

SCHEDULE 1

PART 2

AMENDMENTS TO PART 4 OF THE PRINCIPAL RULES

Amendment to Rule 4.002

24. In paragraph (1) of Rule 4.002 after the words “paragraph (f) – company unable to pay its debts –;” there shall, starting on a new line, be inserted the words, “paragraph (fa) – end of moratorium without approval of voluntary arrangement;”.

Amendments to Rule 4.228

25. In Rule 4.228 –

- (a) for sub-paragraph (a) of paragraph (1) there shall be substituted the following sub-paragraph –
 - “(a) expenses or costs which –
 - (i) are properly chargeable or incurred by the official receiver or the liquidator in preserving, realising or getting in any of the assets of the company or otherwise relating to the conduct of any legal proceedings which he has power to bring or defend whether in his own name or the name of the company;
 - (ii) relate to the employment of a shorthand writer, if appointed by an order of the court made at the instance of the official receiver in connection with an examination; or
 - (iii) are incurred in holding an examination under Rule 4.224 (examinee unfit) where the application for it was made by the official receiver.”;
- (b) after sub-paragraph (1) of paragraph (1) there shall be inserted the following sub-paragraph –
 - “(1a) the costs of employing a shorthand writer in any case other than one appointed by an order of the court at the instance of the official receiver in connection with an examination;”;
- (c) after the word “liquidator” in sub-paragraph (q) of paragraph (1) there shall be inserted the following –
 - “(r) any other expenses properly chargeable by the liquidator in carrying out his functions in the liquidation;”
- (d) for paragraph (2) there shall be substituted the following paragraph –
 - “(2) Sub-paragraphs (a)(ii) and (1a) of paragraph (1) shall apply to the costs of a mechanical recording as they apply to the costs of a shorthand writer.”; and
- (e) paragraphs (3) and (4) shall be omitted.