

31. (1) If a Liquidator or Special Manager fails to give the required security within the time stated for that purpose in the order appointing him, or any extension thereof, the Official Receiver shall report such failure to the court, who may thereupon rescind the order appointing the Liquidator or Special Manager.

(2) If a Liquidator or Special Manager fails to keep up his security, the Official Receiver shall report such failure to the court, who may thereupon remove the Liquidator or Special Manager, and make such order as to costs as the court shall think fit.

(3) Where an order is made under this rule rescinding an order for the appointment of or removing a Liquidator, the court may direct that meeting shall be held for the purpose of determining whether an application shall be made to the court for another Liquidator to be appointed and thereupon the same meetings shall be summoned and the same proceedings may be taken as in the case of a first appointment of a Liquidator.

PUBLIC EXAMINATION

32. At the consideration by the court of a report made by the Official Receiver pursuant to subsection (2) of section 176 of the Ordinance, the Official Receiver shall personally, or by counsel or proctor, attend and give the court any further information or explanation with reference to the matters stated in the report which the court may require.

Consideration
of report.

33. Where the Judges makes an order under section 207 of the Ordinance, directing any person to attend for public examination, he may, if he thinks fit, either in the order for examination, or by any subsequent order, give directions as to the special matters on which any such person is to be examined.

Procedure
consequent
on order for
public
examination.
Form 22.

34. A day and place shall be appointed for holding the public examination, and notice of the day and place shall be given to the person who is to be examined. Except where the court otherwise directs such notice shall be given by the Official Receiver.

Appointment
of time and
place for
public
examination.
Form 23.

Notice of
public
examination
to creditors
and
contribu-
tories.
Form 93 (3).

35. (1) The Official Receiver shall give notice of the time and place appointed for holding a public examination to the creditors and contributories by advertisement in such newspapers as the court may from time to time direct, or in default of any such direction as the Official Receiver thinks fit, and shall also forward notice of the appointment to the Director to be gazetted.

(2) Where an adjournment of the public examination has been directed, notice of the adjournment shall not, unless otherwise directed by the court, be advertised in any newspaper, but it shall be sufficient to publish in the Government Gazette a notice of the time and place fixed for the adjourned examination.

Default in
attending
court for
public
examination.
Form 24.

36. If any person who has been directed by the court to attend for public examination fails to attend at the time and place appointed for holding or proceeding with the same, and no good cause is shown by him for such failure, or if before the day appointed for the examination the Official Receiver satisfies the court that such person has absconded, or that there is reason or believing that he is about to abscond with the view of avoiding examination, it shall be lawful for the court, upon it being proved to the satisfaction of the court that notice of the order and of the time and place appointed for attendance at the public examination was duly served, without any further notice to issue a warrant for the arrest of the person required to attend, or to make such other order as the court shall think just.

PROCEEDINGS BY OR AGAINST DIRECTORS, PROMOTERS, AND OFFICERS

Application
by or
against
delinquent
directors,
officers, and
promoters.

37. An application made to the court under any of the following provisions of the Ordinance—

- (a) section 264 ;
- (b) subsections (1), (2) or (4) of section 263 ;
- (c) section 208 ;
- (d) subsection (2) of section 360 ;

shall be made by motion to the court.

38. (1) On an application made under rule 37 the court may at any time before making an order require the Official Receiver or Liquidator to furnish to the court a report with respect to any facts or matters which are in his opinion relevant to the application and may give any such directions as it deems fit as to whether points of claim and defence are to be delivered, as to the taking of evidence wholly or in part by affidavit or orally, and the cross-examination of any deponents to affidavits in support of or in opposition to the application and as to any report it may require the Official Receiver or Liquidator to make and generally as to the procedure on the motion and for the hearing thereof.

Notice of application.

(2) Notice of any such intended motion shall be served on every person against whom an order is sought, not less than eight days before the day named in the notice for hearing the motion.

(3) A copy of every report and affidavit intended to be used in support of the motion shall be served on every person to whom notice of motion is given not less than four days before the hearing of the motion.

WITNESSES AND DEPOSITIONS

39. The Official Receiver may attend in person or by counsel or by proctor employed for the purpose, any examination of a witness under section 206 of the Ordinance, on whosoever application the same has been ordered, and may take notes of the examination for his own use, and put such questions to the persons examined as the court may allow.

