
First published in the *Government Gazette*, Electronic Edition, on 27 April 2020 at 12.30 pm.

No. S 325

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

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

ARRANGEMENT OF PARAGRAPHS

Paragraph

1. Citation and commencement
 2. Definitions
 3. Control measures
 4. Application
 5. Alternative arrangements for meetings
The Schedule
-

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) Order 2020 and is deemed to have come into operation on 27 March 2020.

Definitions

2. In this Order, unless the context otherwise requires —

“bankrupt”, “creditors’ committee”, “Official Assignee” and “trustee” have the meanings given by section 2(1) of the Bankruptcy Act (Cap. 20);

“convenor” means the Official Assignee or a trustee;

“electronic means” means electronic communication, video conferencing, tele-conferencing or other electronic means;

“meeting” means —

- (a) a meeting of creditors of a bankrupt;
- (b) a meeting of a creditors’ committee;
- (c) a meeting of creditors in respect of a voluntary arrangement under Part V of the Bankruptcy Act; or
- (d) a meeting of creditors in respect of a debt repayment scheme under Part VA of the Bankruptcy Act.

Control measures

3. This Order is made in respect of the following control measures:

- (a) the COVID-19 (Temporary Measures) (Control Order) Regulations 2020 (G.N. No. S 254/2020);
- (b) the Infectious Diseases (Measures to Prevent Spread of COVID-19) Regulations 2020 (G.N. No. S 185/2020).

Application

4.—(1) This Order sets out the alternative arrangements to personal attendance in respect of the following classes of meetings:

- (a) meetings of creditors of bankrupts;
- (b) meetings of creditors’ committees;
- (c) meetings of creditors in respect of voluntary arrangements under Part V of the Bankruptcy Act;
- (d) meetings of creditors in respect of debt repayment schemes under Part VA of the Bankruptcy Act.

(2) To avoid doubt, this Order does not apply to any meeting held pursuant to an order or direction of the High Court.

Alternative arrangements for meetings

5.—(1) The alternative arrangements for the convening, holding, conducting or deferral of a meeting to which this Order applies set out in the second column of the Schedule apply in respect of the

provisions of the written law relating to such a meeting set out in the first column of that Schedule.

(2) The alternative arrangements apply for the period starting on 27 March 2020 and ending on 30 September 2020.

THE SCHEDULE

Paragraph 5(1)

ALTERNATIVE ARRANGEMENTS FOR MEETINGS

<i>First column</i>	<i>Second column</i>
<i>Provision of Bankruptcy Act or its subsidiary legislation</i>	<i>Alternative arrangement</i>
1. Provision for convening, holding, conducting or deferral of a meeting	<p>A meeting may be convened, held or conducted, whether wholly or partly, by electronic means.</p> <p>A meeting may be deferred to a date no later than 30 September 2020.</p>
2. Provision for attendance at a meeting	<p>A convenor may provide that a creditor or person may only attend a meeting by observing and listening to the proceedings of the meeting by electronic means, if access to both an audio broadcast and audio-visual broadcast is provided to the creditor or person.</p>
3. Provision for quorum at a meeting	<p>A quorum may be formed by creditors personally or electronically present.</p> <p>A creditor is electronically present at a meeting if the creditor —</p> <ul style="list-style-type: none"> (a) attends the meeting in the manner provided in item 2; (b) is verified by the convenor as attending the meeting in the manner provided in item 2; and (c) is acknowledged by electronic means by the chairman of the meeting as present at the meeting.

THE SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
<i>Provision of Bankruptcy Act or its subsidiary legislation</i>	<i>Alternative arrangement</i>
4. Provision for a creditor to vote at a meeting	<p>A convenor may require 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 stated in the notice of the meeting. A creditor may not vote at the meeting otherwise than by way of appointing the convenor as the creditor's proxy.</p> <p>Where a proxy is delivered by a creditor to the convenor before 27 April 2020 —</p> <p>(a) the convenor may treat the instrument of appointment appointing a person other than the convenor as the creditor's proxy to vote at the meeting as an instrument of appointment appointing the convenor as the creditor's proxy to vote at the meeting, if —</p> <p>(i) the creditor indicated how the creditor wished to vote on each resolution; and</p> <p>(ii) the creditor has been given an opportunity to withdraw the appointment and has not withdrawn the appointment; and</p>

 THE SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
<i>Provision of Bankruptcy Act or its subsidiary legislation</i>	<i>Alternative arrangement</i>
	<p>(b) the convenor may treat the instrument of appointment appointing a person other than the convenor as the creditor's proxy to vote at an adjourned or postponed meeting as an instrument of appointment appointing the convenor as the creditor's proxy to vote at the meeting, if —</p> <p style="padding-left: 40px;">(i) the resolutions proposed at the adjourned or postponed meeting are the same as the resolutions to be proposed at the meeting;</p> <p style="padding-left: 40px;">(ii) the creditor indicated how the creditor wished to vote on each such resolution; and</p> <p style="padding-left: 40px;">(iii) the creditor has been given an opportunity to withdraw the appointment and has not withdrawn the appointment.</p>
5. Provision for giving of notice of a meeting	<p>A notice of a meeting —</p> <p>(a) must be sent by electronic mail to each creditor who has notified the convenor of the creditor's electronic mail address;</p> <p>(b) must be published on the website of the convenor or, where such a website is not available, the website of the Official Assignee at https://io.mlaw.gov.sg;</p>

THE SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
<i>Provision of Bankruptcy Act or its subsidiary legislation</i>	<i>Alternative arrangement</i>
	(c) must describe the means by which the meeting can be electronically accessed (including the online location, if the meeting is held at an online location);
	(d) must set out how a creditor may vote at the meeting; and
	(e) may be accompanied by any other documents relevant to the meeting.

Made on 27 April 2020.

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

[LAW 63/009 COVID Relief-V1; AG/LEGIS/SL/65C/2020/1 Vol. 1]