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## **No. S 195**

### **INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018**

### **INSOLVENCY, RESTRUCTURING AND DISSOLUTION (CORPORATE INSOLVENCY AND RESTRUCTURING) (AMENDMENT) RULES 2022**

In exercise of the powers conferred by section 448 of the Insolvency, Restructuring and Dissolution Act 2018, we, the Rules Committee, make the following Rules:

#### **Citation and commencement**

1. These Rules are the Insolvency, Restructuring and Dissolution (Corporate Insolvency and Restructuring) (Amendment) Rules 2022 and come into operation on 1 April 2022.

#### **Amendment of rule 2**

2. Rule 2(1) of the Insolvency, Restructuring and Dissolution (Corporate Insolvency and Restructuring) Rules 2020 (G.N. No. S 603/2020) (called in these Rules the principal Rules) is amended by deleting the words “Rules of Court for the time being in force” in the definition of “Rules of Court” and substituting the words “Rules of Court 2021 (G.N. No. S 914/2021) for the time being in force”.

#### **Deletion and substitution of rules 23 and 24**

3. Rules 23 and 24 of the principal Rules are deleted and the following rules substituted therefor:

##### **“Orders to attend court**

**23.—**(1) In any proceedings under Parts 3 to 12 or Part 22 of the Act or these Rules, the Court is to issue an order to attend court for the attendance of a witness at the instance of any party to the proceedings or any of the following persons:

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- (a) the Official Receiver;
  - (b) a liquidator or other representative of a corporation;
  - (c) a scheme manager appointed by the Court or a company under a scheme of arrangement to administer and manage the scheme of arrangement;
  - (d) a receiver or manager of the property of a company or corporation;
  - (e) a judicial manager of a company.

(2) The order to attend court may require the witness to produce documents in his or her possession or control.

### **Service of order to attend court**

**24.**—(1) A sealed copy of an order to attend court issued under rule 23(1) must be served personally on the witness in question by —

- (a) an officer of the Court;
- (b) the person at whose instance the order to attend court is issued or that person’s solicitor; or
- (c) an employee of the person mentioned in sub-paragraph (b), or of that person’s solicitor.

(2) Despite paragraph (1), the order to attend court may be served in such manner as is agreed in writing between the witness in question and the person at whose instance the order to attend court is issued.

(3) Unless the Court otherwise orders, the service of the order to attend court is not valid unless effected within 12 weeks after the date of issue of the order to attend court.

(4) The order to attend court —

- (a) must not be served on any person outside the jurisdiction; and
- (b) must be served within a reasonable time before the date fixed for the attendance.

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(5) The affidavit of personal service of the order to attend court required to be filed under rule 13(4) must state when, where, how and by whom the service was effected.

(6) An order to attend court continues to have effect until the conclusion of the hearing at which the attendance of the witness is required.”.

#### **Miscellaneous amendments**

**4.** The principal Rules are amended —

(a) by deleting the words “originating summons” wherever they appear in the following provisions and substituting in each case the words “originating application”:

Rule 8(1)

Rule 10(1)

Rule 11 (including the rule heading)

Rule 12(1)

Rule 17

Rule 49(2)(a)

Rule 75(a);

(b) by deleting the word “leave” in the following provisions and substituting in each case the word “permission”:

Rule 11(1)(a)

Rule 14

Rule 18(4)

Rule 20(1)

Rule 26(4)(b)

Rule 53(4)

Rule 70(4)

Rule 81(2)

Rule 121(7)

Rule 122(1) and (3)(a) (including the rule heading)

Rule 124(1)

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Rule 137 (including the rule heading);

- (c) by deleting the words “ex parte” in the following provisions and substituting in each case the words “in the absence of any person other than the applicant”:

Rule 12(6)

Rule 20(2);

- (d) by deleting the words “ex parte” in the following provision and substituting the words “in his or her absence”:

Rule 12(7);