Depositions at private examinations.

DISCLAIMER

40. (1) Any application for leave to disclaim any part of the property of a company pursuant to subsection (1) of section 256 of the Ordinance shall, where not otherwise provided in these rules, be by summary procedure under Chapter XXIV, of the Civil Procedure Code. Such application shall be supported by an affidavit showing who are the parties interested and what their interests are. On the hearing of the application the court shall give such directions as it deems

Disclaimer Forms 25 and 26.

fit and in particular directions as to the notices to be given to the parties interested or any of them and the court may adjourn the application to enable any such party to attend.

(2) Where a Liquidator disclaims a leasehold interest he shall forthwith file the disclaimer in the court. 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 Form 25 and a notice of disclaimer shall be in Form 26.

(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

Vesting of
disclaimed
property.

41. (1) Any application under subsection (6) of section 256 of the Ordinance for an order for the vesting of any disclaimed property in or the delivery of any such property to any person shall be supported by the affidavit filed on the application for leave to disclaim such property.

(2) Where such an application as aforesaid relates to disclaimed property of a leasehold nature and it appears that there is any mortgagee or sub-lessee of such property the court may direct that notice shall be given to such mortgagee or sub-lessee 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 sub-lessee 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 sub-lessee fails to make such election and application the court may make an order vesting the property in the applicant and excluding such mortgagee or sub-lessee from all interest in or security upon the property.

ARRANGEMENTS WITH CREDITORS AND CONTRIBUTORIES
IN A WINDING UP BY THE COURT

42. In a winding up by the court if application is made to the court to sanction any compromise or arrangement the court may, before giving its sanction thereto hear a report by the Official Receiver as to the terms of the scheme, and as to the conduct of the directors and other officers of the company, and as to any other matters which, in the opinion of the Official Receiver or the Registrar of Companies, ought to be brought to the attention of the court. The report shall not be filed of record, unless and until the court shall direct it to be filed.

Report by
Official
Receiver on
arrange-
ments and
compromises.

COLLECTION AND DISTRIBUTION OF ASSETS IN A WINDING UP
BY THE COURT

43. (1) The duties imposed on the court by section 195 (1) of the Ordinance, in a winding up by the court with regard to the collection of the assets of the company's liabilities shall be discharged by the Liquidator as an officer of the court subject to the control of the court.

Collection
and
distribution
of
company's
assets by
Liquidator.

(2) For the purpose of the discharge by the Liquidator of the duties imposed by section 195 (1) of the Ordinance, and paragraph (1) of this rule, the Liquidator in a winding up by the court 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 court under section 671 of the Civil Procedure Code, and the court may, on his application, enforce such acquisition or retention accordingly.

Power of
Liquidator
to require
delivery of
property.
Form 27.

44. The powers conferred on the court by section 196 of the Ordinance shall be exercised by the Liquidator. Any contributory for the time being on the list of contributories, trustee, receiver, banker or agent or officer of a company which is being wound up under order of the court shall, on notice from the Liquidator and within such time as he shall by notice in writing require, pay, deliver, convey, surrender or transfer to or into the hands of the 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.

LIST OF CONTRIBUTORIES IN A WINDING UP BY THE COURT

Liquidator to
settle list of
contribu-
tories.
Form 28.

45. Unless the court shall dispense with the settlement of a list of contributories the Liquidator shall with all convenient speed after his appointment settle a list of contributories of the company, and shall appoint a time and place for that purpose. The list of contributories shall contain a statement of the address of, and the number 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 shall distinguish the several classes of contributories. As regards representative contributories the Liquidator shall, so far as practicable, observe the requirements of section 195 (2) of the Ordinance.

Appointment
of time and
place for
settlement of
list.
Forms 29
and 30.

46. The Liquidator shall give notice in writing of the time and place appointed for the settlement of the list of contributories to every person whom he proposes to include in the list, and shall state in the notice to each person in what character and for what number of shares or interest he proposes to include such person in the list and what amount has been called up and what amount paid up in respect of such shares or interest.

47. On the day appointed for settlement of the list of contributories the Liquidator shall hear any person who objects to being settled as a contributory, and after such hearing shall finally settle the list, which when so settled shall be the list of contributories of the company.

