application of a creditor, or of a contributory, or of the company, and upon proof by affidavit of sufficient ground for the appointment of a provisional liquidator, the Judge, if he thinks fit (and upon such terms as in the opinion of the Judge are just and necessary), may make the appointment.

(2) The application for the appointment of a provisional liquidator shall be made without advertisement or notice to any person, unless the Judge otherwise directs, and such provisional liquidator may, if the Judge thinks fit, be appointed without security.

(3) The order appointing the provisional liquidator shall bear the number of the petition, and shall state the nature and a short description of the property of which the provisional liquidator is ordered to take possession, and the duties to be performed by the provisional liquidator, and may direct that such appointment be advertised and such order served by the applicant on such persons (if any), and in such manner, as the Judge may direct.

(4) Subject to any order of the Court, if no order for the winding-up of the company is made upon the petition, or if an order for the winding-up of the company on the petition is rescinded, or if all proceedings on the petition are stayed, or if an order is made continuing the voluntary winding-up of the company subject to the supervision of the Court, the provisional liquidator shall be entitled to be paid, out of the property of the company, all the costs, charges and expenses properly incurred by him as provisional liquidator, and may retain out of such property the amounts of such costs, charges and expenses.

Application of rules relating to official liquidators

24. The rules of this Order relating to official liquidators shall, as far as the same are applicable, subject to any directions of the Judge, apply to provisional liquidators.

PART V

ORDER TO WIND UP COMPANY

Advertisement and service of order (Form 9)

25.—(1) Every order for the winding-up of a company by the Court or under its supervision shall, before the expiration of fourteen days from the date thereof, be advertised by the petitioner once in the *Gazette* and in such newspaper or newspapers (if any) as may be directed by the Judge, and shall be served upon such persons (if any) and in such manner as the Judge may direct; provided that in any case where the company is not the petitioner the order shall be served on the company.

(2) Service on the company shall be effected by sending an office copy of the order in a prepaid letter addressed to it at its registered office (if any), or if there is no registered office, at its principal or last known principal place of business or upon such other person or persons, or in such other manner as the Court may direct.

(3) An office copy of every order for the winding-up of a company by the Court or under its supervision shall forthwith be forwarded by the petitioner to the Registrar of Companies for registration.

Copy order to be left at Chambers

26. A plain copy of every order for the winding-up of a company by the Court or under its supervision shall be left by the Registrar at the Chambers of the Judge.

PART VI

APPOINTMENT AND DUTIES OF OFFICIAL LIQUIDATOR

Appointment of official liquidator (Forms 9 and 10)

27.—(1) Where an order is made for the winding-up of a company by the Court, the Court may by that order appoint a person to the office of official liquidator of the company, or may fix a time and place for such appointment to be made at Chambers and direct what advertisement (if any) is to be made of the fixing of such time and place.

(2) Where no provision is made in such winding-up order for the appointment of an official liquidator, the Judge may appoint an official liquidator on the application of the petitioner or of any other person interested in the winding-up, or without any such application.

(3) The Judge may appoint or reject any person nominated at such time and place or on such application and appoint any person not so nominated or proposed.

(4) The consent of the person nominated or proposed for appointment as official liquidator shall be attested by a solicitor or the Chief Clerk, but no verifying affidavit shall be required.

(5) An official liquidator shall, within fourteen days of the order appointing him, publish notice thereof in the *Gazette* and deliver to the Registrar of Companies an office copy of the order or a notice of his appointment in the Form prescribed by the Ministry of Commerce under section 223(1) of the Act.

(6) The official liquidator shall be described in all proceedings by the style of "the official liquidator" of the particular company in respect of which he is appointed, and not by his individual name.

Security by official liquidator (Form 11)

28.—(1) Every official liquidator shall give security by bond of an accepted guarantee society to be approved by the Judge.

(2) All bonds shall be entered, enrolled, vacated or otherwise dealt with at the Chambers of the Judge; provided that where any bond or recognizance has been filed in the Central Office under the practice heretofore existing, such bond or recognizance shall be vacated in the Central Office in accordance with the said practice.

(3) The Judge shall fix the amount of such security and may from time to time, as he shall think fit, either increase or diminish the amount thereof. The official liquidator shall furnish such information as is available to him to enable the amount of the security to be fixed, but no affidavit shall be required for this purpose.

(4) When the official liquidator has given the required security, the same shall be certified by the Chief Clerk.

(5) If an official liquidator fails to give the required security within the time stated for that purpose in the order appointing him, or any extension thereof, the Chief Clerk shall report such failure to the Court, which may thereupon rescind the order appointing the official liquidator.

(6) If an official liquidator fails to keep up his security the Chief Clerk shall report such failure to the Court, which may thereupon remove the official liquidator, and make such order as to costs as the Court shall think fit.

Solicitor for official liquidator (Form 12)

29. An official liquidator who appoints a solicitor to assist him in the performance of his duties, shall file a notice of such appointment in the Central Office and leave a copy thereof at the Chambers of the Judge.

New official liquidator

30. In case of the death, removal, or resignation of an official liquidator, another may be appointed in his place in the same manner as directed in the case of a first appointment, and the proceedings for that purpose may be taken by any person interested in the winding-up of the company, but the Judge may upon any such application make such order as to costs or otherwise as he thinks fit.

Office of official liquidator vacated by bankruptcy

31. If an adjudication of bankruptcy is made against the official liquidator, he shall thereby vacate his office, and for the purposes of the application of the Act and the rules, he shall be deemed to have been removed.

Proceedings on resignation or removal of official liquidator

32.—(1) Upon an official liquidator resigning or being removed from his office, he shall deliver over to the new official liquidator all books kept by him, and all other books, documents, papers and accounts in his possession relating to the office of official liquidator.

(2) An official liquidator shall not be released unless and until he has delivered over to the new official liquidator all the books, papers, documents and accounts which he is by this rule required to deliver on his resignation or removal as aforesaid.

Remuneration of official liquidator

33.—(1) The official liquidator shall be allowed in his accounts, or otherwise paid, such remuneration as may be directed in accordance with the provisions of this rule.

(2) The remuneration of the official liquidator shall be measured by the Taxing Master.

(3) Upon the lodgment in the Taxing Master's office of the official liquidator's bill of charges or of a direction by the Court to measure such charges, the Taxing Master shall appoint a time at which he will proceed to measure such remuneration and shall give notice thereof to the official liquidator and to such other persons (if any) to whom he considers notice ought to be given.

(4) Upon receiving the notice referred to in paragraph (3) the official liquidator shall attend on the Taxing Master in accordance therewith and shall produce such evidence as the Taxing Master may require.

(5) The Judge may direct such payment to the official liquidator on account of his remuneration as he may think fit.

(6) If an official liquidator is dissatisfied with the remuneration measured by the Taxing Master he may, within 21 days from the date of the Taxing Master's decision, apply to the Judge in person to vary the amount so measured.

(7) Notice of such application shall be given to such persons (if any) as had notice of the proceedings before the Taxing Master and to such other persons as the Judge may direct.

Extraneous remuneration prohibited

34. Except as provided by the Act or by the rules, an official liquidator shall not under any circumstances whatever make any arrangement for, or accept from any solicitor, auctioneer, or any other person connected with the company of which he is official liquidator, or who is employed in or in connection with the winding-up of the company, any gift, remuneration, or pecuniary or other consideration, or benefit whatever beyond the remuneration to which under the Act and the rules he is entitled as official liquidator, nor shall he make any arrangement for giving up, or give up any part of said remuneration to any solicitor, auctioneer, or other person.

Books to be made up by the official liquidator

35. The official liquidator shall with all convenient speed after he is appointed, proceed to make up, continue, complete, and rectify the books of account of the company, and shall provide and keep such books of account as shall be necessary, or as the Judge may direct, for the purposes aforesaid, so as to show the debts and credits of the company, including a ledger which shall contain a separate account of the contributories, and in which every contributory shall be debited from time to time with the amount payable by him in respect of any call to be made as provided by the Act and the rules.

Bank account of official liquidator (Form 13)

36. The order appointing an official liquidator shall direct that all moneys to be received shall be paid into the bank immediately after the receipt thereof to the account of the official liquidator of the company, and an account shall be opened there accordingly, and an office copy of the order shall be lodged at the bank.

Payment into bank by official liquidator

37. If any official liquidator shall not pay all the moneys received by him into the bank to the account of the official liquidator of the company within seven days next after the receipt thereof, unless the Judge shall have otherwise directed, such official liquidator shall be charged in his account with ten shillings for every £100, and a proportionate sum for any larger amount retained in his hands beyond such period for every seven days during which the same shall have been so retained, and the Judge may, for any such retention, disallow the salary or remuneration of the official liquidator.

Deposit of securities

38. All bills, notes and other securities payable to the company, or to the official liquidator thereof, shall, as soon as they shall come to the hands of such official liquidator, be deposited by him in the bank for the purpose of being presented by the bank for acceptance and payment, or for payment only, as the case may be.

Payment and delivery out of bank

39. All bills, notes and other securities delivered into the bank shall be delivered out upon a request signed by the official liquidator, and, subject to rule 79, moneys placed to the account of the official liquidator shall be paid out on cheques or orders signed by the official liquidator.

Investments

40.—(1) All or any part of the money for the time being standing to the credit of the official liquidator in the bank, and not immediately required for the purposes of the winding-up, may be invested in the name of the official liquidator in the same manner as if it were cash under the control of or subject to the order of the High Court, unless the Judge shall otherwise direct. All such investments shall be made by the bank upon a request signed by the official liquidator, which request shall be a sufficient authority for debiting the account with the purchase money.

(2) All dividends and interest to accrue due upon any such investment shall from time to time be received by the bank, under a direction to be executed by the official liquidator, and placed to the credit of the account of such official liquidator.

Official liquidator's accounts

41.—(1) The accounts of the official liquidator, certified by him to be correct, shall be lodged at the Chambers of the Judge at such times and in such form as may from time to time be directed by the Judge, and such accounts shall be passed in such manner, and upon notice to such persons (if any) as the Judge shall direct, but no summons shall be required for the purpose only of having such accounts passed.

(2) When the accounts of the official liquidator have been passed, the Chief Clerk shall certify accordingly and shall transmit a duplicate copy of the accounts to the Registrar of Companies.

Collection and distribution of company's assets

42.—(1) The duties imposed on the Court by section 231(1) of the Act, in a winding-up by the Court, with regard to the collection of the assets of the company, and the application of the assets in discharge of the company's liabilities, shall be discharged by the official liquidator as an officer of the Court subject to the control of the Court.

(2) For the purpose of the discharge by the official liquidator of the duties imposed by section 231(1) of the Act and paragraph (1) of this rule, the official liquidator shall, for the purpose of acquiring or retaining possession of the property of the company, be in the same position as if he were a receiver of the property appointed by the High Court, and the Court may, on his application, enforce such acquisition or retention.

Power of official liquidator to require delivery of property (Form 14)

43. The powers conferred on the Court by section 232 of the Act shall be exercised by the official liquidator. Any contributory for the time being on the list of contributories, and any trustee, receiver, banker, agent or officer of the company shall, on notice from the official liquidator, and in such time as he shall by notice in writing require, pay, deliver, convey, surrender or transfer to or into the hands of the official liquidator any money, property, books or papers which happen to be in his hands for the time being and to which the company is prima facie entitled.

Expenses of sales

44. Where property forming part of the company's assets is sold by the official liquidator through an auctioneer, or other agent, the gross proceeds of the sale shall be paid over by such auctioneer, or agent, and the charges and expenses connected with the sale shall afterwards be paid to such auctioneer or agent upon an order of the Judge for the payment thereof. Every official liquidator by whom such auctioneer or agent is employed shall, unless the Judge otherwise orders, be accountable for the proceeds of such sale.

Restriction on purchase of company's assets by official liquidator

45.—(1) The official liquidator shall not, while acting as official liquidator, except by leave of the Court, either directly or indirectly, by himself, or any partner, clerk, agent or servant, become purchaser of any part of the company's assets.

(2) Any such purchase made contrary to the provisions of this rule may be set aside by the Court on the application of any creditor or contributory, and the Court may make such order as to costs as it shall think fit.

Restriction on purchase of goods by official liquidator

46. Where the official liquidator carries on the business of the company, he shall not, without the express sanction of the Court, purchase goods for the carrying on of such business from any person whose connection with him is of such a nature as to result in his obtaining any portion of the profit (if any) arising out of the transaction.

Costs of obtaining sanction of Court under rules 45 and 46

47. In any case in which the sanction of the Court is obtained under the two last preceding rules, the cost of obtaining such sanction shall be borne by the person in whose interest such sanction is obtained, and shall not be payable out of the company's assets.

Compromises and arrangements

48. Every application for the sanction of the judge to any compromise or arrangement with any creditor, contributory or other person shall be supported by a report of the official liquidator stating:—

- (a) that he has fully investigated the matter or matters in respect of which the compromise or arrangement is proposed to be made and the affairs of such creditor, contributory or other person;
- (b) that he believes the proposed compromise or arrangement will be beneficial to the company;
- (c) his reasons for such belief;
- (d) any matter relating to the company, the conduct of its directors and officers, or otherwise, which in his opinion ought so to be brought to the attention of the Judge.

