

## 1981 No. 1309

## COMPANIES

**The Companies (Winding-Up) (Amendment) (No. 2)  
Rules 1981**

*Made - - - - 8th September 1981*  
*Laid before Parliament 17th September 1981*  
*Coming into Operation 1st October 1981*

The Lord Chancellor, in exercise of the powers conferred on him by section 365(1) of the Companies Act 1948(a), with the concurrence of the Secretary of State for Trade, and after consulting the committee appointed under section 10 of the Insolvency Act 1976(b), hereby makes the following Rules:—

1. These Rules may be cited as the Companies (Winding-Up) (Amendment) (No. 2) Rules 1981 and shall come into operation on 1st October 1981.
2. The Companies (Winding-Up) Rules 1949(c) shall have effect as if:—
  - (a) To Rule 28 there were added the following paragraph:

“(3) If the petition is not duly advertised in accordance with this Rule, the Judge may order that it shall be removed from the file.”; and
  - (b) In Rule 38 there were substituted for the words “on the same day” the words “at latest on the day following the day on which such an order is pronounced”.

Dated 2nd September 1981.

*Hailsham of St. Marylebone, C.*

I concur,

Dated 8th September 1981.

*John Biffen,*  
Secretary of State for Trade.

(a) 1948 c. 38.

(b) 1976 c. 60.

(c) S.I. 1949/330; a relevant amending instrument is S.I. 1979/209.

## EXPLANATORY NOTE

*(This Note is not part of the Rules.)*

These Rules amend the Companies (Winding-Up) Rules 1949 by (1) providing that the Judge may order a petition to be removed from the file if it has not been advertised in accordance with Rule 28, and (2) altering the strict requirement that the Registrar must give notice of the making of a winding up order, or of an order appointing a provisional liquidator, to the Official Receiver on the same day as it has been pronounced; some latitude is now permitted in that notice may be given to the Official Receiver at the latest on the day following the pronouncement of such order.

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