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COVID-19 (TEMPORARY MEASURES) ACT 2020
(ACT 14 OF 2020)

COVID-19 (TEMPORARY MEASURES)
(ALTERNATIVE ARRANGEMENTS FOR MEETINGS)
(BANKRUPTCY) (AMENDMENT) ORDER 2020

In exercise of the powers conferred by section 27 of the COVID-19 (Temporary Measures) Act 2020, the Minister for Law makes the following Order:

Citation and commencement

1. This Order is the COVID-19 (Temporary Measures) (Alternative Arrangements for Meetings) (Bankruptcy) (Amendment) Order 2020 and comes into operation on 29 September 2020.

Amendment of paragraph 2

2. Paragraph 2 of the COVID-19 (Temporary Measures) (Alternative Arrangements for Meetings) (Bankruptcy) Order 2020 (G.N. No. S 325/2020) (called in this Order the principal Order) is amended —

- (a) by deleting the words “section 2(1) of the Bankruptcy Act (Cap. 20)” in the definitions of “bankrupt”, “creditors’ committee”, “Official Assignee” and “trustee” and substituting the words “section 2(1) of the Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018)”; and
- (b) by deleting paragraphs (c) and (d) of the definition of “meeting” and substituting the following paragraphs:
 - “(c) a meeting of creditors in respect of a voluntary arrangement under Part 14 of the Insolvency, Restructuring and Dissolution Act 2018;

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- (d) a meeting of creditors in respect of a debt repayment scheme under Part 15 of the Insolvency, Restructuring and Dissolution Act 2018;
 - (e) a meeting of creditors in respect of a voluntary arrangement under Part V of the repealed Bankruptcy Act (Cap. 20) as in force immediately before 30 July 2020, as applied by section 525(1) of the Insolvency, Restructuring and Dissolution Act 2018; or
 - (f) a meeting of creditors in respect of a debt repayment scheme under Part VA of the repealed Bankruptcy Act as in force immediately before 30 July 2020, as applied by section 525(1) of the Insolvency, Restructuring and Dissolution Act 2018.”.

Deletion of paragraph 3

3. Paragraph 3 of the principal Order is deleted.

Amendment of paragraph 4

4. Paragraph 4(1) of the principal Order is amended by deleting sub-paragraphs (c) and (d) and substituting the following sub-paragraphs:

- “(c) meetings of creditors in respect of voluntary arrangements under Part 14 of the Insolvency, Restructuring and Dissolution Act 2018;
- (d) meetings of creditors in respect of debt repayment schemes under Part 15 of the Insolvency, Restructuring and Dissolution Act 2018;

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- (e) meetings of creditors in respect of voluntary arrangements under Part V of the repealed Bankruptcy Act as in force immediately before 30 July 2020, as applied by section 525(1) of the Insolvency, Restructuring and Dissolution Act 2018;
 - (f) meetings of creditors in respect of debt repayment schemes under Part VA of the repealed Bankruptcy Act as in force immediately before 30 July 2020, as applied by section 525(1) of the Insolvency, Restructuring and Dissolution Act 2018.”.

Amendment of paragraph 5

5. Paragraph 5(2) of the principal Order is amended by deleting the words “30 September 2020” and substituting the words “30 June 2021”.

Amendment of Schedule

6. The Schedule to the principal Order is amended —

- (a) by deleting the words “*Bankruptcy Act or its subsidiary legislation*” in the heading of the first column and substituting the words “*written law*”;
- (b) by inserting, immediately after the words “Provision for a creditor to vote at a meeting” in the first column of item 4, the words “held or conducted before 1 October 2020”;
- (c) by inserting, immediately after the words “notice of the meeting.” in the first paragraph in the second column of item 4, the words “In addition to (but not in place of) post and electronic mail, a convenor may provide for a creditor to appoint the convenor as the creditor’s proxy to vote at the meeting by depositing with the convenor an instrument of appointment by such other electronic means as the convenor considers appropriate.”;
- (d) by inserting, immediately after item 4, the following item:

“4A. Provision for a creditor to vote at a meeting held or conducted on or after 1 October 2020

A convenor may provide for a creditor to appoint the convenor as the creditor’s proxy to vote at a general meeting of a convenor by depositing with the convenor an instrument of appointment by post, or by electronic mail to an electronic mail address stated in the notice of the meeting.

In addition to (but not in place of) providing for a creditor to appoint the convenor as the creditor’s proxy to vote at the meeting by depositing with the convenor an instrument of appointment by post, or by electronic mail to an electronic mail address, a convenor may also provide for either or both of the following:

- (a) provide for the creditor to appoint the convenor as the creditor’s proxy to vote at the meeting by depositing with the convenor an instrument of appointment by such other electronic means as the convenor considers appropriate;
- (b) provide for the creditor —
 - (i) to vote at the meeting by electronic means through an electronic voting system; and

(ii) to appoint any person (other than the convenor) as the creditor's proxy to vote at the meeting by electronic means through an electronic voting system, by depositing with the convenor an instrument of appointment appointing a proxy and any other supporting documents by post or by electronic mail to an electronic mail address stated in the notice of the meeting; and, in addition to (but not in place of) post and electronic mail, by such other electronic means as the convenor considers appropriate.

However, voting by electronic means through an electronic voting system may be used only if the following are satisfied:

- (a) the electronic voting system that is used accurately counts on all votes cast at the meeting;
- (b) the electronic voting system that is used is capable of providing records from which the operation of the electronic voting system may be audited and for verification of the accuracy of the recording and counting of votes;

(c) each vote that is cast is verified by the convenor as cast by the creditor (or the creditor's proxy) entitled to vote;

(d) the convenor must, during the meeting, declare, by electronic means, the result of the voting on any matter put to a vote at the meeting.”; and

(e) by deleting the word “and” at the end of sub-paragraph (d) of the first paragraph in the second column of item 5, and by inserting immediately thereafter the following sub-paragraph:

“(da) if voting by electronic means through an electronic voting system is to be used, must set out —

(i) how a creditor entitled to vote at the meeting may vote by electronic means through the electronic voting system; and

(ii) how a creditor entitled to vote at the meeting may appoint any person (other than the convenor) as the creditor's proxy to vote at the meeting by electronic means through the electronic voting system and how the creditor's proxy may vote at the meeting by electronic means through the electronic voting system; and”.

Made on 28 September 2020.

LOH KHUM YEAN
*Permanent Secretary,
Ministry of Law,
Singapore.*

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