

PRACTICE DIRECTION No. 3/2013

(Orders 3, 8, 9, 11, 15, 19 and 25 Companies Winding Up (Amendment) Rules 2013)

PROCEDURE FOR HEARING OF WINDING UP PETITIONS

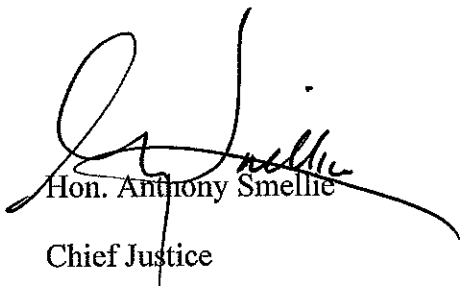
With effect from Friday 1st March 2013, the Companies Winding Up (Amendment) Rules 2013 amended Orders 3, 8, 9, 11, 15, 19 and 25 of the Companies Winding Up Rules 2008 and varied the procedure for filing of Creditor's Petitions, Contributory Petitions and Authority's Petitions.

In order to ensure that winding up petitions and summonses for directions relating to winding up petitions are served with hearing dates on the same day that they are filed, the following procedure now governs the administrative process:-

1. Winding up petitions must not be filed until after the case has been assigned to a Judge and a hearing date has been fixed.
2. Attorneys are required to deliver the winding up petition (and supporting affidavits) to the Registrar of the Financial Services Division together with a covering letter asking for the case to be assigned to a Judge and for a hearing date to be fixed. Any winding up petitions presented to the Civil Registry must be delivered to Registrar of the Financial Services Division without being stamped and filed.
3. The Chief Justice will assign the matter to a Judge and return the file to the Registrar of the Financial Services Division.
4. A hearing date would normally be assigned within 24 hours after the Chief Justice assigns the matter to a Judge.
5. As soon as the hearing date has been fixed:-
 - (a) the assigned Judge's secretary should notify the Petitioner's attorneys of the hearing date, and request payment of fees;
 - (b) The assigned Judge's secretary should stamp and file the petition and return it to the Petitioner's attorney;
 - (c) the assigned Judge's secretary should notify the Petitioner's attorneys that the filed documents are ready for collection and payment of fees;
 - (d) the fees should then be paid; and
 - (e) the petition and supporting affidavits must be served forthwith.

Because the FSD cause number is generated by the Cash Office upon payment of the filing fee, it follows that cheques should not be accepted in respect of winding up petitions until after all the steps outlined above have been completed.

6. This Practice Direction shall come into force on the 27th September 2013.



Hon. Anthony Smellie

Chief Justice

September 26, 2013