
S T A T U T O R Y I N S T R U M E N T S

1972 No. 1404 (L.21)

COMPANIES

The Companies (Winding-up) (Amendment) Rules 1972

Made - - - 12th September 1972

Laid before Parliament 25th September 1972

Coming into Operation 17th October 1972

The Lord Chancellor, in exercise of the powers conferred on him by section 365(1) of the Companies Act 1948^(a), and with the concurrence of the Secretary of State for Trade and Industry, hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Companies (Winding-up) (Amendment) Rules 1972 and shall come into operation on 17th October 1972.

(2) In these Rules “the principal Rules” mean the Companies (Winding-up) Rules 1949^(b), as amended ^(c), and a rule or form referred to by number means the rule or form so numbered in the principal Rules or in the Appendix thereto.

(3) The Interpretation Act 1889^(d) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

2. For Rule 34 there shall be substituted the following rule:—

“34.—(1) Every person who intends to appear on the hearing of a petition shall give to the petitioner notice of his intention in accordance with this rule. Notice by
Persons who
intend to
appear.

(2) The notice shall contain the address of the person intending to appear, shall be signed by him (or by his solicitor or London agent) and shall otherwise be in Form No. 12 with such variations as circumstances may require.

(3) The notice shall be served on or sent by post to the petitioner or his solicitor or London agent, at the address stated in the advertisement of the petition.

(4) The notice shall be served (or if sent by post shall be posted in such time as in ordinary course of post to reach the address) not later than four p.m. on the day before the hearing.

^(a) 1948 c. 38.

^(b) S.I. 1949/330 (1949 I, p. 789).

^(c) The relevant amending instruments are S.I. 1954/162, 1957/973, 1961/318, 1965/1572, 1969/1177 (1954 I, p. 509; 1957 I, p. 465; 1961 I, p. 511; 1965 II, p. 4580; 1969 II, p. 3465).

^(d) 1889 c. 63.

(5) A person who has failed to comply with this rule shall not, without the special leave of the Court, be allowed to appear on the hearing of the petition.

(6) For the purposes of this rule "the day before the hearing" means the day before the day appointed for the hearing of the petition, and a Friday shall be regarded as the day before the following Monday."

3. For Rule 72 there shall be substituted the following rule:—

Shorthand
writers.
Forms Nos. 32
and 33.

"72.—(1) The Court or the officer of the Court before whom any examination under the Act and Rules is directed to be held may at any time in any proceedings, if it is considered desirable to do so, appoint a person (in this rule called a "shorthand writer") to take down in shorthand or otherwise the evidence of any person examined.

(2) The Judge of a Court may in writing nominate one or more persons to be shorthand writers officially attached to the Court.

(3) Where no shorthand writer officially attached to the Court is available to act in the proceedings, the Court may appoint such other person as it thinks fit.

(4) The fees of a shorthand writer shall be calculated in accordance with the table appended to this rule and paid by the party at whose instance the examination was taken or out of the assets of the company as the Court may direct.

(5) This rule shall apply in relation to payments made on or after 17th October 1972 for attendance and transcripts made on or after 1st November 1971.

TABLE

<i>Column 1</i>	<i>Column 2</i>
1. For attending the examination	£7·05
2. For attending the examination when the shorthand writer's place of business or employment is in London and the examination is held more than 60 miles from that place	£7·85
3. For attending the examination when the shorthand writer's place of business or employment is not in London and the examination is held more than 25 miles from that place	£7·85
4. For any transcript of the shorthand or other note of the evidence that may be required, per folio	£0·16 "

4. For Rule 132 there shall be substituted the following rule:—

"132.—(1) The costs of summoning a meeting of creditors or contributories at the instance of any person other than the Official Receiver or Liquidator shall be paid by the person at whose instance it is summoned,

who shall before the meeting is summoned deposit with the Official Receiver or Liquidator (as the case may be) such sum as may be required by the Official Receiver or Liquidator as security for the payment of such costs.

(2) The costs of summoning a meeting under paragraph (1) above, including all disbursements for printing, stationery, postage and the hire of room, shall be calculated in accordance with paragraph (3) hereof and 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.

(3) Where the number of creditors or contributories to whom notice is required to be sent does not exceed 20, the costs shall be £7.50, and for every addition of 10 such creditors or contributories or part thereof there shall be added £3.

(4) This rule shall not apply to meetings under sections 293 or 297 of the Act."

5. In Rule 195(2) for the expression "5 guineas" there shall be substituted the figures "£5.25".

6. In the forms in the Appendix to the principal Rules—

- (a) for the expression "£ s. d." or "£ : : " wherever it appears there shall be substituted the expression "£ ";
- (b) for the expression "s. d." wherever it appears there shall be substituted the expression "p".

7. In Forms Nos. 59, 91 and 99 the word "shillings" shall be omitted.

8. For Form No. 65 there shall be substituted the following form:—

"No. 65 (Rule 119(3))

NOTICE OF DIVIDEND

(Title)

Address

Date 19 .