- (e) by deleting the words “a subpoena” in the following provision and substituting the words “an order to attend court”:

Rule 25(1);

- (f) by deleting the word “plaintiff” in the following provision and substituting the word “claimant”:

Rule 63(2);

- (g) by deleting the word “writ” in the following provision and substituting the words “originating claim”:

Rule 75;

- (h) by deleting the words “ex parte” in the following provisions and substituting in each case the words “without notice”:

Rule 82(1)

Rule 160

Rule 161(1)

Rule 170(1) and (2);

- (i) by deleting the word “taxation” wherever it appears in the following provisions and substituting in each case the word “assessment”:

Rule 145

Rule 147(1) and (3)

Rule 151 (including the rule heading)

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Rule 152 (including the rule heading)

Rule 153

Rule 180(3);

- (j) by deleting the word “taxed” wherever it appears in the following provisions and substituting in each case the word “assessed”:

Rule 148(1), (3) and (4) and rule heading

Rule 150

Rule 173(3)(e)

First Schedule (Form CIR-12, Form CIR-19 and Form CIR-53);

- (k) by deleting the word “tax” wherever it appears in the following provision and substituting in each case the word “assess”:

Rule 149 (including the rule heading);

- (l) by deleting the word “*taxation*” in the following provision and substituting the word “*assessment*”:

Division 17 of Part 5 (Division heading);

- (m) by deleting the word “Taxation” in the following provision and substituting the word “Assessment”:

Rule 147 (rule heading);

- (n) by deleting the words “ORIGINATING SUMMONS” in the following provisions and substituting in each case the words “ORIGINATING APPLICATION”:

First Schedule (Form CIR-1, Form CIR-3, Form CIR-11 and Form CIR-12);

- (o) by deleting the word “O.S.” in the following provisions and substituting in each case the word “O.A.”:

First Schedule (Form CIR-3, Form CIR-11 and Form CIR-12);

- (p) by deleting the word “*Plaintiff*” in the following provision and substituting the word “*Claimant*”:

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First Schedule (Form CIR-12);

- (q) by deleting the word “plaintiff” wherever it appears in the following provisions and substituting in each case the word “claimant”:

First Schedule (Form CIR-12 and Form CIR-19);

- (r) by deleting the word “LEAVE” in the following provisions and substituting in each case the word “PERMISSION”:

First Schedule (Form CIR-40 and Form CIR-43);

- (s) by deleting the word “leave” in the following provisions and substituting in each case the word “permission”:

First Schedule (Form CIR-43 and Form CIR-46);

- (t) by deleting the word “TAXATION” in the following provisions and substituting in each case the word “ASSESSMENT”:

First Schedule (Form CIR-52 and Form CIR-53);

- (u) by deleting the word “taxation” in the following provision and substituting the word “assessment”:

First Schedule (Form CIR-52); and

- (v) by deleting the word “subpoena” in the following provision and substituting the words “order to attend court, order to produce documents”:

Second Schedule (item 3).

*[G.N. No. S 1039/2020]*

Made on 8 March 2022.

SUNDARESH MENON  
*Chief Justice.*

LUCIEN WONG  
*Attorney-General.*

TAY YONG KWANG  
*Justice of the Court of Appeal.*

STEVEN CHONG  
*Justice of the Court of Appeal.*

BELINDA ANG SAW EAN  
*Judge of the Appellate Division.*

QUENTIN LOH  
*Judge of the Appellate Division.*

VINODH COOMARASWAMY  
*Judge.*

VINCENT HOONG SENG LEI  
*Presiding Judge of the State Courts.*

CHRISTOPHER TAN PHENG WEE  
*District Judge and Registrar of the  
State Courts.*

SIRAJ OMAR, SC  
*Advocate and Solicitor.*

CHAN TAI-HUI JASON, SC  
*Advocate and Solicitor.*

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(To be presented to Parliament under section 448(3) of the  
Insolvency, Restructuring and Dissolution Act 2018).