File and inspection of proceedings

49.—(1) All orders, admissions, memoranda, accounts, copies of affidavits, exhibits, examinations, depositions, certificates, minutes of proceedings had and resolutions passed at any meetings of creditors or contributories or of a committee of inspection, and all other documents relating to the winding-up of any company by the Court, other than documents of a confidential nature, shall be filed by the official liquidator so far as may be in a continuous order, and such file shall be kept by him, or otherwise as the Judge may from time to time direct.

(2) Every person who has been a director or officer of the company, every contributory, and every creditor whose debt or claim has been admitted, shall be entitled at all reasonable times to inspect such file free of charge, and at his own expense to take copies or extracts from any of the documents comprised therein, and such file shall be produced in Court or before the Judge, and otherwise, as occasion may require.

(3) Within one month from the date of the order dissolving the company, or at such earlier date as may be directed by the Judge, the official liquidator shall deposit the file referred to in this rule at the Central Office, and the provisions of rule 8 shall apply to the inspection and taking copies or extracts from any of the documents comprised therein.

PART VII

DISCLAIMER

Disclaimer (Forms 15 and 16)

50.—(1) An application for leave to disclaim any part of the property of a company pursuant to section 291(1) of the Act shall be supported by an affidavit showing who are the parties interested and what their interests are. On the hearing of the application the Judge shall give such directions as he sees fit and in particular directions as to the notices to be given to the parties interested or any of them, and may adjourn the application to enable any such party to attend.

(2) Where a liquidator disclaims any interest in land, he shall forthwith file the disclaimer at the Central Office. The disclaimer shall contain particulars of the interest disclaimed and a statement of the persons to whom notice of the disclaimer has been given. Until the disclaimer is filed by the liquidator, the disclaimer shall be inoperative. A disclaimer shall be in the Form 15 and a notice of disclaimer in the Form 16.

(3) Where any person claims to be interested in any part of the property of a company which the liquidator wishes to disclaim, he shall at the request of the liquidator furnish a statement of the interest so claimed by him.

Vesting of disclaimed property

51.—(1) Any application under section 291(7) of the Act for an order for the vesting of any disclaimed property in, or the delivery of any such property to, any persons, if not made upon an application by the liquidator for leave to disclaim, shall be supported by an affidavit showing the parties claiming to be interested therein and what their interests are, and thereon the Court may give such directions as it thinks fit.

(2) When such an application as aforesaid relates to disclaimed property of a leasehold nature and it appears that there is any mortgagee by demise or underlessee of such property, the Court may direct that notice shall be given to such mortgagee or underlessee that if he does not elect to accept and apply for such a vesting order as aforesaid upon the terms required by the above-mentioned subsection, and imposed by the Court, within a time to be fixed by the Court and stated in the notice, he will be excluded from all interest in and security upon the property, and the Court may adjourn the application for such notice to be given and for such mortgagee or underlessee to be added as a party to and served with the application, and, if he sees fit, to make such

election and application as is mentioned in the notice. If at the expiration of the time so fixed by the Court, such mortgagee or underlessee fails to make such election and application, the Court may make an order vesting the property in the applicant and excluding such mortgagee or underlessee from all interest in or security upon the property.

PART VIII

COMMITTEE OF INSPECTION

First meetings of creditors and contributories

52.—(1) Unless the Judge otherwise directs, in a winding-up by the Court such meetings of creditors and contributories as may be directed by the Court under section 228 of the Act (as amended) for the purpose of determining whether or not an application is to be made to the Judge for the appointment of a committee of inspection (hereinafter referred to as the first meetings of creditors and contributories) shall be held within one month of the advertisement in the *Gazette* of the appointment of an official liquidator. The dates of such meetings shall be fixed and they shall be summoned by the official liquidator.

(2) The notice in the *Gazette* of the appointment of an official liquidator shall, unless the Judge otherwise directs, include notice of the dates fixed for the first meetings of creditors and contributories, if any.

Appointment of committee of inspection on report of meetings of creditors and contributories (Form 17)

53.—(1) As soon as possible after the first meetings of creditors and contributories have been held, the official liquidator shall lodge at the Chambers of the Judge a report of the result of each meeting.

(2) Upon the lodgment of such report, if there is a difference between the determinations of the meetings of the creditors and contributories, the Judge shall, on the application of the official liquidator, fix a time and place for considering the resolutions and determinations (if any) of the meetings, deciding differences, and making such order as shall be necessary. In any other case the Judge may, upon the application of the official liquidator, forthwith make any appointment necessary for giving effect to any such resolutions or determinations.

(3) When a time and place have been fixed for the consideration of the resolutions and determinations of the meetings, such time and place shall be advertised by the official liquidator in such manner as the Judge may direct, but so that the first or only advertisement shall be published not less than seven days before the time so fixed.

(4) Upon the consideration of the resolutions and determinations of the meetings the Judge shall hear the official liquidator and any creditor or contributory.

Powers and duties of committee of inspection

54. Without prejudice to any other powers and duties given by the Act to the committee of inspection:—

- (a) the committee of inspection shall at all times have access to the liquidator's books of account;

- (b) the committee or any member thereof may make reports to any meeting of creditors or contributories, and may apply at any time to the Judge for an order on the liquidator to summon a meeting of creditors or contributories or both;
- (c) the committee shall act with the liquidator and give their advice and assistance to him relative to the management of the company's estate and affairs and the conduct of the liquidation.

PART IX

CONTRIBUTORIES IN A WINDING-UP BY THE COURT

List of contributories to be made by official liquidator (Form 18)

55.—(1) Unless the Judge shall dispense with the settlement of a list of contributories, the official liquidator shall, with all convenient speed after his appointment, or in such time as the Judge may direct, make out and leave at the Chambers of the Judge a certified list of the contributories of the company stating, so far as is practicable, the respective addresses of, and the numbers of shares or extent of interest to be attributed to, each contributory, and the amount called up and the amount paid up in respect of such shares or interest, and distinguishing the several classes of contributories.

(2) As regards representative contributories, the liquidator shall, so far as practicable, observe the requirements of section 231(3) of the Act.

Settlement of list (Forms 19 and 20)

56.—(1) Upon the list of contributories being left at the Chambers of the Judge, the official liquidator shall obtain an appointment for the Judge to settle the same, and shall give notice in writing of such appointment to every person included in such list, stating in what character, and for what number of shares, or interest, such person is included in the list; and that any application for the removal of the name of such person from the list, or for a variation of the list, must be made to the Judge at the time appointed for the settlement of such list.

(2) All such notices shall be served four clear days before the day appointed to settle such list, or such variation or any addition thereto.

Certificate (Form 21)

57. The result of the settlement of the list of contributories shall be stated in a certificate by the Chief Clerk, and certificates may be made from time to time for the purpose of stating the result of such settlement down to any particular time, or as to any particular person, or stating any variation of the list.

Variation of list (Form 22)

58. The official liquidator may from time to time vary or add to the list of contributories, but any such variation or addition shall be made in the same manner in all respects as the settlement of the original list.

Application to make call (Forms 23, 24 and 25)

59. Every application to the Judge to make any call on the contributories, or any of them, for any purpose authorised by the Act, shall be made by summons, stating the proposed amount of such call, and such summons shall be served four clear days at the least before the day appointed for making the call on every contributory proposed to be included in such call, or if the Judge shall so direct, notice of such intended call may be given by advertisement without a separate notice to each contributory.

Service of order (Form 26)

60. When any order for a call has been made, a copy thereof shall be served forthwith upon each of the contributories included in such call, together with a notice from the official liquidator specifying the amount of balance due from such contributory (having regard to the provisions of the Act) in respect of such call, but such order need not be advertised unless for any special reason the Judge so directs.

Order to pay (Forms 27 and 28)

61. At the time of making an order for a call, the further proceedings relating thereto shall be adjourned to a time subsequent to the day appointed for the payment thereof, and afterwards from time to time so long as may be necessary, and at the time appointed by any such adjournment, or upon a summons to enforce payment of a call duly served, and upon proof of service of the order and notice of the amount due, and non-payment, an order may be made for such of the contributories who have made default, or such of them against whom it shall be thought proper to make such an order, to pay the sum which by such former order and notice they were respectively required to pay, or any less sum which may appear to be due from them respectively.

PART X

ASCERTAINMENT OF COMPANY'S LIABILITIES

Ascertainment of debts and claims (Form 29)

62. For the purpose of ascertaining the debts and claims due from the company an advertisement shall, unless otherwise ordered by the Judge, be published at such time as the Judge may direct, fixing the time for the creditors to send their names and addresses, and the particulars of their debts or claims, to the official liquidator, or to be excluded from the benefit of any distribution made before such debts are proved.

Investigation of claims (Form 30)

63. The official liquidator shall investigate the particulars of the debts and claims sent to him, and ascertain so far as he is able which of such debts or claims are justly due from the company, and he shall, prior to a time to be appointed by the Judge for adjudicating on debts and claims, make out and leave at the Chambers of the Judge a certificate of all the debts and claims sent to him, distinguishing which of the debts and claims, or parts of the debts and claims, so claimed are in his opinion justly due and proper to be admitted without further evidence, and the reasons for such opinion, and which of them in his opinion the creditors ought to be required to establish. The said certificate shall indicate which of the said debts are or are claimed to be entitled to priority under section 287 of the Act.

Notice to establish debts or claims (Forms 31 and 32)

64.—(1) The official liquidator shall give notice to the creditors whose debts or claims have not been recommended for admission upon his certificate, that they are required to come in and establish the same by a day to be therein named, not being less than four days after such notice, and to attend at the Chambers of the Judge at a time to be therein named for adjudication upon such debts or claims.

(2) A certificate by the official liquidator that such notice has been duly posted shall be sufficient evidence of such notice having been duly sent to the persons to whom the same was addressed.

Adjudication on debts and claims

65.—(1) At the time appointed for adjudicating upon the debts and claims, or at any adjournment thereof, the Judge may either admit the debts and claims upon the certificate of the official liquidator, or may require the same, or any of them, to be established by the claimants, and adjourn the adjudication thereon to a time to be then fixed.

(2) The creditors need not attend the sitting for the adjudication upon debts and claims unless they are required to do so by notice from the official liquidator, but upon such notice being given, they are to come in and establish their debts or claims within a time and in the manner to be therein specified.

Certificate of Chief Clerk (Form 33)

66. The result of the adjudication upon debts and claims shall be stated in a certificate to be made by the Chief Clerk, and certificates as to any of such debts and claims may be made from time to time. All such certificates shall state whether the debts or claims are admitted or rejected, and whether admitted as against any particular assets, or in any other qualified or special manner.

Creditors' costs

67. A creditor shall bear the costs of proving and establishing his debt unless the Judge shall otherwise specially order.

Value of debts

68. The value of such debts and claims as are made admissible to proof by section 285 of the Act shall, so far as possible, be estimated according to the value thereof at the date of the order to wind up the company.

Mode of proof

69. Save where the liquidator or the judge shall require the same to be proved by affidavit, a debt may be proved in any winding-up by delivering or sending through the post to the liquidator particulars of the claim.

Verification of proof (Form 34)

70. An affidavit proving a debt may be made by the creditor himself, or by some person authorised by or on behalf of the creditor. If made by a person so authorised, it shall state his authority and means of knowledge.

Contents of proof

71. An affidavit proving a debt shall state whether the creditor is, or is not, a secured creditor, contain or refer to a statement of account showing the particulars of the debt, and specify the vouchers (if any) by which the same can be substantiated, and the creditor shall produce such vouchers, if required to do so.

Oaths

72. For the purpose of any of his duties in relation to proofs the official liquidator may administer oaths and take affidavits.

Periodical payments

73. When any rent or other payment falls due at stated periods and the order or resolution to wind up is made at any time other than one of these periods, the persons entitled to the rent or payment may prove for a proportionate part thereof up to the date of the winding-up order or resolution as

if the rent or payment grew due from day to day; provided that where the liquidator remains in occupation of premises demised to a company which is being wound up, nothing herein contained shall prejudice or affect the right of the landlord of such premises to claim payment by the company, or the liquidator, of rent during the period of the company's or the liquidator's occupation.

Interest

74. On any debt or sum certain, payable at a certain time or otherwise, whereon interest is not reserved or agreed for, and which is overdue at the date of the commencement of the winding-up, the creditor may prove for interest at a rate not exceeding five pounds per centum per annum to that date from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrument at a certain time, and if payable otherwise, then from the time when a demand in writing has been made, giving notice that interest will be claimed from the date of the demand until the time of payment.

Proof for debt payable at a future time

75. A creditor may prove for a debt not payable at the date of the winding-up order or resolution, as if it were payable presently, and may receive dividends equally with the other creditors, deducting only thereout a rebate of interest at the rate of six pounds per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable according to the terms on which it was contracted.

Workmen's wages (Form 35)

76. 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 such claims is made either by a foreman or by some other person on behalf of all such creditors. Such proof shall have annexed thereto as forming part thereof a schedule setting forth the names of the workmen and others, and the amounts severally due to them. Any proof made in compliance with this rule shall have the same effect as if separate proofs had been made by each of the said workmen and others.