Settlement of
list of
contribu-
tories.
Form 31.

48. The Liquidator shall forthwith give notice to every person whom he has finally placed on the list of contributories stating in what character and for what number of shares or interest he has been placed on the list and what amount has been called up and what amount paid up in respect of such shares or interest and in the notice he shall inform such person that any application for the removal of his name from the list, or for a variation of the list, must be made to the court by motion within twenty-one days from the date of the service on the contributory or alleged contributory of notice of the fact that his name is settled on the list of contributories.

Notice to
contribu-
tories.
Forms 32
and 33.

49. (1) Subject to the power of the court to extend the time or to allow an application to be made notwithstanding the expiration of the time limited for that purpose, no application to the court by any person who objects to the list of contributories as finally settled by the Liquidator shall be entertained after the expiration of twenty-one days from the date of the service on such person of notice of the settlement of the list.

Application to
the court to
vary the list
Form 34.

(2) The Official Receiver shall not in any case be personally liable to pay any costs of or in relation to an application to set aside or vary his act or decision settling the name of a person on the list of contributories of a company.

50. The 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.

Variation of
or addition to
list of con-
tributories.
Form 35.

CALLS

Calls by
Liquidator.

51. The powers and duties of the court in relation to making calls upon contributories conferred by section 198 of the Ordinance may be exercised, in a winding up by the court, by the Liquidator as an officer of the court subject to the proviso to section 211 of the Ordinance, and to the following provisions:—

- (a) where the Liquidator desires to make any call on the contributories, or any of them for any purpose authorized by the Ordinance, if there is a Committee of Inspection he may summon a meeting of such Committee for the purpose of obtaining their sanction to the intended call;
- (b) the notice of the meeting shall be sent to each member of the Committee of Inspection in sufficient time to reach him not less than seven days before the day appointed for holding the meeting, and shall contain a statement of the proposed amount of the call, and the purpose for which it is intended. Notice of the intended call and the intended meeting of the Committee of Inspection shall also be advertised once at least in a daily English newspaper.

The advertisement shall state the time and place of the intended meeting of the Committee of Inspection, and that each contributory may either attend the said meeting and be heard, or make any communication in writing to the Liquidator or members of the Committee of Inspection to be laid before the meeting, in reference to the said intended call;

- (c) at the meeting of the Committee of Inspection any statements or representations made either to the meeting personally or addressed in writing to the Liquidator or members of the Committee by any contributory shall be considered before the intended call is sanctioned;

- (d) the sanction of the Committee shall be given by resolution, which shall be passed by a majority of the members present;

Forms 36
and 37.

Form 38.

- (e) where there is no Committee of Inspection, the Liquidator shall not make a call without obtaining the leave of the court.

52. In a winding up by the court an application to the court for leave to make any call on the contributories of a company, or any of them, for any purpose authorized by the Ordinance, shall be made by motion stating the proposed amount of such call, notice of which application 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 court so directs, notice of such intended call may be given by advertisement, without a separate notice to each contributory.

Application to the court for leave to make a call.
Forms 39, 40, 41 and 42.

53. When the Liquidator is authorized by resolution or order to make a call on the contributories he shall file in the court a document in Form 43 making the call.

Document making the call.
Form 43.

54. When a call has been made by the Liquidator in a winding up by the court, a copy of the resolution of the Committee of Inspection or order of the court (if any) as the case may be, shall forthwith after the call has been made be served upon each of the contributories included in such call, together with a notice from the Liquidator specifying the amount or balance due from such contributory in respect of such call, but such resolution or order need not be advertised unless for any special reason the court so directs.

Service of notice of a call.
Forms 38, 42, 44 and 45.

55. The payment of the amount due from each contributory on a call may be enforced by order of the court, to be made on application by motion by the Liquidator.

Enforcement of call.
Forms 46, 47 and 48.

PROOFS

56. In a winding up by the court, every creditor shall subject as hereinafter provided prove his debt, unless the court in any particular winding up shall give directions that any creditor or class of creditors shall be admitted without proof.

Proof of debt.

Mode of
proof.

57. A debt may be proved in any winding up by delivering or sending through the post an affidavit verifying the debt. In a winding up by the court the affidavit shall be so sent to the Official Receiver or if a Liquidator has been appointed, to the Liquidator ; and in any other winding up the affidavit may be so sent to the Liquidator.

