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

1980 No. 2031

COMPANIES

The Companies (Winding-up) (Amendment)

Rules 1980

Made - - - - - 23rd December 1980

Laid before Parliament 29th December 1980

Coming into Operation 20th January 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) Rules 1980 and shall come into operation on 20th January 1981.

2. The Companies (Winding-up) Rules 1949(c) shall be amended as follows:—

(a) In rules 1 (definition of “The Company” and “Proceedings”), 2(1), 2(3), 10, 39, 40, 42(3), 187 and the heading to rules 38 to 43 there shall be inserted after the words “section 210 of the Act” the words “or section 75 of the Companies Act 1980”

(b) For Form No. 5A in the Appendix there shall be substituted the following form:

No. 5A (Rule 26.)

PETITION ON GROUND THAT MEMBERS UNFAIRLY PREJUDICED

(Title.)

Paragraphs 1, 2, 3, and 4 as in No. 4.

[Then set out in paragraphs the facts on which the petitioner relies and continue as follows]:—

In these circumstances your petitioner submits that the affairs of the company are being/have been conducted in a manner in which is unfairly prejudicial to the interests of some part of the members (including your petitioner)/your petitioner (a)

or

the act or omission/proposed act or omission referred to in paragraphs above is/would be unfairly prejudicial to the interest of some part of the members (including your petitioner)/your petitioner (a)

(a) Strike out what may be inappropriate.

(a) 1948 c. 38.

(b) 1976 c. 60.

(c) S.I. 1949/330.

Your petitioner therefore humbly prays as follows:—

(1) [*Here set out remedy sought and conclude*]

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

NOTE.—It is intended to serve this petition on

(c) For the heading to Form No. 6A in the Appendix there shall be substituted

“ADVERTISEMENT OF PETITION ON GROUND THAT MEMBERS UNFAIRLY PREJUDICED”.

Dated 22nd December 1980.

Hailsham of St. Marylebone, C.

I concur,

Dated 23rd December 1980.

Cecil Parkinson,
Minister of State,
Minister for Trade,
Department of Trade.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules (*a*) amend certain rules in the Companies (Winding-up) Rules 1949 by inserting whenever appropriate references to section 75 of the Companies Act 1980 (c.22) after references to section 210 of the 1948 Act (which provide for applications to the court to grant relief against a company where members are unfairly prejudiced) and (*b*) replace Form No. 5A in the Appendix to those Rules with one relevant to section 75.

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