Production of bills of exchange or promissory notes

77. Where a creditor seeks to prove in respect of a bill of exchange, promissory note, or other negotiable instrument or security, on which the company is liable, such bill of exchange, note, instrument or security must, subject to any special order of the judge made to the contrary, be produced to the liquidator, and be marked by him before such proof can be admitted either for voting or for any other purpose.

PART XI

DIVIDENDS IN A WINDING-UP BY THE COURT

Dividend to creditors

78.—(1) The official liquidator shall not declare a dividend without the sanction of the Judge.

(2) Upon the application of the official liquidator for such sanction, the Judge, if he grants the same, may give such directions as he thinks expedient in regard thereto.

Notice and payment of dividends (Forms 36 and 37)

79.—(1) Forthwith after the declaration of a dividend the official liquidator shall:—

- (a) send a notice to each creditor whose debt or claim has been admitted, of the dividend, and that payment will be made to him by the bank upon presentation through a bank of such notification bearing at the foot the acknowledgment of the receipt by the payee;
- (b) transmit to the bank an authority in the prescribed form to pay the sums to which the creditors are entitled as specified in a schedule to the said authority and to charge the same to the account of the official liquidator of the company. The said authority shall be dated as of the date of the declaration of the dividend, signed by the official liquidator and countersigned by the Chief Clerk after he has compared the schedule thereto with his certificate or certificates of the result of adjudication upon debts and claims and checked the amount of the dividend payable to each creditor.

(2) At the expiration of three months from the date of every authority to the bank for payment to creditors of dividends, the authority shall lapse and become void, and forthwith thereafter the bank shall transmit to the official liquidator every such authority, having noted thereon the dates on which the several payments thereunder were made.

Postponement of dividend

80. The Judge may on the application of the official liquidator, or of his own motion, postpone the declaration of a dividend, already sanctioned, to a later date, and give such directions as he may think expedient in regard to the publication of notice of such postponement and otherwise.

Unclaimed dividends

81.—(1) Upon receipt from the bank of the authority referred to in rule 79(2) the official liquidator shall apply to the Judge for directions with regard to any dividends which remain unpaid, and the Judge may direct such notices to be served relative thereto as he may think fit.

(2) When satisfied that it is proper to do so, the Judge may order that all or any part of the unclaimed dividends be lodged to such account and in such manner as may be prescribed by the Ministry of Commerce under section 308(1A) of the Act.

Return of capital to contributories (Form 38)

82. Every order by which the official liquidator in a winding-up by the Court is authorised to make a return of capital to contributories of the company shall, unless the Judge shall otherwise direct, contain or have appended thereto a schedule (which the official liquidator shall prepare) setting out in a tabular form the full names and addresses of the persons to whom the return is to be made, and the amount of money payable to each person, and particulars of the transfers of shares (if any) which have been made, or the variations in the list of contributories which have arisen since the date of the last settlement of the list of contributories. The schedule shall be in Form 38.

PART XII

PAYMENT IN OF MONEYS AND DELIVERY OF SECURITIES

Orders for payment to the bank

83. All orders for payment of calls, balances, or other moneys due from any contributory or other person, shall direct the same to be paid into the bank, to the account of the official liquidator of the company, unless by reason of the smallness of the amount, or other cause, it shall be thought proper to direct payment thereof to the official liquidator.

Mode of payment (Forms 39 and 40)

84. At the time of the service of any order for the payment into the bank, the official liquidator shall give to each party served a notice to the purport or effect set forth in Form 39, for the purpose of informing him how the payment is to be made and, before the time fixed for such payment, the official liquidator shall furnish the cashier of the bank with a certificate to the purport or effect set forth in Form 40, to be signed by such cashier and delivered to the party paying in the money therein mentioned.

Evidence of non-payment (Form 41)

85. For the purpose of enforcing any order for payment of money into the bank, an affidavit of the official liquidator to the purport or effect set forth in Form 41 shall be sufficient evidence of the non-payment thereof.

To what account

86. All moneys, bills, notes, and other securities paid and delivered into the bank shall be placed to the credit of the account of the official liquidator, and orders for any such payment or delivery shall direct the same accordingly.

PART XIII

EXAMINATIONS UNDER SECTION 241 OF THE ACT AND PROCEEDINGS BY OR AGAINST DIRECTORS, OFFICERS, PROMOTERS AND OTHER PERSONS

Applications under section 241 of the Act

87.—(1) An application for a summons under section 241 of the Act may be made to the Judge by the official liquidator or any person interested in the winding-up of the company.

(2) At the hearing, the applicant shall produce a report of the facts on which he relies, which shall be verified by affidavit (except where the official liquidator is the applicant) and the report shall not be filed unless the Judge so directs.

Applications by or against directors, officers, promoters and others

88.—(1) In any application under sections 179, 288, subsections (1) and (2) of 298, 299 or subsection (2) of 394 of the Act, the summons shall state:—

(a) the nature of the declaration or order for which the application is made;

(b) the grounds of the application;

and unless otherwise ordered shall, together with a copy of every affidavit in support, be served personally (unless otherwise directed by the Judge) on every person against whom an order is sought, not less than ten clear days before the day named therein for hearing the application.

(2) Upon any such application the Judge may at any time before making an order give such directions as he thinks fit as to:—

- (a) the taking of evidence wholly or in part by affidavit or orally;
- (b) the cross-examination of any deponents to affidavits in support of or in opposition to the application;
- (c) any report he may require the liquidator to make; and
- (d) generally as to the procedure on the summons and for the hearing thereof.

Shorthand notes

89.—(1) If the Judge or any commissioner before whom any examination under the Act is directed to be held, is in any case and at any stage of the proceedings, of the opinion that it would be desirable that a person should be appointed to take down the evidence of any person examined, in shorthand or otherwise, it shall be competent for the Judge or commissioner holding the examination to make such appointment.

(2) The person at whose instance the examination is taken shall nominate a person for the purpose, and the person so nominated shall be appointed unless the Judge or the commissioner otherwise orders. Every person so appointed shall be paid according to the scale of remuneration provided by rule 57 of Order LXV and such sums shall be paid by the party at whose instance the appointment was made or out of the assets of the company as may be directed by the Court.

Transcripts

90. The transcript of notes shall not in any case be allowed for unless such transcript has been directed to be made by the Judge or commissioner.

Filing and inspection of examinations

91. No examination shall be filed, or be open to the inspection of any person, except the official liquidator, unless and until the Judge so directs, and the Judge may from time to time give such general or special directions as may be expedient in regard to the custody and inspection of examinations, and the furnishing of copies or extracts therefrom.

PART XIV

GENERAL MEETINGS OF CREDITORS AND CONTRIBUTORIES IN RELATION TO WINDING-UP BY THE COURT AND OF CREDITORS IN RELATION TO A CREDITORS' VOLUNTARY WINDING-UP

Liquidator's meetings of creditors and contributories

92.—(1) In addition to the first meetings of creditors and contributories and in addition also to meetings of creditors and contributories directed to be held by the Court under section 310 of the Act (hereinafter referred to as Court meetings of creditors and contributories), the official liquidator may himself from time to time subject to the provisions of the Act and the control of the Court summon, hold and conduct meetings of the creditors or contributories (hereinafter referred to as official liquidator's meetings of creditors and contributories) for the purpose of ascertaining their wishes in all matters relating to the winding-up.

(2) In any creditors' voluntary winding-up the liquidator may himself from time to time summon, hold and conduct meetings of creditors for the purpose of ascertaining their wishes in all matters relating to the winding-up (such

meetings and all meetings of creditors which a liquidator or a company is by the Act required to convene in or immediately before such a voluntary winding-up and all meetings convened by a creditor in a voluntary winding-up under the rules are hereinafter called voluntary liquidation meetings).

Application of rules as to meetings

93. Except where and so far as the nature of the subject-matter or the context otherwise require, the rules as to meetings hereinafter set out shall apply to first meetings of creditors and contributories, Court meetings of creditors and contributories, official liquidator's meetings of creditors and contributories, and voluntary liquidation meetings, but so nevertheless that the said rules shall take effect as to Court meetings subject and without prejudice to any express directions of the Judge.

Summoning of meetings (Forms 42, 43 and 44)

94.—(1) The liquidator shall summon all meetings of creditors and contributories by giving not less than seven days' notice of the time and place thereof in the *Gazette* and in a local paper; and shall not less than seven days before the day appointed for the meeting send by post to every person appearing by the company's books to be a creditor of the company notice of the meeting of creditors, and to every person appearing by the company's books or otherwise to be a contributory of the company, notice of the meeting of contributories; provided that the Court may direct that notice of Court meetings of creditors and contributories may be given by advertisement only.

(2) The notice to each creditor shall be sent to the address given in his proof, or if he has not proved to the address given in the books of the company, if any, or to such other address as may be known to the person summoning the meeting. The notice to each contributory shall be sent to the address mentioned in the company's books as the address of such contributory, or to such other address as may be known to the person summoning the meeting.

(3) The notices of the first meetings of creditors and contributories may be in Forms 42 and 43, and the notice to creditors shall state a time within which the creditors must lodge their proofs or particulars of their claims in order to entitle them to vote at the meeting.

(4) In the case of meetings under section 267 of the Act the continuing liquidator or if there is no continuing liquidator any creditor may summon the meeting.

(5) This rule shall not apply to meetings under sections 263 or 270 of the Act.

Proof of notice (Forms 45 and 46)

95. A certificate by the official liquidator or an affidavit by the liquidator in a creditors' voluntary winding-up, or creditor, or his solicitor, or the clerk of any such person, or as the case may be by some officer of the company or its solicitor or the clerk of such company or solicitor, that the notice of any meeting has been duly posted, shall be sufficient evidence of such notice having been duly sent to the person to whom the same was addressed.

Place of meetings

96. Every meeting shall be held at such place as is in the opinion of the person convening the same most convenient for the majority of the creditors

or contributories or both and different times or places or both may if thought expedient be named for the meetings of creditors and for the meetings of contributories.

Costs of calling meetings

97.—(1) The costs of summoning a meeting of creditors or contributories at the instance of any person other than the liquidator shall be paid by the person at whose instance it is summoned, who shall before the meeting is summoned deposit with the liquidator such sum as may be required by the liquidator as security for the payment of such costs.

(2) The costs of summoning such meeting of creditor or contributories, including all disbursements for printing, stationery, postage and the hire of room, shall be calculated at the following rate for each creditor or contributory to whom notice is required to be sent, namely, four shillings per creditor or contributory for the first twenty creditors or contributories, two shillings per creditor or contributory for the next thirty creditors or contributories, one shilling per creditor or contributory for any number of creditors or contributories after the first fifty.

(3) The said costs shall be repaid out of the assets of the company if the Court shall by order or if the creditors or contributories (as the case may be) shall by resolution so direct.

(4) This rule shall not apply to meetings under sections 263 or 267 of the Act.

Chairman of meeting

98.—(1) Where a meeting is summoned by the liquidator, he or someone nominated by him shall be chairman of the meeting. At every other meeting of creditors or contributories the chairman shall be such person as the meeting by resolution shall appoint.

(2) This rule shall not apply to meetings under section 263 of the Act.

Ordinary resolution of creditors and contributories

99. At a meeting of creditors a resolution shall be deemed to be passed when a majority in number and value of the creditors present personally or by proxy and voting on the resolution have voted in favour of the resolution, and at a meeting of the contributories a resolution shall be deemed to be passed when a majority in number and value of the contributories present personally or by proxy and voting on the resolution have voted in favour of the resolution, the value of the contributories being determined according to the number of votes conferred on each contributory by the regulations of the company.

Copy of resolution to be filed

100. The official liquidator shall file at the Chambers of the Judge a copy certified by him of every resolution of a meeting of creditors or contributories in a winding-up by the Court.

Non-reception of notice by a creditor

101. Where a meeting of creditors or contributories is summoned by notice, the proceedings and resolutions at the meeting shall, unless the Court otherwise orders, be valid notwithstanding that some creditors or contributories may not have received the notice sent to them.

Adjournments

102. The chairman may with the consent of the meeting adjourn it from time to time and from place to place, but the adjourned meeting shall be held at the same place as the original meeting unless in the resolution for adjournment another place is specified or unless the Court otherwise orders.

Quorum

103.—(1) A meeting may not act for any purpose except the election of a chairman, the proving of debts and the adjournment of the meeting, unless there are present or represented thereat in the case of a creditors' meeting at least three creditors entitled to vote or in the case of a meeting of contributories at least three contributories or all the creditors entitled to vote or all the contributories if the number of creditors entitled to vote or the number of contributories as the case may be shall not exceed three.

(2) If within half an hour from the time appointed for a meeting other than a first meeting of creditors or contributories, a quorum of creditors or contributories, as the case may be, is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place or to such other day or time or place as the chairman may appoint, but so that the day appointed shall be not less than seven nor more than twenty-one days from the day from which the meeting was adjourned.

(3) If within half an hour from the time appointed for a first meeting of creditors or contributories a quorum is not present or represented, the official liquidator shall, if the meeting is not adjourned, or if a quorum is not present or represented at the adjourned meeting, file at the Chambers of the Judge a statement to that effect.