Verification
of proof.

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

Contents of
proof. Form
49.

59. An affidavit proving a debt shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. The Official Receiver or Liquidator to whom the proof is sent may at any time call for the production of the vouchers.

Statement of
security.

60. An affidavit proving a debt shall state whether the creditor is or is not a secured creditor.

Costs of
proof.

61. A creditor shall bear the cost of proving his debt unless the court otherwise orders.

Discount.

62. A creditor proving his debt shall deduct therefrom any discount which he may have agreed to allow for payment in cash, and all trade discounts.

Periodical
payments.

63. 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 those 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 leased 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.

64. 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 per centum 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.

Proof for
debt payable
at a future
time.

65. 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.

Workmen's
wages.
Form 50.

66. 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 court made to the contrary, be produced to the Official Receiver, Chairman of a meeting or Liquidator, as the case may be, and be marked by him before the proof can be admitted either for voting or for any purpose.

Production
of bills of
exchange
and
promissory
notes.

67. Where a Liquidator is appointed in a winding up by the court, all proofs of debts that have been received by the Official Receiver shall be handed over to the Liquidator, but the Official Receiver shall first make a list of such proofs, and take a receipt thereon from the Liquidator for such proofs.

Transmission
of proofs to
Liquidator.

ADMISSION AND REJECTION OF PROOFS AND PREFERENTIAL
CLAIMS AND APPEAL TO THE COURTNotice to
creditors
to prove.

68. (1) Subject to the provisions of the Ordinance, and unless otherwise ordered by the court, the Liquidator in any winding up may from time to time fix a certain day, which shall be not less than fourteen days from the date of the notice, on or before which the creditors of the company are to prove their debts or claims, and to establish any title they may have to priority under section 253 of the Ordinance, or to be excluded from the benefit of any distribution made before such debts are proved, or as the case may be, from objecting to such distribution.

(2) The Liquidator shall give notice in writing of the day so fixed by advertisement in such newspaper as he shall consider convenient, and in a winding up by the court to every person mentioned in the Statement of Affairs as a creditor, and who has not proved his debt, and to every person mentioned in the Statement of Affairs as a preferential creditor whose claim to be a preferential creditor has not been established and is not admitted, and in any other winding up to the last known address or place of abode of each person who, to the knowledge of the Liquidator, claims to be a creditor or preferential creditor of the company and whose claim has not been admitted.

(3) All the rules hereinafter set out as to admission and rejection of proofs shall apply with the necessary variations to any such claim to priority as aforesaid.

Examination
of proof.
Form 51.

69. The Liquidator shall examine every proof of debt lodged with him, and the grounds of the debt, and in writing admit or reject it, in whole or in part, or require further evidence in support of it. If he rejects a proof he shall state in writing to the creditor the grounds of the rejection.

Appeal by
creditor.

70. If a creditor or contributory is dissatisfied with the decision of the Liquidator in respect of a proof, the court may, on the application of the creditor or contributory, reverse or vary the decision; but, subject to

the power of the court to extend the time, no application to reverse or vary the decision of the Liquidator in a winding up by the court rejecting a proof sent to him by a creditor, or person claiming to be a creditor, shall be entertained, unless notice of the application is given before the expiration of twenty-one days from the date of the service of the notice of rejection.

71. If the Liquidator thinks that a proof has been improperly admitted the court may, on the application of the Liquidator, after notice to the creditor who made the proof, expunge the proof or reduce its amount.

Expunging
at instance
of Liquidator

72. The court may also expunge or reduce a proof upon the application of a creditor or contributory if the Liquidator declines to interfere in the matter.

Expunging
at instance
of creditor.

73. In a winding up by the court the Official Receiver, before the appointment of a Liquidator, shall have all the powers of a Liquidator with respect to the examination, admission, and rejection of proofs, and any act or decision of his in relation thereto shall be subject to the like appeal.

Official
Receiver's
powers.

74. In a winding up by the court the Official Receiver, where no other Liquidator is appointed, shall, before payment of a dividend, file all proofs tendered in the winding up, with a list thereof, distinguishing in such list the proofs which were wholly or partly admitted, and the proofs which were wholly or partly rejected.

Filing proofs
by Official
Receiver.

