STATUTORY INSTRUMENTS

1967 No. 1341 (L. 10)

COMPANIES

The Companies (Winding-up) (Amendment) Rules 1967

Made - - - -	*5th September* 1967
Laid before Parliament	*15thSeptember* 1967
Coming into Operation	*2nd October* 1967

I, Gerald, Baron Gardiner, Lord High Chancellor of Great Britain, with the concurrence of the President of the Board of Trade, in exercise of the powers conferred on me by section 365(1) of the Companies Act 1948(a), and of all other powers enabling me in that behalf, hereby make the following Rules:—

1.—(1) These Rules may be cited as the Companies (Winding-up) (Amendment) Rules 1967 and shall come into operation on 2nd October 1967.

(2) In these Rules, a Rule or form cited by number means a Rule or form so numbered in the Companies (Winding-up) Rules 1949(b), as amended (c), or in the Appendix thereto.

2. In Rule 30 the words "some person who has been concerned in the matter on behalf of the corporation" shall be substituted for the words "some director, secretary or other principal officer thereof".

3. The following form shall be substituted for Form 10:—

"No. 10 (Rule 30)

AFFIDAVIT VERIFYING PETITION OF A LIMITED COMPANY

(Title)

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

1. I am [*state capacity*] of Limited, the petitioner in the above matter.

2. I have been concerned in this matter in such capacity and am duly authorised by the said petitioner to make this affidavit on its behalf.

3. 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

(a) 1948 c. 38. (b) S.I. 1949/330 (1949 I, p. 789).
(c) There is no amendment which relates expressly to the subject matter of these Rules.

deeds of any other person or persons I believe to be true.
Sworn, &c.

[*capacity:* e.g. *director, secretary, manager, solicitor.*]"

4. The following amendments shall be made in Form 59:—

(1) For the words "(*b*) That I am in the employ of the under-mentioned creditor, and that I am duly authorised by to make this affidavit", there shall be substituted the following:—

"(*b*) That I am [in the employ] [a director] [the secretary] (*c*) of the under-mentioned creditor, and that I am duly authorised by such creditor to make this affidavit".

(2) The words "(*c*) That I am duly authorised, under the seal of the company hereinafter named, to make the proof of debt on its behalf" shall be omitted.

(3) In the side notes, the words from "If proof made by creditor" to "strike out (*b*)" shall be omitted, and the following shall be substituted:—

"(*b*) If proof made by creditor in person, strike out whole paragraph.

(*c*) Strike out whichever are inapplicable".

Dated 4th September 1967.

Gardiner, C.

I concur,

Dated 5th September 1967.

Anthony Crosland,
President of the Board of Trade.

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

These Rules amend the Companies (Winding-up) Rules 1949, and remove the requirement that a winding-up petition on behalf of a company shall be verified by a director, secretary or principal officer. The general form of proof of debt is also amended.