Creditors entitled to vote

104.—(1) In the case of a first meeting of creditors or of an adjournment thereof a person shall not be entitled to vote as a creditor unless he has duly lodged with the official liquidator, not later than the time mentioned for that purpose in the notice convening the meeting or adjourned meeting, a proof or particulars of the debt which he claims to be due to him from the company. In the case of a Court meeting or official liquidator's meeting of creditors a person shall not be entitled to vote as a creditor unless he has lodged with the liquidator a proof or particulars of the debt which he claims to be due to him from the company and such proof or particulars has or have been admitted wholly or in part or, in the case of a meeting in a winding-up by the Court held before the date fixed for adjudicating upon debts and claims, recommended by the official liquidator for admission wholly or in part, before the date on which the meeting is held.

(2) This rule shall not apply to any voluntary liquidation meeting.

Cases in which creditors may not vote

105. A creditor shall not vote in respect of any unliquidated or contingent debt or any debt the value of which is not ascertained, nor shall a creditor vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the company, and against whom an adjudication order in bankruptcy has not been made, as a security in his hands, and to estimate the value thereof, and for the purposes of voting, but not for the purposes of dividend, to deduct it from his proof.

Votes of secured creditors

106. For the purpose of voting, a secured creditor shall, unless he surrenders his security, state in his proof or in a voluntary liquidation in such a statement as is hereinafter mentioned the particulars of his security, the date when it was given, and the value at which he assesses it, and shall be entitled to vote only in respect of the balance (if any) due to him after deducting the value of his security. If he votes in respect of his whole debt he shall be deemed to have surrendered his security, unless the Court on application is satisfied that the omission to value the security has arisen from inadvertence.

Creditor required to give up security

107. The liquidator may, within twenty-eight days after a proof or in a voluntary liquidation a statement estimating the value of a security as aforesaid has been used in voting at a meeting, require the creditor to give up the security for the benefit of the creditors generally on payment of the value so estimated with an addition thereto of twenty per cent.; provided that where a creditor has valued his security he may at any time before being required to give it up correct the valuation by a new proof and deduct the new value from his debt, but in that case the said addition of twenty per cent. shall not be made if the security is required to be given up.

Acceptance or refusal of proof for purpose of voting

108.—(1) The chairman may accept or refuse a proof for the purpose of voting, subject to an appeal to the Judge from his decision.

(2) Where the chairman is in doubt as to whether a proof should be accepted or refused, he shall mark the proof as objected to and allow the creditor to vote, subject to such vote being declared invalid in the event of the objection being sustained.

Statement of security

109. For the purpose of voting at any voluntary liquidation meetings, a secured creditor shall, unless he surrender his security, lodge with the liquidator or, where there is no liquidator, at the registered office of the company, before the meeting a statement giving the particulars of his security, the date when it was given and the value at which he assesses it.

Minutes of meeting (Form 47)

110.—(1) The chairman shall cause minutes of the proceedings at the meeting to be drawn up and fairly entered in a book kept for that purpose and the minutes shall be signed by him or by the chairman of the next ensuing meeting.

(2) A list of creditors and contributories present at every meeting shall be made and kept as in Form 47.

PART XV

PROXIES IN RELATION TO A WINDING-UP BY THE COURT AND TO MEETINGS OF CREDITORS IN A CREDITORS' VOLUNTARY WINDING-UP

Proxies

111. A creditor or a contributory may vote either in person or by proxy. Where a person is authorised in manner provided by section 133 of the Act to represent a corporation at any meeting of creditors or contributories, such person shall produce to the liquidator or other the chairman of the meeting a copy of the resolution so authorising him. Such copy must either be under

the seal of the corporation or must be certified to be a true copy by the secretary or a director of the corporation.

Form of proxies (Forms 48 and 49)

112. Every instrument of proxy shall be in the Form 48 or 49 as appropriate.

Forms of proxy to be sent with notices

113. General and special forms of proxy shall be sent to the creditors and contributories with the notice summoning the meeting, and neither the name nor description of the liquidator or any other person shall be printed or inserted in the body of any instrument of proxy before it is so sent.

General proxies

114. A creditor or a contributory may give a general proxy to any person.

Special proxies

115. A creditor or a contributory may give a special proxy to any person to vote at any specified meeting or adjournment thereof:—

- (a) for or against the appointment or continuance in office of any specified person as liquidator or member of the committee of inspection; and
- (b) on all questions relating to any matter other than those above referred to and arising at the meeting or an adjournment thereof.

Solicitation by liquidator to obtain proxies

116. Where it appears to the satisfaction of the Court that any solicitation has been used by or on behalf of a liquidator in obtaining proxies or in procuring his appointment as liquidator except by the direction of a meeting of creditors or contributories, the Court if it thinks fit may order that no remuneration be allowed to the person by whom or on whose behalf the solicitation was exercised notwithstanding any resolution of the committee of inspection or of the creditors or contributories to the contrary.

Who may be proxy

117.—(1) A creditor or a contributory in a winding-up by the Court may appoint the official liquidator and in a voluntary winding-up the liquidator or if there is no liquidator the chairman of a meeting to act as his general or special proxy.

(2) No minor shall be a proxy.

Holder of proxy not to vote on matter in which he is financially interested

118. No person acting either under a general or a special proxy shall vote in favour of any resolution which would directly or indirectly place himself, his partner or employer in a position to receive any remuneration out of the estate of the company otherwise than as a creditor rateably with the other creditors of the company; provided that where any person holds special proxies to vote for an application to the Judge in favour of the appointment of himself as official liquidator he may use the said proxies and vote accordingly.

Lodgment of proxies

119.—(1) A proxy intended to be used at the first meeting of creditors or contributories or an adjournment thereof, shall be lodged with the official liquidator not later than the time mentioned for that purpose in the notice

convening the meeting or the adjourned meeting, which time shall be not earlier than twelve o'clock at noon of the day but one before, nor later than twelve o'clock at noon of the day before the day appointed for such meeting, unless the Judge otherwise directs.

(2) In every other case a proxy shall be lodged with the official liquidator in a winding-up by the Court, with the company at its registered office for a meeting under section 263 of the Act, and with the liquidator or if there is no liquidator with the person named in the notice convening the meeting to receive the same in a voluntary winding-up not later than four o'clock in the afternoon of the day before the meeting or adjourned meeting at which it is to be used.

Filling in where creditor blind or incapable

120.—(1) The proxy of a creditor blind or incapable of writing may be accepted if such creditor has attached his signature or mark thereto in the presence of a witness, who shall add to his signature his description and residence.

(2) Such a witness shall have certified at the foot of the proxy that all such insertions have been made at the request and in the presence of the creditor before he attached his signature or mark.

PART XVI

ATTENDANCE OF PARTIES

Attendance at proceedings

121.—(1) Every person for the time being on the list of contributories of the company left at the Chambers of the Judge by the official liquidator, and every person whose proof has been admitted, shall be at liberty, at his own expense, to attend proceedings, and shall be entitled, upon payment of the costs occasioned thereby, to have notice of all such proceedings as he shall by written request desire to have notice of; but where the Judge is of opinion that the attendance of any such person upon any proceedings has occasioned any additional costs which ought not to be paid out of the assets of the company, he may direct such costs, or a gross sum in lieu thereof, to be paid by such person, and such person shall not be entitled to attend any further proceedings until he has paid the same.

(2) The Judge may from time to time appoint any one or more of the creditors or contributories to represent before him, at the expense of the company, all or any class of the creditors or contributories, upon any question or in relation to any proceedings before him, and may remove the person or persons so appointed. Where more than one person is appointed under this rule to represent one class, the persons appointed shall employ the same solicitor to represent them.

(3) No creditor or contributory shall be entitled to attend any proceedings in Chambers unless he has entered in a book to be kept there for that purpose his name and address, and the name and place of business of his solicitor (if any), and upon any change of his address or of his solicitor, his new address and the name and place of business of his new solicitor.

Attendance of liquidator's solicitor

122. Where the attendance of the liquidator's solicitor is required on any proceeding in Court or Chambers, the liquidator need not attend in person, except in cases where his presence is necessary in addition to that of his solicitor, or the Court directs him to attend.

Advertisements

123.—(1) Where an advertisement is required for any purpose, except where otherwise directed by the Act or by the rules, the advertisement shall be inserted once in the *Gazette*, and in such other newspaper or newspapers, and for such number of times, as may be directed by the Judge. The Judge may, in such cases as he shall think fit, dispense with any advertisement required by the rules.

(2) The form of advertisements shall not be settled at Chambers unless the Judge in any special case shall so direct.

(3) A copy of each issue of the *Gazette* and each newspaper containing any advertisement relating to proceedings in a winding-up by the Court, shall be left at the Chambers of the Judge by the person inserting the advertisement.

PART XVII

TERMINATION OF WINDING-UP BY THE COURT

Official liquidator's final account and Chief Clerk's certificate (Form 50)

124.—(1) Upon the termination of proceedings at Chambers for the winding-up of the company, the official liquidator shall lodge at the Chambers of the Judge a report on the matters set forth in paragraph (2) and a final account which shall include a summary of all receipts and payments in the winding-up.

(2) The official liquidator's report shall state:—

- (a) the amount of capital of the company issued, subscribed and paid up;
- (b) the amount of the assets and liabilities of the company realised and ascertained respectively;
- (c) the costs and expenses of the winding-up;
- (d) whether proper books of account have been kept by the company in accordance with section 297 of the Act;
- (e) if the company has failed, the cause of the failure so far as he has been able to ascertain the same;
- (f) whether his investigation of the affairs of the company has disclosed any, and if so, what evidence that any past or present officer, or any member of the company has been guilty of any, and if so, what offence in relation to the company for which such person may be criminally liable;
- (g) any other matter which in his opinion it is desirable to bring to the notice of the Court.

The report shall not be filed unless the Court shall so direct.

(3) When the official liquidator has passed his final account a certificate shall be made up by the Chief Clerk that the affairs of the company have been completely wound up.

Order for dissolution and vacating of official liquidator's bond

125.—(1) Immediately after the certificate of the Chief Clerk that the affairs of the company have been completely wound up has become binding, the official liquidator shall apply to the Court for an order that the company be dissolved and for directions as to the vacating of the official liquidator's bond.

(2) Unless the Court in any special case otherwise directs, no affidavit shall be filed by the official liquidator on such application, which shall be grounded

on the official liquidator's report lodged pursuant to rule 124 and the said certificate of the Chief Clerk. The official liquidator shall attend the hearing of the application and may be examined concerning the winding-up.

PART XVIII

COSTS AND EXPENSES PAYABLE OUT OF THE ASSETS OF THE COMPANY

Costs payable out of the assets

126.—(1) The assets of a company in a winding-up by the Court remaining after payment of the fees and expenses properly incurred in preserving, realising or getting in the assets (including where the company has previously commenced to be wound up voluntarily such remuneration, costs and expenses as the Court may allow to a liquidator appointed in such voluntary winding-up) shall, subject to any order of the Court, be liable to the following payments, which shall be made in the following order of priority, namely:—

First—The taxed costs of the petition, including the taxed costs of any person appearing on the petition whose costs are allowed by the Court.

Next—The taxed charges of any shorthand writer appointed to take an examination.

Next—The necessary disbursements of the official liquidator, other than expenses properly incurred in preserving, realising or getting in the assets heretofore provided for.

Next—The costs of any person properly employed by the official liquidator.

Next—The remuneration of the official liquidator.

Next—The actual out-of-pocket expenses necessarily incurred by the committee of inspection, subject to the approval of the Chief Clerk.

(2) No payments in respect of bills of costs, charges or expenses of solicitors, accountants, auctioneers, brokers or other persons, other than payments for costs, charges or expenses fixed or allowed by the Judge under the Act or the rules, shall be allowed out of the assets of the company in a winding-up by the Court unless they have been duly taxed and allowed by the Taxing Master.

(3) If it appears to the Judge that the completion of a winding-up by the Court is being or may be delayed by the failure of any person to lodge his bill of costs, charges or expenses, for taxation, he may, on the application of the official liquidator or any person interested in the winding-up, or without any such application, report such failure to the Taxing Master, who shall make an order for the lodgment of the bill within such time and subject to such conditions as he may think fit. If such person fails or neglects to comply with any such order, the Taxing Master may certify such failure or neglect and allow such sum as he thinks fit for such person's costs, charges or expenses, or may assess them at a nominal sum.

(4) No order for the taxation of the official liquidator's costs, charges and expenses shall be necessary.

(5) Nothing contained in this rule shall apply to or affect costs which, in the course of legal proceedings by or against a company which is being wound up by the Court, are ordered by the Court in which such proceedings are pending or a judge thereof to be paid by the company or the official liquidator, or the rights of the person to whom such costs are payable.

PART XIX

VOLUNTARY LIQUIDATIONS

Statements by liquidator to Registrar of Companies (Forms 51-55)

127.—(1) In a voluntary winding-up, or a winding-up under the supervision of the Court, the statements with respect to the proceedings in and position of a liquidation of a company, the winding-up of which is not concluded within a year after its commencement, shall be sent to the Registrar of Companies twice in every year as follows:—

- (a) the first statement, commencing at a date when a liquidator was first appointed and brought down to the end of twelve months from the commencement of the winding-up, shall be sent within thirty days from the expiration of such twelve months, or within such extended period as the Ministry of Commerce may sanction, and the subsequent statements shall be sent at intervals of half a year, each statement being brought down to the end of the half year for which it is sent. In cases in which the assets of the company have been fully realised and distributed before the expiration of a half-yearly interval, a final statement shall be sent forthwith;
- (b) subject to the next succeeding rule, Form 51 and, where applicable, Forms 53, 54 and 55, shall be used, and the directions specified in the form (unless the Ministry of Commerce otherwise direct) be observed in reference to every statement;
- (c) every statement shall be verified by an affidavit in Form 52.

