

Insolvency, Restructuring and Dissolution (Filing, Lodgment and Submission of Documents) Regulations 2020

Table of Contents

Enacting Formula

Part 1 PRELIMINARY

1 Citation and commencement

2 Definitions

3 Forms

4 Particulars prescribed by forms

5 Directions in forms

Part 2 GENERAL MATTERS

Division 1 — Filing or lodgment of documents with Official Receiver

6 Electronic filing system

7 Requirement to use electronic filing system

8 Receipt of submission

9 Identification documents

10 General requirements for documents filed or lodged with Official Receiver

Division 2 — Filing or lodgment of documents with Official Assignee

11 Electronic filing system

12 Requirement to use electronic filing system

13 Receipt of submission

14 Identification documents

15 General requirements for documents filed or lodged with Official Assignee

Division 3 — Filing or lodgment of documents with Registrar of Companies

16 Requirement to use electronic transaction system

17 Receipt of submission

18 Identification documents

19 General requirements for documents filed or lodged with Registrar of Companies

Part 3 GENERAL PROVISIONS FOR FILING OR LODGMENT OF FORMS AND DOCUMENTS ATTACHED TO FORMS

20 Certified translations of documents

21 Time for filing or lodgment of documents

22 Affidavit and statutory declaration

23 Filing or lodgment of documents with Registrar of Companies and Official Receiver

24 Filing or lodgment of order of Court

Part 4 MATTERS RELATING TO RECTIFICATION OF PARTICULARS ON REGISTER KEPT BY REGISTRAR OF COMPANIES

25 Prescribed form to notify error in document under section 257(1) of Act

26 Prescribed department or Ministry of Government, etc., under section 258(1)(b)(ii) of Act

27 Prescribed circumstances under section 258(2) of Act

No. S 586

INSOLVENCY, RESTRUCTURING
AND DISSOLUTION ACT 2018
(ACT 40 OF 2018)

INSOLVENCY, RESTRUCTURING AND DISSOLUTION
(FILING, LODGMENT AND SUBMISSION OF DOCUMENTS)
REGULATIONS 2020

In exercise of the powers conferred by section 449 of the Insolvency, Restructuring and Dissolution Act 2018, the Minister for Law makes the following Regulations:

PART 1

PRELIMINARY

Citation and commencement

1. These Regulations are the Insolvency, Restructuring and Dissolution (Filing, Lodgment and Submission of Documents) Regulations 2020 and come into operation on 30 July 2020.

Definitions

2. In these Regulations —

“document” includes any application, form, report, certification, notice, confirmation, declaration, return or other document (whether in electronic form or otherwise) filed or lodged with, or submitted to, the Official Assignee, the

Official Receiver or the Registrar of Companies;

“transaction” —

- (a) in relation to the Official Assignee or the Official Receiver, means —
 - (i) the filing or lodgment of any document with the Official Assignee or the Official Receiver (as the case may be) or the submission, production, delivery, provision or sending of any document to the Official Assignee or the Official Receiver, as the case may be;
 - (ii) the making of any application, submission or request to the Official Assignee or the Official Receiver, as the case may be;
 - (iii) the provision of any undertaking or declaration to the Official Assignee or the Official Receiver, as the case may be; or
 - (iv) the extraction, retrieval, or accessing of any document, record or information maintained by the Official Assignee or the Official Receiver, as the case may be; or
- (b) in relation to the Registrar of Companies, has the meaning given by section 255(4) of the Act.

Forms

3.—(1) The forms to be used for the purposes of these Regulations —

- (a) in the case of a transaction with the Official Assignee or the Official Receiver, are those set out on the Internet website of the Ministry of Law at <https://www.mlaw.gov.sg>; or
- (b) in the case of a transaction with the Registrar of Companies, are those set out on the Internet website of the Accounting and Corporate Regulatory Authority at <https://www.bizfile.gov.sg>.

(2) Where such forms are applicable, any costs occasioned by the use of any other forms that are not prescribed must, unless the Court otherwise directs, be borne by the party using such other forms.

Particulars prescribed by forms

4. Where a form prescribed under the Act or any subsidiary legislation made under the Act requires completion by the insertion of, or the attachment to the form of a document that contains, particulars or other matters mentioned in the form, those particulars or other matters are prescribed as the particulars or other matters required under the Act or the subsidiary legislation for which the form is prescribed.

Directions in forms

5. A form to be used for the purposes of these Regulations must be completed in accordance with any direction specified by the Official Assignee, the Official Receiver or the Registrar of Companies, or in the form.

PART 2

GENERAL MATTERS

Division 1 — Filing or lodgment of documents with Official Receiver

Electronic filing system

6. An electronic filing system is established for the purpose of carrying out transactions with the Official Receiver under these Regulations, which may be accessed through the Official Receiver's Internet website at <https://www.mlaw.gov.sg>.

Requirement to use electronic filing system

7.—(1) Except as provided in paragraph (2) or as the Official Receiver otherwise requires or permits, a person seeking to carry out any transaction with the Official Receiver under the Act must do so using the electronic filing system on the electronic filing form provided for that purpose and in accordance with these Regulations, and any practice circular or practice direction issued by the Official Receiver.

(2) If a transaction mentioned in paragraph (1) cannot be carried out using the electronic filing system (whether because of a failure or unavailability of or interruption to the electronic filing system or otherwise), the person seeking to carry out the transaction must do so —

- (a) in the manner specified in any practice circular or practice direction issued by the Official Receiver; and
- (b) in any other form set out on the Official Receiver's Internet website mentioned in regulation 6.