75. Every Liquidator in a winding up by the court other than the Official Receiver shall on the first day of every month, file in the court a certified list of all proofs, if any, received by him during the month next preceding, distinguishing in such lists the proofs admitted, those rejected, and such as stand over for further consideration; and, in the case of proofs admitted or rejected, he shall cause the proofs to be filed in the court.

Proofs to
be filed.
Form 52.

Procedure
where
creditor
appeals.

76. The Liquidator in a winding up by the court, including the Official Receiver when he is Liquidator, shall, within three days after receiving notice from a creditor of his intention to appeal against a decision rejecting a proof, file such proof in the court, with a memorandum thereon of his disallowance thereof.

Time for
dealing with
proofs by
Official
Receiver.

77. Subject to the power of the court to extend the time in a winding up by the court, the Official Receiver as Liquidator, not later than fourteen days from the latest date specified in the notice of his intention to declare a dividend as the time within which such proofs must be lodged, shall in writing either admit or reject wholly, or in part, every proof lodged with him, or require further evidence in support of it.

Time for
dealing with
proofs by
Liquidator.

78. Subject to the power of the court to extend the time, the Liquidator in a winding up by the court, other than the Official Receiver, within twenty-eight days after receiving a proof, which has not previously been dealt with shall in writing either admit or reject it wholly or in part, or require further evidence in support of it:

Provided that where the Liquidator has given notice of his intention to declare a dividend, he shall within fourteen days after the date mentioned in the notice as the latest date up to which proofs must be lodged, examine, and in writing admit or reject, or require further evidence in support of, every proof which has not been already dealt with, and shall give notice of his decision, rejecting a proof wholly or in part, to the creditors affected thereby. Where a creditor's proof has been admitted the notice of dividend shall be a sufficient notification of the admission.

Cost of
appeals from
decisions as
to proofs.

79. The Official Receiver shall in no case be personally liable for costs in relation to an appeal from his decision rejecting any proof wholly or in part.

DIVIDENDS IN A WINDING UP BY THE COURT

80. (1) Not more than two months before declaring a dividend the Liquidator in a winding up by the court, shall give notice of his intention to do so to the Director in order that the same may be gazetted, and at the same time to such of the creditors mentioned in the Statement of Affairs as have not proved their debts. Such notice shall specify the latest date up to which proofs must be lodged, which shall not be less than fourteen days from the date of such notice.

Dividends to
creditors.
Forms 53, 54
and 93 (4).

(2) Where any creditor, after the date mentioned in the notice of intention to declare a dividend as the latest date up to which proofs may be lodged, appeals against the decision of the Liquidator rejecting a proof, notice of appeal shall, subject to the power of the court to extend the time in special cases, be given within seven days from the date of the notice of the decision against which the appeal is made, and the Liquidator may in such case make provision for the dividend upon such proof, and the probable cost of such appeal in the event of the proof being admitted. Where no notice of appeal has been given within the time specified in this rule, the Liquidator shall exclude all proofs which have been rejected from participation in the dividend.

(3) Immediately after the expiration of the time fixed by this rule for appealing against the decision of the Liquidator he shall proceed to declare a dividend, and shall give notice to the Director (in order that the same may be gazetted), and shall also send a notice of dividend to each creditor whose proof has been admitted.

Forms 55 and
93 (5).

(4) If it becomes necessary, in the opinion of the Liquidator and the Committee of Inspection, to postpone the declaration of the dividend beyond the limit of two months, the Liquidator shall give a fresh notice of his intention to declare a dividend to the Director in order that the same may be gazetted; but it shall not be necessary for the Liquidator to give a fresh notice to such of the creditors mentioned in the Statement of Affairs as have not proved their debts. In all other respects the same procedure shall follow the fresh notice as would have followed the original notice.

Forms 56
and 57.

(5) Upon the declaration of a dividend the Liquidator shall forthwith transmit to the Director a list of the proofs filed in the court under rule 75, which list shall be in Form 56 or 57 as the case may be.

(6) Dividends may at the request and risk of the person to whom they are payable be transmitted to him by post.

Form 58.

(7) If a person to whom dividends are payable desires that they shall be paid to some other person he may lodge with the Liquidator a document in Form 58 which shall be a sufficient authority for payment of the dividend to the person therein named.