(2) For the purposes of section 307 of the Act, in the case of a company wound up voluntarily, or under the supervision of the Court, the winding-up of the company shall be deemed to conclude at the date of the dissolution of the company, unless at such date any funds or assets of the company remain unclaimed or undistributed in the hands or under the control of the liquidator, in which case the winding-up shall not be deemed to be concluded until such funds or assets have either been distributed or dealt with in accordance with section 308 of the Act.

Affidavit of no receipts or payments (Forms 51 and 52)

128. Where in a voluntary winding-up or a winding-up under the supervision of the Court a liquidator has not during any period for which a statement has to be sent, received or paid any money on account of the company, he shall at the period when he is required to transmit his statement, send to the Registrar of Companies the prescribed statement in the Form 51 containing the particulars therein required with respect to the proceedings in and position of the liquidation, and with such statement shall also send an affidavit of no receipts or payments in the Form 52.

Applications for payment of certain unclaimed dividends, etc.

129. Applications for payment out of unclaimed dividends and unapplied or undistributable balances paid into the Companies Voluntary Liquidation Account at the bank, or into the Exchequer, prior to 15th October, 1963, may be made to the Judge *ex-parte*.

Committee of inspection in creditors' voluntary winding-up

130. In the application of section 229 (except subsection (1)) to a committee of inspection appointed under section 265 of the Act the word "contributories" in section 229 shall, wherever it occurs therein, read as if the words "the company" were substituted therefor.

PART XX.

MISCELLANEOUS

Enforcement of English and Scottish Orders (Companies Act 1948, section 276)

131. Any application to the Court which may be necessary to procure the enforcement of any order made by the Court in England or in Scotland, in the course of winding-up a company, may be made to the Court by motion *ex-parte*.

Defects and irregularities not to invalidate proceedings

132.—(1) No proceedings under the Act or the rules shall be invalidated or rendered void by any formal defect or by non-compliance with any of the rules, or with any rule of practice for the time being in force, or by any irregularity, unless the Judge shall so direct, but such proceedings may be set aside either wholly or in part as defective or irregular, or they may be amended, or otherwise dealt with in such manner, and upon such terms as to costs and otherwise as the Judge shall order.

(2) No defect or irregularity in the appointment or election of a liquidator or member of a committee of inspection shall vitiate any act done by him in good faith, or any sale or mortgage to, or any dealing with, any purchaser for value without notice from such liquidator or from any purchaser or mortgagee from him.

Application of existing procedure

133. In any proceedings in or before the Court, or over which the Court has jurisdiction under the Act and the rules, for which no practice or form of proceedings is provided or prescribed by the Act or the rules, the practice and procedure shall, unless the Judge otherwise directs, be in accordance with the Rules of the Supreme Court and the practice of the High Court.

SCHEDULE II

Rule 7(1)

FORMS TO BE SUBSTITUTED FOR FORMS IN PART I OF APPENDIX Q TO RULES OF SUPREME COURT

FORMS FOR USE UNDER ORDER LXXIV

No. 1

Rule 5

General Title

19 No.

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION

(a) Insert full name of company.

In the matter of (a)

Limited.

No. 2

Rule 15

Petition
(Title)

To The High Court of Justice in Northern Ireland

(a) Full name title, etc., of petitioner.

The humble petition of (a) showeth as follows:—

(b) Act under which company was incorporated.

1. Limited (hereinafter called the company), was in the month of (b), incorporated under the

(c) State the full address of the registered office so as sufficiently to show the district in which it is situate.

2. The registered office of the company is at (c)

3. The nominal capital of the company is £, divided into shares of £ each. The amount of the capital paid up or credited as paid up is £

4. The objects for which the company was established are as follows:—

(d) Specify only the principal or other relevant objects.

To (d) and other objects set forth in the memorandum of association thereof

[Here set out in paragraphs the facts on which the petitioner relies, and conclude as follows]:—

Your petitioner therefore humbly prays as follows:—

(e) Add words in brackets if supervision order is asked for.

(1) That Limited, may be wound up by the Court under the provisions of the Companies Acts (Northern Ireland) 1960 and 1963 (e) [That the voluntary winding up of Limited, may be continued but subject to the supervision of the Court.]

(2) Or that such other order may be made in the premises as shall be just.

(Signature of petitioner)

(f) This note will be unnecessary if the Company is petitioner.

NOTE.—(f) It is intended to serve this petition on

Petition by Unpaid Creditor on Simple Contract*(Title)**Paragraphs 1, 2, 3 and 4 as in No. 2.*

- (a) State consideration for the debt, with particulars, so as to establish that the debt claimed is due.
5. The company is indebted to your petitioner in the sum of £ _____ for (a)
6. Your petitioner has made application to the company for payment of his debt, but the company has failed and neglected to pay the same or any part thereof.
7. The company is [insolvent and] unable to pay its debts.
8. In the circumstances it is just and equitable that the company should be wound up.
- Your petitioner, therefore, etc. [*as in No. 2.*]

Advertisement of Winding-up Petition*(Title)*

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

Limited

- A petition for the winding up of the above-named company by (a) the Court, presented on _____, 19____, by (b) _____, will be heard at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on _____, 19____, at _____ a.m./p.m. Any creditor or contributory of the said company may appear at the hearing in person or by his counsel to support or oppose the petition, and may purchase a copy thereof from the undersigned.

(Signed)(c) (Name)

(Address)

- (a) If the winding up is to be subject to supervision, insert, instead of "by", the words, "subject to the supervision of".
- (b) Insert name and address of petitioner, or, if the company is the petitioner, "by the said company".
- (c) To be signed by the solicitor for the petitioner or by the petitioner if he has no solicitor.

Affidavit of Service of Petition on Members, Officers or Servants

(Title)

In the matter of a petition dated _____, 19____

I, _____, of _____, make oath and say:—

1. [In the case of service of petition on a company by leaving it with a member, officer or servant at the registered office, or if no registered office at the principal or last known principal place of business of the company.]

That I did on _____ day, the _____ day of _____, 19____, serve the above-named company with the above-mentioned petition by delivering to and leaving with [name and description] a member [or officer] [or servant] of the said company a copy of the above-mentioned petition, duly sealed with the seal of the Court, at [office or place of business as aforesaid], before the hour of _____ in the _____ noon.

2. [In the case of no member, officer or servant of the company being found at the registered office or place of business.]

That I did on _____ day, the _____ day of _____, 19____, having failed to find any member, officer or servant of the above-named company at [here state registered office or place of business], leave there a copy of the above-mentioned petition, duly sealed with the seal of the Court, before the hour of _____ in the _____ noon [add where such sealed copy was left, e.g.: affixed to the door of offices, or placed in letter-box, or otherwise].

3. [In the case of directions by the Court as to the member, officer or servant of the company to be served.]

That I did on _____ day, the _____ day of _____, 19____, serve [name or names and description] with a copy of the above-mentioned petition, duly sealed with the seal of the Court, by delivering the same together with a true copy of the order for substituted service dated _____, 19____, personally to the said _____, at [place] before the hour of _____ in the _____ noon.

Sworn at, etc.

Affidavit of Service of Petition on Liquidator

(Title)

In the matter of a petition, dated _____, 19____, for winding up the above company [by] or [under the supervision of] the Court [as the case may be]

I, _____, of _____, make oath and say:—

That I did, on _____ day, the _____ day of _____, 19____, serve [name and description], the liquidator of the above-named company, with a copy of the above-mentioned petition, duly sealed with the seal of the Court, by delivering the same personally to the said _____ at [place], before the hour of _____ in the _____ noon.

Sworn at, etc.

Affidavit verifying Petition

(Title)

I, **A.B.**, of _____, make oath and say that such of the statements in the petition now produced and shown to me, and marked with the letter "A", as relate to ^(a)my own acts and deeds are true, and such of the said statements as relate to the acts and deeds of any other person or persons I believe to be true.

Sworn, etc.

(a) If the petition is by a firm substitute "the acts and deeds of my said firm."

Affidavit verifying Petition of a Limited Company

(Title)

I, **A.B.**, of _____, make oath and say as follows:—

1. I am [a director] or [the secretary] of _____ Limited the petitioner in the above matter, and am duly authorised by the said petitioner to make this affidavit on its behalf.

2. Such of the statements in the petition now produced and shown to me marked with the letter "A" as relate to the acts and deeds of the said petitioner are true and such of the statements as relate to the acts and deeds of any other person or persons I believe to be true.

Sworn, etc.

Advertisement of Order to wind up (and of Fixing of Time and Place of Appointment of Official Liquidator)

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

Limited

By order of the Court dated _____, 19____, on the petition of _____, the above-named company was ordered to be wound up by the Court.^(a)
[And _____ day of _____, 19____, at _____ a.m./p.m. at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, was fixed as the time and place for the appointment of an official liquidator.]^(b)

(a) Or "under the supervision of the Court".
(b) Words in brackets to be added only if the Court fixes a time and place for the appointment of an official liquidator.
(c) To be signed by the solicitor for the petitioner or by the petitioner if he has no solicitor.

(Signed)^(c) (Name)

(Address)

Gazette Notice of Appointment of Official Liquidator

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

Limited

By order of the Court dated _____, 19____,
the undersigned, of _____ has
been appointed official liquidator of the above-named
company.^(a)

(a) If an order has been made by the Court requiring the summoning of meetings of creditors and contributories, the following should be added:—
"Separate meetings of creditors and contributories of the said company for the nomination of a committee of inspection will be held at above address [or at _____] on _____ 19____ at _____ a.m./p.m."

A.B.

Official Liquidator.

Certificate that an Official Liquidator has given Security

(Title)

This is to certify that **A.B.**, of _____ who was on the _____ day of _____, 19____, appointed official liquidator of the above-named company, has duly given security to my satisfaction.

Dated this _____ day of _____, 19____.
(Signed) **C.D.**

Chief Clerk.

Notice by Official Liquidator of Appointment of Solicitor

(Title)

TAKE NOTICE that I, _____, the official liquidator of the above-named company, have appointed _____ as my solicitor to assist me in the performance of my duties as such official liquidator. The address for service of the said solicitor is _____

Dated this _____ day of _____, 19____.
(Signed) **A.B.**

Official Liquidator,

Direction to open Official Liquidator's Bank Account

(Title)

(a) Name and address of nominated bank.

To (a)

Gentlemen,

An Order, dated _____, 19____, having been made in the above matter by Mr. Justice _____ for winding up the above-named company by the Court and **A.B.** of _____, having by Order dated _____, 19____, been appointed the official liquidator of the said company, you are requested to open an account in your books, to be entitled "The Account of the official liquidator of _____ Limited".

All cheques drawn upon such account must be signed by the official liquidator, whose signature is attached hereto.

Dated _____, 19____

I am, Gentlemen,

Your most obedient Servant,

C.D.

Chief Clerk.

(Signatures)

A.B.

Official Liquidator.

No. 14

Rule 43

Notice by Liquidator requiring Payment of Money or Delivery of Books, etc., to Official Liquidator

(Title)

(a) Name of official liquidator.
 (b) Name of person to whom notice is addressed.
 (c) Address of official liquidator's office.

Take notice that I, the undersigned ^(a) have been appointed official liquidator of the above-named company, and that you, the undermentioned ^(b) _____, are required within _____ days after service hereof, to pay to me [or deliver, convey, surrender or transfer to or into my hands]

_____ as official liquidator of the said company at my office, situate at ^(c) _____ etc., the sum of £ _____ being the amount of debt appearing to be due from you on your account with the said company [or any money, property, books or papers], [or *specifically describe the property*] now being in your hands, and to which the said company is entitled [or *otherwise as the case may be*].

Dated this _____ day of _____, 19____

(Signèd) **A.B.**

Official Liquidator.

To ^(b)

(Address)

Disclaimer of Lease or Fee Farm Grant

(Title)

Pursuant to an Order of the Court dated 19

I, , the liquidator of the above-named company, hereby disclaim all interest in the lease dated the day of , 19 , whereby the premises (a) were demised to at a rent of £ per annum for a term of

(a) Insert description of the property disclaimed.

[or the fee farm grant dated the day of , 19 , whereby the premises (a) were granted to in fee farm at a rent of £ per annum].

Notice of this disclaimer has been given to

Dated this day of , 19 .
Liquidator.

Notice of Disclaimer of Lease or Fee Farm Grant

(Title)

Take Notice that, pursuant to an Order of the Court, dated , 19 , I, the liquidator of the above-named company, by writing under my hand bearing date the day of , 19 , disclaimed all interest in the lease dated the day of , 19 , whereby the premises (a) were demised to at a rent of £ per annum for a term of [or the fee farm grant dated the day of , 19 , whereby the premises (a) were granted to in fee farm at a rent of £ per annum].

(a) Insert description of the property disclaimed.

