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No. S 511

COMPANIES ACT (CHAPTER 50)

COMPANIES (AMENDMENT) REGULATIONS 2018

In exercise of the powers conferred by section 411 of the Companies Act, the Minister for Finance makes the following Regulations:

Citation and commencement

1. These Regulations are the Companies (Amendment) Regulations 2018 and come into operation on 31 August 2018.

Amendment of regulation 89AA

2. Regulation 89AA of the Companies Regulations (Rg 1) is amended by inserting, immediately after the words “the Act”, the words “as in force immediately before 31 August 2018”.

Amendment of regulation 89AB

3. Regulation 89AB of the Companies Regulations is amended by inserting, immediately after the words “the Act”, the words “as in force immediately before 31 August 2018”.

Amendment of regulation 89C

4. Regulation 89C of the Companies Regulations is amended by deleting paragraph (a) and substituting the following paragraph:

“(a) before giving, sending or serving any notice or document by way of electronic communications to a member who is deemed to have consented under section 387C(3) of the Act, the company must have given separate notice to the member in writing on at least one occasion —

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- (i) that the member may elect whether to receive notices and documents by way of electronic communications or as a physical copy;
 - (ii) that if the member does not make an election, notices and documents will be given, sent or served to the member by way of electronic communications;
 - (iii) either —
 - (A) where the company's constitution specifies the means of electronic communications to be used to give, send or serve notices or documents, that the means of electronic communications that will be used to give, send or serve notices or documents is that specified in the company's constitution; or
 - (B) where the company's constitution does not specify the means of electronic communications to be used to give, send or serve notices or documents, that the means of electronic communications that will be used to give, send or serve notices or documents is by publication on the company's website that is specified in the separate notice;
 - (iv) that the member may make a fresh election at any time to receive notices or documents by way of electronic communications or as a physical copy; and

- (v) that the member’s election to receive notices or documents by way of electronic communications or as a physical copy that is conveyed to the company last in time prevails over all previous elections as the member’s valid and subsisting election in relation to all documents and notices to be given, sent or served to the member until the member makes a fresh election;”.

[G.N. Nos. S 445/93; S 2/96; S 245/97; S 561/98; S 27/2001; S 314/2001; S 27/2002; S 237/2002; S 354/2002; S 16/2003; S 236/2003; S 260/2003; S 137/2004; S 270/2004; S 293/2004; S 861/2005; S 53/2006; S 255/2008; S 90/2009; S 398/2013; S 280/2015; S 379/2015; S 831/2015; S 327/2016]

Made on 29 August 2018.

TAN CHING YEE
*Permanent Secretary,
Ministry of Finance,
Singapore.*

[F14.1.45; AG/LEGIS/SL/50/2015/3 Vol. 1]