NOTICE IS HEREBY GIVEN that a dividend of p in the £ has been declared in this matter, and that the same may be received at my office, as above, on the day of 19 or any subsequent weekday, except , between the hours of and .

NOTE:

- (i) This form must be presented, or returned, to the Liquidator when application for payment is made. Any bills of exchange, promissory notes or other negotiable instruments held by you must be produced.
- (ii) If you desire the dividend to be paid to some other person you should sign and lodge with the Liquidator an authority in the prescribed form No. 68.

- (iii) If you do not desire to attend personally you must fill up, sign and return the form of authority below, when a dividend payable order will be delivered in accordance with the authority.
- (iv) Dividend payable orders lapse if not presented for payment within 3 months of the last day of the month of issue but will be re-issued after that period on application to the Department of Trade and Industry.

The fee payable on re-issue of a payable order is 13p where the order is for £5 or less, and 25p where the order exceeds £5.

(Signed)

Liquidator.

To.....

AUTHORITY

Sir,

*Strike out
words in-
applicable

Please deliver to * me (us) by post,
the Bearer, Mr. at my (our) risk the Dividend

Payable Order for £ being the amount payable to

* me in respect of the dividend of in the £ on * my
us our

claim in this matter.

£ _____.

Creditor's signature

To the Liquidator

Date

19

NOTE. The authority should be signed by—

- (a) the creditor personally, or
- (b) in the case of a firm, by one of the partners, or
- (c) in the case of a limited company, by an officer of the company, so described, or
- (d) in the case of a holder of a general proxy authorised to receive the dividend, by the holder.

(For use when payable order handed to creditor or representative)

Received Payable Order for £ _____ Signed

Date

19 ."

9. For Form No. 69 there shall be substituted the following form:—

“No. 69 (Rule 120)

NOTICE OF RETURN TO CONTRIBUTORIES

(Title)

Address

Date 19 .

NOTICE IS HEREBY GIVEN that a return of p
per share has been authorised by the Court in this matter, and that the
same may be received at my office, as above, on the
day of 19 or any subsequent weekday, except
, between the hours of and .

NOTE:

- (i) This form together with the share certificate must be presented, or returned, to the Liquidator when application for payment is made.
- (ii) If you do not desire to attend personally you must fill up, sign and return the form of authority below, when a payable order will be delivered in accordance with the authority.
- (iii) Payable orders lapse if not presented for payment within 3 months of the last day of the month of issue but will be re-issued after that period on application to the Department of Trade and Industry.

The fee payable on re-issue of a payable order is 13p where the order is for £5 or less, and 25p where the order exceeds £5.

(Signed)

Liquidator.

To.....

AUTHORITY

Sir,

Please deliver to * me (us) by post, at my (our) risk the Payable *Strike out
the Bearer, Mr. words in-
applicable
Order for £ being the amount payable to * me in respect
us
of the return of per share held by * me in this company.
us

£ .

Contributory's signature

To the Liquidator

Date 19 .

NOTE. The authority should be signed by—

- (a) the contributory personally, or
- (b) in the case of joint contributories, by each, or
- (c) in the case of a firm, by one of the partners, or

(d) in the case of a limited company, by an officer of the company, so described, or

(e) in the case of a holder of a general proxy authorised to receive the dividend, by the holder.

(For use when payable order handed to creditor or representative)

Received Payable Order for £ _____ Signed _____

Date _____ 19 ____ ."

10. Form No. 92 shall be amended as follows:—

(a) direction (1) and side note thereto shall be omitted;

(b) in direction (4), the words "Each list must be on sheets 13 inches by 8 inches." shall be omitted; and

(c) the directions specified in that form shall be renumbered accordingly.

11. In Forms Nos. 107, 108, 111 and 112 the instructions as to impressing a 5s. Companies Registration Fee Stamp shall be omitted.

12. The Rules specified in the Schedule to these Rules are revoked.

Dated 11th September 1972.

Hailsham of St. Marylebone, C.

I concur,

Dated 12th September 1972.

John Davies,
Secretary of State for
Trade and Industry.

Rule 12

SCHEDULE
RULES REVOKED

<i>Title</i>	<i>Reference</i>
The Companies (Winding-up) (Amendment) Rules 1954	1954/162 (1954 I, p. 509)
The Companies (Winding-up) (Amendment) Rules 1961	1961/318 (1961 I, p. 511)
The Companies (Winding-up) (Amendment) Rules 1965	1965/1572 (1965 II, p. 4580)
The Companies (Winding-up) (Amendment) Rules 1969	1969/1177 (1969 II, p. 3465)

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules make a number of minor amendments to the Companies (Winding-up) Rules 1949 as amended. The principal changes are:—

- (a) the fees payable to shorthand writers are increased with effect from 1st November 1971 (Rule 3);
- (b) the costs of summoning meetings under Rule 132(1) are increased (Rule 4); and
- (c) new forms are provided for the Notice of Dividend (Rule 8) and the Notice of Return to Contributories (Rule 9).

In addition Rule 34 has been rewritten (Rule 2), account has been taken of decimalisation and four amending instruments have been revoked.

SI 1972/1404
ISBN 0-11-021404-8