The above-mentioned disclaimer has been filed at the Central Office of the High Court of Justice in Northern Ireland.

Dated this day of , 19 .
Liquidator.

To
(Address)

**Report of Result of First Meeting of Creditors or
Contributors**

(Title)

I, **A.B.**, the official liquidator of the above-named company, chairman of a meeting of the creditors [*or* contributories] of the said named company, directed by order dated _____, 19____, summoned by advertisement in the "Belfast Gazette" of the _____, 19____, and by notice dated _____, 19____, and held on the _____ day of _____, 19____, at _____, in the County of _____, do hereby report to the Court the result of such meeting as follows:—

The said meeting was attended, either personally or by proxy, by _____ creditors whose proofs of debt against the said company were admitted for voting purposes, amounting in the whole to the value of £ _____ [*or* by _____ contributories, holding in the whole _____ shares in the said company, and entitled respectively by the regulations of the said company to _____ votes].

The question submitted to the said meeting was, whether the creditors [*or* contributories] of the said company wished that an application should be made to the Court for appointing a Committee of Inspection to act with the official liquidator, and, if so, who are to be the members of the committee, if appointed.

The said meeting was unanimously of opinion that such application should be made and that ^(a) _____ be members of the said committee: [*or* the result of the voting was as follows].^(b)

- (a) Here set out the names, addresses and descriptions of the proposed members.
- (b) Here set the total number and value of the creditors or the total number and voting power of the contributories voting for and against each resolution.

Dated this _____ day of _____, 19____.

(Signed) **A.B.**

Official Liquidator.

Certified List of Contributories to be made out by Official Liquidator

(Title)

I, **A.B.**, of _____, the official liquidator of the above-named company, certify as follows:—

The following is a list of members of the company liable to be placed on the list of contributories of the said company, made out by me from the books and papers of the said company, together with their respective addresses and the number of shares [*or* extent of interest] to be attributed to each and the amount called up and the amount paid up in respect of such shares [*or* interest] so far as I have been able to make out or ascertain the same.

In the first part of the list, the persons who are contributories in their own right are distinguished.

In the second part of the said list, the persons who are contributories as being representatives of or being liable for the debts of others, are distinguished.

First Part—Contributories in their own right

1. Serial No.	2. Name and Description	3. Address	4. Number of Shares [or extent of Interest]	5. Amount called up at date of commencement of winding up	6. Amount paid up at date of commencement of winding up

Second Part—Contributories as being Representatives of, or liable for the debts of, others

1. Serial No.	2. Name and Description	3. Address	4. In what character included	5. Number of Shares [or extent of Interest]	6. Amount called up at date of commencement of winding up	7. Amount paid up at date of commencement of winding up

Dated this day of , 19 .

(Signed) **A.B.**
Official Liquidator.

Notice to Contributories of Appointment to settle List of Contributories*(Title)*

Take notice that _____ day, the _____ day of _____, 19____, at _____ of the clock in the _____ noon, at the Chambers of the Judge, Royal Courts of Justice (Ulster), Chichester Street, Belfast, has been appointed as the time and place for settlement of the list of the contributories of the above-named company, made out by me and left at the Chambers of the said Judge, and that you are included in such list. The character and the number of shares [*or* extent of interest] in and for which you are included and the amount called up and the amount paid up in respect of such shares [*or* interest] is stated below. Any applications for the removal of your name from the list or for a variation of the list must be made at the time and place aforesaid; if no sufficient cause is shown by you to the contrary, the list will be settled, including you therein.

Dated this _____ day of _____, 19____.

(Signed) **A.B.**

Official Liquidator.

To _____

1. No. on List	2. Name and Description	3. Address	4. In what character included	5. Number of Shares [or extent of Interest]	6. Amount called up at date of commence- ment of winding up	7. Amount paid up at date of commence- ment of winding up

NOTE.—Contributories are under no obligation to attend the appointment referred to in the above notice if they are satisfied that the particulars contained in the notice are correct.

A shareholder's name cannot be omitted from the list of contributories on account of his inability to pay calls; this question will be dealt with when application is made for payment of the calls.

A change of address may be notified by giving notice by post BEFORE the date fixed for the appointment.

**Affidavit of Postage of Notices of Appointment to settle
List of Contributories**

(Title)

(a) State the description of deponent.

I, _____, a (a)
make oath and say as follows:—

(b) "Number of shares" or "extent of interest."

1. That I did on the _____ day of _____, 19____, send to each contributory mentioned in the list of contributories made out by the official liquidator on the _____ day of _____, 19____, and now on the file of proceedings of the above-named company, at the address appearing in such list, a notice of the time and place of the appointment to settle the list of contributors in the form hereunto annexed marked "A," except that in the tabular form at the foot of such copies respectively I inserted the number, name, address, description, in what character included, (b) _____, the amount called up, and the amount paid up, in respect of the shares [or interest] of the person on whom such copy of the said notice was served.

2. That I sent the said notices by putting the same prepaid into the post office at _____ before the hour of _____ o'clock in the _____ noon on the said day.

Sworn, etc.

**Certificate of Chief Clerk of settlement of the
List of Contributories**

(Title)

Pursuant to the Companies Acts (Northern Ireland) 1960 and 1963 and to the rules made thereunder, I hereby certify that the result of the settlement of the list of contributories of the above-named company made out by the official liquidator of the said company and left at the chambers of the Judge on , 19 , so far as the said list has been settled, up to the date of this certificate, is as follows:—

1. The several persons whose names are set forth in the second column of the first schedule hereto have been included in the said list of contributories as contributories of the said company in respect of the ^(a) set opposite the names of such contributories respectively in the said schedule.

(a) "Number of shares" or "extent of interest."

I have, in the first part of the said schedule, distinguished such of the said several persons included in the said list as are contributories in their own right.

I have, in the second part of the said schedule, distinguished such of the said several persons included in the said list as are contributories as being representatives of or being liable for the debts of others.

2. The several persons, whose names are set forth in the second column of the second schedule hereto, have been excluded from the said list of contributories pursuant to Order 9 dated , 19 .

3. I have, in the fifth column of the first part of the first schedule and in the sixth column of the second part of the first schedule and in the same column of the second schedule, set forth opposite the name of each of the several persons respectively the date when such person was included in or excluded from the said list of contributories.

4. I have, in the sixth and seventh columns of the first part of the first schedule hereto and in the seventh and eighth columns of the second part of the said schedule, set forth opposite the names of each of the said persons respectively the amount called up at the date of the commencement of the winding up and the amount paid up at such date in respect of their shares [or interest].

5. Before settling the said list, I was satisfied by the affidavit of clerk to , duly filed with the proceedings herein, that notice was duly sent by post to each of the persons mentioned in the said list, informing him that he was included in such list in the character and for the ^(a) stated therein and of the amount called up and the amount paid up in respect of such shares [or interest] and of the time and place appointed for settling the said list,

The FIRST SCHEDULE above referred to

First Part—Contributories in their own right

1. Serial No. in List	2. Name and Description	3. Address	4. Number of Shares [<i>or</i> extent of Interest]	5. Date when included in the List	6. Amount called up at date of commence- ment of winding up	7. Amount paid up at date of commence- ment of winding up

Second Part—Contributories as being Representatives of, or liable for the debts of, others

1. Serial No. in List	2. Name and Description	3. Address	4. In what character included	5. Number of Shares [<i>or</i> extent of Interest]	6. Date when included in the List	7. Amount called up at date of commence- ment of winding up	8. Amount paid up at date of commence- ment of winding up

The SECOND SCHEDULE above referred to

No. 149

1. Serial No. in List	2. Name and Description	3. Address	4. In what character proposed to be included	5. Number of Shares [<i>or</i> extent of Interest]	6. Date when excluded from the List

Supreme Court

Dated this day of , 19

C.D.
Chief Clerk.

Supplemental List of Contributories

(Title)

I, **A.B.**, of _____, the official liquidator of the above-named company, certify as follows:—

1. The following is a list of persons who, since making out the list of contributories herein, left at the Chambers of the Judge on _____, 19____, I have ascertained are, or have been, holders of shares in [or members of] the above-named company, and to the best of my judgment are contributories of the said company.

2. The said supplemental list contains the names of such persons together with their respective addresses and the number of shares [or extent of interest] and the amount called up at the commencement of the winding up and the amount paid up at such date in respect of the shares [or interest] to be attributed to each.

3. In the first part of the said list such of the said persons as are contributories in their own right are distinguished.

4. In the second part of the said list such of the said persons as are contributories as being representatives of, or being liable for the debts of others, are distinguished.

[The supplemental list is to be made out in the same form as the original list.]

Dated this _____ day of _____, 19____.

(Signed) **A.B.**

Official Liquidator.

Summons for Intended Call

(Title)

Let the several persons whose names and addresses are set forth in the second column of the schedule hereto, being contributories of the above-named company, as shown in the third column of the said schedule, attend at the Chambers of the Judge, Royal Courts of Justice (Ulster), Chichester Street, Belfast, on _____, the _____ day of _____, 19____, at _____ o'clock in the _____ noon, on the hearing of an application on the part of the official liquidator of the company for an order that a call to the amount of _____ per share may be made on all the contributories [or as the case may be] of the said company.

Dated this _____ day of _____, 19____.

This summons was taken out by _____ of _____ solicitors for the official liquidator.

To

NOTE.—If you do not attend either in person or by your solicitor at the time and place above-mentioned, such order will be made and proceedings taken as the Judge may think just and expedient.

SCHEDULE

Number on List	Name and Address	In what character included

Affidavit of Official Liquidator in support of Proposal for Call

(Title)

I, **A.B.**, of _____, the official liquidator of the above-named company, make oath and say as follows:—

1. I have in the schedule now produced and shown to me, and marked with the letter A, set forth a statement showing the amount due in respect of the debts proved and admitted against the said company, and the estimated amount of the costs, charges and expenses of and incidental to the winding up the affairs thereof, which several amounts form in the aggregate the sum of £ _____ or thereabouts.

2. I have also in the said schedule set forth a statement of the assets in hand belonging to the said company, amounting to the sum of £ _____ and no more. There are no other assets belonging to the said company, except the amounts due from certain of the contributories of the said company, and, to the best of my information and belief, it will be impossible to realise in respect of the said amounts more than the sum of £ _____ or thereabouts.

3. _____ persons have been settled on the list of contributories of the said company in respect of the total number of _____ shares, as appears by the Chief Clerk's Certificate filed _____, 19 _____.

4. For the purpose of satisfying the several debts and liabilities of the said company and of paying the costs, charges and expenses of and incidental to the winding up the affairs thereof, I believe the sum of £ _____ will be required in addition to the amount of the assets of the said company mentioned in the said Schedule A, and the said sum of £ _____.

5. In order to provide the said sum of £ _____, it is necessary to make a call upon the several persons who have been settled on the list of contributories as before mentioned, and, having regard to the probability that some of such contributories will partly or wholly fail to pay the amount of such call, I believe that, for the purpose of realising the amount required as before mentioned, it is necessary that a call of £ _____ per share should be made.

Sworn, etc.

Advertisement of Application for a Call

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
_____ Limited

Notice is hereby given that on _____, 19 _____, at _____ a.m./p.m. at Royal Courts of Justice (Ulster), Chichester Street, Belfast, an application will be made for an order for a call on all the contributories of the said company [or as the case may be] and that the official liquidator of the said company proposes that such call shall be for £ _____ per share. All persons interested are entitled to attend at such day, hour and place, to offer objections to such call.

Dated _____, 19 _____.

(Signed) **A.B.**

Official Liquidator.

Notice to be served with the General Order for a Call

(Title)

The amount due from you, G.F., in respect of the call made by the above [or within] Order, is the sum of £ , which sum is to be paid by you into the (a)

(a) Name and address of nominated bank.

, to the account mentioned in the said Order. You can pay the same in person, or through a banker or other agent; but this notice and copy Order must be produced at the bank upon such payment, and the cashier of the bank will, upon receiving the same, deliver to you a certificate of the payment, numbered , signed by the said cashier. In order to prevent proceedings being taken against you for non-payment, you must, immediately upon such payment in, cause written notice of the payment, and of the date thereof, to be given to me as the official liquidator of the said company, at my office, No. Street, ; County

Dated this day of , 19

A.B. Official Liquidator.

To G.F.

Affidavit in support of Application for Order for Payment of Call

(Title)

I, A.B., of , the official liquidator of the above-named company, make oath and say as follows:—

1. The contributories of the said company, whose names are set forth in the schedule hereto annexed, marked "A", have not paid or caused to be paid the sums set opposite their respective names in the said schedule, which sums are the amounts now due from them respectively under the call of per share, duly made under the Companies Acts (Northern Ireland) 1960 and 1963, pursuant to Order dated the day of , 19

2. The respective amounts or sums set opposite the names of such contributories respectively in such schedule are the true amounts due and owing by such contributories respectively in respect of the said call.

A

THE SCHEDULE ABOVE REFERRED TO

No. on List	Name and Description	Address	In what character included	Amount due

Sworn, etc.

No. 28

Rule 61

Affidavit of Service of Order for Payment of Call*(Title)*

(a) Full name,
address and
occupation
of
deponent.

