
First published in the Government *Gazette*, Electronic Edition, on 13 January 2020 at 5 pm.

No. S 35

SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)

RULES OF COURT (AMENDMENT) RULES 2020

In exercise of the powers conferred by section 80 of the Supreme Court of Judicature Act and all other powers enabling us under any written law, we, the Rules Committee, make the following Rules:

Citation and commencement

1. These Rules are the Rules of Court (Amendment) Rules 2020 and come into operation on 15 January 2020.

Amendment of Order 1

2. Order 1 of the Rules of Court (R 5) (called in these Rules the principal Rules) is amended by inserting, immediately after item 6 of the Table below Rule 2(2), the following item:

| | | |
|---|---|---|
| “7. Proceedings relating to the winding up of variable capital companies and their sub-funds. | Variable Capital Companies Act 2018 (Act 44 of 2018), s. 164. | (a) Order 63A and items 54 to 59 and 63 of Appendix B; and (b) Order 88A, Rule 2(4).”. |
|---|---|---|

New Order 88A

3. The principal Rules are amended by inserting, immediately after Order 88, the following Order:

“ORDER 88A

VARIABLE CAPITAL COMPANIES ACT 2018

Interpretation (O. 88A, r. 1)

1. In this Order —

“sub-fund” has the meaning given by section 2(1) of the VCC Act;

“VCC” has the meaning given by section 2(1) of the VCC Act;

“VCC Act” means the Variable Capital Companies Act 2018 (Act 44 of 2018).

Applications to Court (O. 88A, r. 2)

2.—(1) Unless otherwise provided in the VCC Act or this Order, every application under the VCC Act must be made by originating summons and these Rules apply subject to this Order.

(2) An application under section 156 of the VCC Act may be made by ex parte originating summons.

(3) An application under section 216 of the Companies Act (Cap. 50) (as applied by section 142 of the VCC Act) must be made by writ.

(4) In the case of a winding up application made under paragraph (i) of the provision that replaces section 254(1) of the Companies Act under section 130(8) of the VCC Act, the Court may order the proceedings to continue as if the proceedings had been begun by writ and may, in particular, order that —

(a) pleadings be delivered or that the originating summons or any affidavits are to stand as pleadings, with or without liberty to any of the parties to add or to apply for particulars thereof;

(b) any persons be added as parties to the proceedings; and