Return of
capital to
contributo-
ries.
Forms 59, 60
and 93 (6).

81. Every order by which the Liquidator in a winding up by the court is authorized to make a return to contributories of the company shall, unless the court otherwise directs, contain or have appended thereto a schedule or list (which the Liquidator shall prepare) setting out in a tabular form the full names and addresses of the persons to whom the return is to be paid, 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 settlement of the list of contributories and such other information as may be requisite to enable the return to be made. The schedule or list shall be in Form 60, and the Liquidator shall send a notice of return to each contributory.

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

First
meetings of
creditors and
contribu-
tories.

82. Unless the court otherwise directs, the meetings of creditors and contributories under section 179 of the Ordinance (hereinafter referred to as the first meetings of creditors and contributories) shall be held within one month or if a Special Manager has been appointed then within six weeks after the date of the winding-up order. The dates of such meetings shall be fixed and they shall be summoned by the Official Receiver.

83. The Official Receiver shall forthwith give notice of the dates fixed by him for the first meetings of creditors and contributories to the Director who shall gazette the same. Notice of first meetings to the Director. Form 93 (2).
84. The first meetings of creditors and contributories shall be summoned as hereinafter provided. Summoning of first meetings.
85. The notices of first meetings of creditors and contributories may be in Forms 61 and 62, and the notices to creditors shall state a time within which the creditors must lodge their proofs in order to entitle them to vote at the first meeting. Form of notices of first meetings. Forms 61 and 62.
86. The Official Receiver shall also give to each of the directors and other officers of the company who in his opinion ought to attend the first meetings of creditors and contributories seven days' notice of the time and place appointed for each meeting. The notice may either be sent by prepaid post letter, or delivered in any other manner as may be convenient. It shall be the duty of every director or officer who receives notice of such meeting to attend if so required by the Official Receiver, and if any such director or officer fails to attend the Official Receiver shall report such failure to the court. Notice of first meetings to officers of company. Form 63.
87. (1) The Official Receiver shall also, as soon as practicable, send to each creditor mentioned in the company's Statement of Affairs, and to each person appearing from the company's books or otherwise to be a contributory of the company a summary of the company's Statement of Affairs, including the causes of its failure, and any observations thereon which the Official Receiver may think fit to make. The proceedings at a meeting shall not be invalidated by reason of any summary or notice required by these rules not having been sent or received before the meeting. Summary of Statement of Affairs.
- (2) Where prior to the winding-up order the company has commenced to be wound up voluntarily the Official Receiver may if in his discretion he sees fit so to do send to the persons aforesaid or any of

them an account of such voluntary winding up showing how such winding up has been conducted and how the property of the company has been disposed of and any observations which the Official Receiver may think fit to make on such account or on the voluntary winding up.

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

Liquidator's
meetings of
creditors and
contribu-
tories.

88. (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 275 of the Ordinance (hereinafter referred to as court meetings of creditors and contributories), the Liquidator in any winding up by the court may himself from time to time, subject to the provisions of the Ordinance and the control of the court summon, hold and conduct meetings of the creditors or contributories (hereinafter referred to as 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 creditor's 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 Ordinance 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 these rules are hereinafter called voluntary liquidation meetings).

Application
of rules as
to meetings.

89. Except where and so far as the nature of the subject-matter or the context may otherwise require, the rules as to meetings hereinafter set out shall apply to first meetings, court meetings, Liquidator's meetings of creditors and contributories, and voluntary liquidation meetings, but so nevertheless that the said rules

shall take effect as to first meetings subject and without prejudice to any express provisions of the Ordinance and as to court meetings subject and without prejudice to any express directions of the court.

90. (1) The Official Receiver or 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 Government Gazette and in a daily English newspaper; 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.

Summoning
of meetings.
Form 65.

(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 Statement of Affairs 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) In the case of meetings under section 233 of the Ordinance the continuing Liquidator or if there is no continuing Liquidator any creditor may summon the meeting.

(4) This rule shall not apply to meetings under section 229 or section 236 of the Ordinance.

91. A certificate by the Official Receiver or other officer of the court, or an affidavit by the Liquidator, or creditor, or his proctor, or as the case may be by some officer of the company or its proctor, 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.

Proof of
notice.
Forms 66
and 67.