I, (a) _____ of _____
make oath and say as follows:—

1. I did on the _____ day of _____, 19____, personally serve **G.F.** of _____, in the County of _____, with an order made in this matter by this Court, dated the _____ day of _____, 19____, whereby it was ordered [*set out the order*] by delivering to and leaving with the said **G.F.**, at _____, in the County of _____, a true copy of the said order, and at the same time producing and showing unto him, the said **G.F.**, the said original order.

2. There was indorsed on the said copy when so served the following words, that is to say, "If you, the undermentioned **G.F.**, neglect to obey this order by the time mentioned therein, you will be liable to process of execution for the purpose of compelling you to obey the same".

Sworn, etc.

No. 29

Rule 62

Advertisement for Creditors

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

Limited

The creditors of the above-named company are required on or before _____, 19____, to send their names and addresses, and the particulars of their debts or claims to **A.B.** of _____, the official liquidator of the said company. Creditors will be excluded from the benefit of any distribution made before their debts are proved.

Dated this _____ day of _____, 19____.

C.D.

Chief Clerk.

Certificate of Official Liquidator as to Debts and Claims*(Title)*

I, **A.B.**, the official liquidator of the above-named company, certify as follows:—

- (1) I have in the schedule hereto set forth a list of all the debts and claims the particulars of which have been sent in to me by persons making claims upon, or claiming to be creditors of the said company, pursuant to the advertisement issued in that behalf, dated the day of , 19 ; and the names and addresses of the persons by whom such claims are made.
- (2) I have investigated the said debts and claims, and examined the same with the books and documents of the said company, in order to ascertain, so far as I am able, which of such debts and claims are justly due from the said company; and I have, in the first part of the said schedule, set forth such of the said debts and claims, or parts thereof, as, in my opinion, are justly due from the said company, and proper to be admitted without further evidence; and I have, in the sixth column of the said first part of the said schedule, set forth the amounts proper to be admitted in respect of such debts and claims; and I believe that such amounts respectively are justly due and proper to be admitted; and I have in the seventh column of the said first part of the said schedule stated my reasons for such belief.
- (3) I have in the second part of the said schedule set forth such of the said debts and claims as in my opinion the respective creditors ought to be required to establish.
- (4) I have in the first part of the said schedule indicated those debts which are, in my opinion, entitled to priority under section 287 of the Companies Act (Northern Ireland) 1960, and in the second part of the said schedule those debts which are claimed as entitled to such priority.

SCHEDULE

FIRST PART

Debts and Claims Proper to be admitted without further evidence

Serial No.	Names of Creditors	Addresses and Descriptions	Particulars of Debt or Claim	Amount Claimed	Amount proper to be allowed	Reasons for belief that amounts are proper to be admitted
------------	--------------------	----------------------------	------------------------------	----------------	-----------------------------	---

Preferential Debts

--	--	--	--	--	--	--

Other Debts and Claims

--	--	--	--	--	--	--

Notice to Creditors to come in and establish Debts or Claims

(Title)

You are hereby required to come in and establish your debt or claim against the above-named company, by filing an affidavit and sending a copy thereof to me, on or before the _____ day of _____ next; and you are to attend personally or by your solicitor at the Chambers of the Judge at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, on the _____ day of _____, 19____, at _____ o'clock in the _____ noon, being the time appointed for hearing and adjudicating thereon.

Dated this _____ day of _____, 19____.

A.B.
Official Liquidator.
(Address)

To _____

Certificate of Postage of Notices to Creditors to establish Debts or Claims

(Title)

I, **A.B.**, the official liquidator of the above-named company, hereby certify:—

1. That I did on the _____ day of _____, 19____, send to the persons named in the schedule hereto, being persons whose debts or claims against the said company have not been recommended by me for admission, a notice of the time and place appointed for adjudicating upon such debts or claims, in the form hereunto annexed marked "A".

2. That the said notices were addressed to the said persons respectively according to their respective names, and at their addresses or the addresses of their solicitors entered or last entered pursuant to rule 121(3) of Order 74 of the Rules of the Supreme Court, Northern Ireland, or in cases where no such entry has been made, to their last known addresses.

3. That I sent the said notices by putting the same prepaid into the post office at _____ before the hour of _____ o'clock in the _____ noon on the said day.

SCHEDULE

No.	Name	Address

Dated this _____ day of _____, 19____.

(Signed) **A.B.**
Official Liquidator,

Certificate of Chief Clerk as to Debts and Claims*(Title)*

I hereby certify that the result of the adjudication upon debts and claims against the above-named company, brought in pursuant to the advertisement issued in that behalf, dated the _____ day of _____, 19____, so far as such adjudication has up to the date of this certificate been proceeded with, is as follows:—

The debts and claims which have been admitted are set forth in the first part of the schedule hereto, and are due to the persons therein named, and amount altogether to £ _____ being £ _____ due to creditors entitled to priority under section 287 of the Companies Act (Northern Ireland) 1960 and £ _____ due to other creditors.

The claims set forth in the second part of the said schedule have been brought in by the persons therein named, and have been rejected.

The evidence produced, etc.

THE SCHEDULE ABOVE REFERRED TO

FIRST PART

Debts and Claims which have been admitted

No.	Names of Creditors	Addresses and Descriptions	Particulars of Debt or Claim	Amount Claimed	Amount Admitted
Preferential Debts					
Other Debts and Claims					

SECOND PART

Debts and Claims which have been rejected

No.	Names of Creditors	Addresses and Descriptions	Particulars of Debt or Claim	Amount Claimed

Dated this day of , 19

C.D.
Chief Clerk.

Affidavit of Creditor, in Proof of Debt*(Title)*

I, S.T., of [place of abode and description], make oath and say as follows:—

- (1) The above-named company was, on the _____ day of _____, 19____, the date of the order for winding up the same, and still is justly and truly indebted to _____ in the sum of £ _____, for, ^(a).
- (a) Set out particulars of the debt or describe shortly the nature of the debt and refer to an attached statement of account showing particulars of the debt. The vouchers (if any) by which the debt may be substantiated should be mentioned, if not attached.
- (2) I have not, nor hath any person or persons by my order, or to my knowledge, or belief, for my use received the said sum of £ _____ or any part thereof, or any security or satisfaction for the same or any part thereof [except ^(b)].
- (3) ^(c) I am a person in the employ of the said _____ and I am duly authorised by _____ to make this affidavit, and it is within my knowledge that the afore-said debt was incurred, and for the consideration above stated, and that such debt, to the best of my knowledge and belief, still remains unpaid and unsatisfied.
- (b) Describe any security for the debt and assess the value of the same.
- (c) This paragraph to be struck out if affidavit made by creditor in person.

Sworn, etc.

Proof of Debt of Workmen*(Title)*

- (a) Full name, address and occupation of deponent.
- I (a) _____, on behalf of the workmen and others employed by the above-named company, make oath and say:—

That the above-named company was on the _____ day of _____, 19____, and still is justly and truly indebted to the several persons whose names, addresses and descriptions appear in the schedule hereto in the sums severally set against their names in the seventh column of such schedule for wages due to them respectively as workmen or others in the employ of the company in respect of services rendered by them respectively to the company during such periods as are set out against their respective names in the fifth column of such schedule, and for accrued holiday remuneration so due to them in respect of such periods as are set out in the sixth column of such schedule, for which said sums, or any part thereof, I say that they have not, nor hath any of them had or received any manner of satisfaction or security whatsoever.

Sworn, etc.

SCHEDULE ABOVE REFERRED TO

1 No.	2 Full Name of Workman	3 Address	4 Description	5 Period over which wages due	6 Period over which accrued holiday remuneration due	7 Amount due £ s. d.

No. 149

Supreme Court

Signed
X.Y.

731

Notice of Dividend

(Title)

No. of authority

Creditors' No.

- (a) If more than one dividend is anticipated, insert "First, Second, Final" or as the case may be.
- (b) Name and address of nominated bank.

NOTICE is hereby given that a ^(a) dividend of _____ in the pound has been declared in this matter.

Payment will be made to you by the ^(b) _____ of £ _____, being the amount of the said dividend upon the debt of £ _____ for which you have been admitted, upon presentation through a bank of this notice with the form of receipt hereunder signed by you.

If payment is not claimed within three months from the date hereof this authority shall lapse and become void.

(Signed) **A.B.**
 Official Liquidator.
 (Address)

To _____
 £ _____
 (First Second Final Dividend)

I acknowledge to have received the above sum.

(Signature of creditor)
 (Stamp if £2 or upwards)

Authority to Bank to pay Dividends

(Title)

Authority No.

(a) Name and address of nominated bank.

The (a) is hereby authorised to pay to the several persons mentioned in the schedule hereto the respective sums set opposite their names, on presentation within three months from the date of the notice of dividend issued by the undersigned official liquidator, and receipted by the payees, the sum so paid to be charged to the account of the official liquidator of the above-named company.

SCHEDULE

Creditor's Number	To whom Payable	Amount Payable:			Date of Payment
		£	s.	d.	

Dated this day of , 19

(Signed) **A.B.** Official Liquidator.

Countersigned, **C.D.** Chief Clerk.

Schedule of Contributories holding paid-up shares to whom a return is to be made

(a) Where the Articles provide that the amount divisible among members or any class of members shall be divisible in proportion to the amount paid up or which ought to have been paid up at the date of winding up, or contain any other provision which will necessitate further information before a return can be made, columns should be added showing the amount called up and the amount paid up at such date in respect of shares then held by such members or class of members or such other facts as may be requisite.

In the matter of

No.

of 19

	Number in settled List
	Name of Contributory as in settled List
	Address
	Number of shares held as per settled List
	Total amount called up
	Total amount paid up
	Arrears of Calls at date of Return
	Previous returns of capital appropriated by official liquidator for Arrears of Calls
	Amount of Return payable at per share
	Net return payable
	Date and particulars of transfer of interest or other variation in List

Notice to be indorsed on, or served with every Order directing payment of Money into the Bank

You can make the payment directed by the within [or above] Order at the ^(a) in person, etc. (as in the Form No. 26).

(a) Name and address of nominated bank.

A.B.
Official Liquidator.

To

Certificate of payment of Money into the Bank

(Title)

No.

day of , 19

I hereby certify that **G.F.**, of etc., has this day paid into the ^(a) the sum of £ , to be placed to the credit of the official liquidator of the above-named company, pursuant to an order dated the day of , 19

(a) Name and address of nominated bank.

For

H.M.
Cashier.

£ : :

No. 41

Rule 85

**Affidavit of Non-payment of Money by Order directed
to be paid into the Bank**

(Title)

I, **A.B.**, of etc. (*place of abode and description*), the official liquidator of the above-named company, make oath and say as follows:—

- (a) Name of nominated bank.
- (1) **G.F.**, the person named in an Order made in this matter on the _____ day of _____, 19____, has not paid into the ^(a)_____ to the account of the official liquidator of the said company, the whole or any part of the sum of £ _____ as by the said Order directed.

[or in case of several parties]

- (1) None of the several persons whose names and addresses are set forth in the schedule hereunder written, and who have respectively been duly served with Orders made in this matter on the respective dates set opposite to their respective names in the said schedule, have paid into the ^(a)_____ to the account of the official liquidator of the said company, the whole or any part of the several sums of money set opposite to their respective names in the said schedule hereunder written, as by the said Orders respectively directed.
- (2) I am enabled to depose to such non-payment, by reason of my having this day ascertained, by inquiry at the said bank, that such payment has [or has not] been made, and seen the certificate of payment in, numbered [or several certificates of payment in, the numbers whereof respectively are set forth in the sixth column of the said schedule, opposite the names of the said respective persons, being certificates] furnished by me to the cashier of the said bank for delivery to the said **G.F.** [or several persons respectively] upon such payment [or payments] being made, still in the hands of the cashier of the said bank. No notice [or notices] of such payment [or payments] having been made has [or have] been given to me by the said **G.F.** [or several persons respectively].

Sworn, etc.

SCHEDULE ABOVE REFERRED TO

Name	Address	Description	Amount	Date of Order	Number of Certificate
			£ s. d.		

No. 42

Rule 94

Notice to Creditors of First Meeting

(Title)

Notice is hereby given that the first meeting of creditors in the above matter directed by the Court pursuant to section 228 of the above Act will be held at _____ on _____, 19____, at _____ a.m./p.m.

To entitle you to vote thereat particulars of your claim must be lodged with me not later than _____ o'clock on _____, 19____.

Forms of general and special proxies are enclosed herewith. Proxies to be used at the meeting must be lodged with me at _____, 19____, not later than 4 p.m. on _____.

Dated _____, 19____.

A.B.
Official Liquidator.
(Address)

NOTE

At the first meetings of creditors and contributories they may by resolution determine whether or not an application shall be made to the Court for the appointment of a committee of inspection to act with the official liquidator, and who are to be the members of the committee if appointed.

No. 43

Rule 94

Notice to Contributories of First Meeting

(Title)

Notice is hereby given that the first meeting of the contributories in the above matter directed by the Court pursuant to section 228 of the above Act will be held at _____ on _____, 19____, at _____ a.m./p.m.

Forms of general and special proxies may be obtained on application to me. Proxies to be used at the meeting must be lodged with me at _____, 19____, not later than 4 o'clock p.m. on _____.

Dated _____, 19____.

A.B.
Official Liquidator.
(Address)

NOTE

At the first meetings of creditors and contributories they may by resolution determine whether or not an application shall be made to the Court for the appointment of a committee of inspection to act with the official liquidator, and who are to be the members of the committee if appointed.

Notice of Meeting [General Form]

(Title)

Take notice that a meeting of creditors [or contributories] in the above matter will be held at on , 19 , at a.m./p.m.

(a) Here insert purpose for which meeting called.

Agenda (a)

Forms of general and special proxies are enclosed herewith. Proxies to be used at the meeting must be lodged with at a.m./p.m. on not later than 19

Dated this day of , 19

(Signed) (b)

(b) "Liquidator" or "Official Liquidator"; or as the case may be.

Certificate of Postage of Notices (General)

(Title)

I, official liquidator of the above-named company, hereby certify:—

1. That I did on the day of 19 , send to (a) a notice of the time and place of the first meeting, (b) in the form hereunto annexed marked "A".

(a) Each creditor mentioned in the books of the company, or each contributory mentioned in the register of members of the Company, or as the case may be.

Paragraphs 2, 3, and 4 as in next following form,

Dated

(Signed) A.B., Official Liquidator.

(b) "A general meeting" or "adjourned general meeting", or as the case may be.

Affidavit of Postage of Notices of Meeting

(Title)

(a) State the description of the deponent.

I, _____, a (a) _____, make oath and say as follows:—

(b) Insert here "general" or "adjourned general" or "first" meeting of creditors for contributories as the case may be.

1. That I did on the _____ day of _____, 19____, send to each person appearing in the books of the above-named company to be a creditor [or to each contributory mentioned in the register of members of the above-named company] a notice of the time and place of the (b) _____ in the form hereunto annexed marked "A".

2. That the notices for creditors were addressed to the said creditors respectively according to their respective names and addresses appearing in the books of the said company or the last known addresses of such creditors.

3. That the notices for contributories were addressed to the contributories respectively according to their respective names and registered or last known addresses appearing in the register of the said company.

4. That I sent the said notices by putting the same prepaid into the post office at _____ before the hour of _____ o'clock in the _____ noon on the said day.

Sworn, etc.

(a) Or "contributories."

List of Creditors (a) to be used at every Meeting

(Title)

Meeting held at _____ this _____ day of _____ 19____.

(b) In case of contributories insert "number of shares" and "number of votes according to the regulations of the Company".

Con-secutive Number	Names of creditors (a) present or represented	Amount of Proof (b)					
		In person			Proxies		
		£	s.	d.	£	s.	d.
1							
2							
3							
4							
5							
6							
7							
7	Total number of creditors (a) present or represented						

General Proxy

(Title)

I/We, _____, of _____,
 a creditor [*or contributory*], hereby appoint⁽¹⁾ _____
 to be my/our general proxy to vote at the meeting of creditors [*or contributories*]
 to be held in the above matter on the _____ day of _____, 19____,
 or at any adjournment thereof.

Dated this _____ day of _____, 19____.

(Signed)⁽²⁾

NOTES

(1) The person appointed general proxy may in a winding up by the Court be the official liquidator, or such other person as the creditor [*or contributory*] may approve, and in a voluntary winding up the liquidator or if there is no liquidator the chairman of a meeting. The proxy form should be altered accordingly.

(2) If a firm, sign the firm's trading title, and add "by **A.B.**, partner in the said firm". If the appointer is a corporation, then the form of proxy must be under its common seal or under the hand of some officer duly authorised in that behalf, and the fact that the officer is so authorised must be so stated.

(3) The proxy form when signed must be lodged by the time and at the address named for that purpose in the notice convening the meeting at which it is to be used.

Special Proxy

(Title)

I/We, _____ of _____,
 a creditor [or contributory], hereby appoint ⁽¹⁾
 as my/our proxy at the meeting of creditors [or contributories]
 to be held on the _____ day of _____, 19 _____,
 or at any adjournment thereof, to vote ⁽²⁾
 the resolution numbered _____ in the notice convening.

(a) Here insert
 the word "for"
 or the word
 "against" as
 the case may
 require, and
 specify the
 particular
 resolution.

Dated this _____ day of _____, 19 _____.

(Signed) ⁽²⁾

NOTES

(1) The person appointed proxy may in a winding up by the Court be the official liquidator, or such other person as the creditor [or contributory] may approve, and in a voluntary winding up the liquidator or if there is no liquidator the chairman of a meeting. The proxy form should be altered accordingly. A creditor [or contributory] may give a special proxy to any person to vote at any specified meeting or adjournment thereof on all or any of the following matters:—

(a) For or against the appointment or continuance in office of any specified person as liquidator or as member of the committee of inspection;

(b) On all questions relating to any matter, other than those above referred to, arising at a specified meeting or adjournment thereof.

(2) If a firm, sign the firm's trading title, and add "by A.B. partner in the said firm". If the appointer is a corporation, then the form of proxy must be under its common seal or under the hand of some officer duly authorised in that behalf, and the fact that he is so authorised must be so stated.

(3) The proxy form when signed must be lodged by the time and at the address named for that purpose in the notice convening the meeting at which it is to be used.

Certificate of the Official Liquidator having passed his Final Account and the Company being completely wound up

(Title)

I hereby certify that A.B., the official liquidator of the above-named company, has passed his final account, that there is no balance thereon due to or from the said official liquidator, and that the affairs of the said company have been completely wound up.

The evidence produced, etc.

Dated this _____ day of _____, 19 _____.

C.D.

Chief Clerk.

THE COMPANIES ACTS (NORTHERN IRELAND) 1960 AND 1963

(No Registration-
Fee payable)

This is the exhibit marked "B" referred
to in the affidavit of

before me this , sworn
of , 19 day

A Commissioner for Oaths.

**Statement of Receipts and Payments and General Directions
as to Statements**

Name of Company

Size of sheets

(1) Every statement must be on sheets 13 inches by 16 inches.

Form and contents
of Statement.

(2) Every statement must contain a detailed account of all the liquidator's realizations and disbursements in respect of the company. The statement of realizations should contain a record of all receipts derived from assets existing at the date of the winding-up resolution and subsequently realized, including balance in bank, book debts and calls collected, property sold, etc., and the account of disbursements should contain all payments for costs and charges, or to creditors, or contributories. Where property has been realized, the gross proceeds of sale must be entered under realizations, and the necessary payments incidental to sales must be entered as disbursements. These accounts should not contain payments into or out of the bank, or temporary investments by the liquidator, or the proceeds of such investments when realized, which should be shown separately:—

(a) by means of the bank pass book;

(b) by a separate detailed statement of moneys invested by the liquidator, and investments realized.

Interest allowed or charged by the bank, bank commission, etc., and profit or loss upon the realization of temporary investments, should, however, be inserted in the accounts of realizations or disbursements, as the case may be. Each receipt and payment must be entered in the account in such a manner as sufficiently to explain its nature. The receipts and payments must severally be added up at the foot of each sheet, and the totals carried forward from one account to another without any intermediate balance, so that the gross totals shall represent the total amounts received and paid by the liquidator respectively.

Trading Account.

(3) When the liquidator carries on a business, a trading account must be forwarded as a distinct account, and the totals of receipts and payments on the trading account must alone be set out in the statement.

Dividends, etc.

(4) When dividends or instalments of composition are paid to creditors, or a return of surplus assets is made to contributories, the total amount of each dividend, or instalment of composition, or return to contributories, actually paid, must be entered in the statement of disbursements as one sum; and the liquidator must forward separate accounts showing in lists the amount of the claim of each creditor, and the amount of dividend or composition payable to each creditor, and of surplus assets payable

to each contributory, distinguishing in each list the dividends or instalments of composition and shares of surplus assets actually paid and those remaining unclaimed. Each list must be on sheets 13 inches by 8 inches.

(5) When unclaimed dividends or unapplied or undistributable balances are paid into the companies liquidation account, the total amount so paid in should be entered in the statement of disbursements as one sum.

(6) Credit should not be taken in the statement of disbursements for any amount in respect of liquidator's remuneration unless it has been duly allowed by resolution of the committee of inspection or of the creditors, or of the company in general meeting, or by order of the Court, as the case may require.

Liquidator's Statement of Account

Pursuant to Section 307 of the Companies Act (Northern Ireland) 1960

Name of Company

Nature of proceedings (whether a members' or creditors' voluntary winding-up or a winding-up under the supervision of the Court).

Date of commencement of winding-up

Date to which statement is brought down

Name and address of liquidator

Liquidator's Statement of Account pursuant to Section 307 of the Companies Act (Northern Ireland), 1960

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Realizations						Disbursements					
Date	Of whom received	Nature of Assets Realized	Amount			Date	To whom paid	Nature of Disbursements	Amount		
			£	s.	d.				£	s.	d.
		Brought Forward						Brought Forward			
		Carried Forward						Carried Forward*			

Supreme Court

No. 149

*NOTE.—No balance should be shewn on this account, but only the total realizations and disbursements, which should be carried forward to the next account.

Analysis of Balance

	£	s.	d.
Total realizations	:	:	:
„ disbursements	:	:	:
Balance	:	:	:

The Balance is made up as follows:—

1. Cash in hands of liquidator	:	:			
			£	s.	d.
2. Total payments into bank, including balance at date of commencement of winding-up (as per <i>bank book</i>) ..	:	:			
Total withdrawals from bank	:	:			
Balance at bank	:	:			
			£	s.	d.
3. Amounts invested by liquidator	:	:			
Less amounts realized from same	:	:			
Balance	:	:			
Total balance as shown above	£	:	:		

(NOTE.—Full details of stocks purchased for investment and realization thereof should be given in a separate statement.)

NOTE.—The liquidator should also state—

(1) The amount of the estimated assets and liabilities at the date of the commencement of the winding-up	}	Assets (after deducting amounts charged to secured creditors and debenture holders)	£	
		}	Liabilities	
			Secured creditors	£
			Debenture holders	£
		Unsecured creditors	£	
<hr/>				
(2) The total amount of the capital paid up at the date of the commencement of the winding-up	}	Paid up in cash	£	
		Issued as paid up otherwise than for cash	£	
<hr/>				
(3) The general description and estimated value of outstanding assets (if any)	}			
<hr/>				
(4) The causes which delay the termination of the winding-up	}			
<hr/>				
(5) The period within which the winding-up may probably be completed	}			

Affidavit verifying Statement of Liquidator's Account under Section 307 of the Companies Act (Northern Ireland), 1960

Insert here the title of the company.

I, of the liquidator of the above-named company, make oath and say:—That **the account hereunto annexed marked "B" contains a full and true account of my receipts and payments in the winding up of the above-named company, from the day of 19 , 19 , to the day of 19 , inclusive, *and that I have not, nor has any other person by my order or for my use during such period, received or paid any monèys on account of the said company *other than and except the items mentioned and specified in the said account.*

I further say that the particulars given in the annexed Form 51 marked "B" with respect to the proceedings in and position of the liquidation are true to the best of my knowledge and belief.

Sworn at

*NOTE.—If no receipts or payments, strike out the words in italics.

Liquidator's Trading Account, under Section 307 Companies Act (Northern Ireland), 1960

Insert here the name of the company.

Insert here the name of the liquidator.

the liquidator of the above-named company in account with the estate.

THIS ACCOUNT IS REQUIRED IN ADDITION TO FORM NO. 51.

EXPLANATORY NOTE

(This note is not part of the rules, but is intended to indicate their general purport.)

Rules 1 and 2 enable the present form of summons in Chambers to be issued as an originating summons where no service is required.

A new Order LXXIV, relating to the winding-up of Companies, is introduced by rule 4. The new Order is designed to improve and clarify winding-up procedure and gives effect to the changes made in this procedure by the Companies Acts (Northern Ireland) 1960 and 1963.

Rule 5 amends Order LXXV to give effect to further changes in procedure in company matters following the enactment of the Companies Acts (Northern Ireland) 1960 and 1963.

1964. No. 150

[C]

BUILDING SOCIETIES

Additional Security

ORDER, DATED 28TH SEPTEMBER, 1964, MADE BY THE REGISTRAR OF BUILDING SOCIETIES, WITH THE CONSENT OF THE MINISTRY OF COMMERCE, UNDER SECTION 25 OF THE BUILDING SOCIETIES ACT (NORTHERN IRELAND) 1964.

The Registrar, with the consent of the Ministry of Commerce, in exercise of the powers conferred upon him by section 25 of the Building Societies Act (Northern Ireland) 1964(a) hereby makes the following Order:—

Citation and Commencement

1. This Order may be cited as the Building Societies (Additional Security) Order (Northern Ireland) 1964 and shall come into operation on 1st October, 1964.

Extension of classes of additional security

2. Part I of the Schedule to the Building Societies Act (Northern Ireland) 1940(b) (which gives a list of the classes of additional security which a building society may take into account in determining the amount of an advance to a member) shall be amended by—

(a) substituting the following paragraph for paragraph 3 thereof:—

“3. A charge upon money deposited with the building society or upon any narrower-range investments or wider-range investments within the meaning of the Trustee Investments Act, 1961.” and

(b) inserting after paragraph 7 the following paragraphs:—

(a) 1964. c. 15 (N.I.).

(b) 4 & 5 Geo. 6. c. 8 (N.I.).