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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
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-

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 Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018);

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“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 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;

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- (e) a meeting of creditors in respect of a voluntary arrangement under Part V of the repealed Bankruptcy Act (Cap. 20) as in force immediately before 30 July 2020, as applied by section 525(1) of the Insolvency, Restructuring and Dissolution Act 2018;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

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- (f) a meeting of creditors in respect of a debt repayment scheme under Part VA of the repealed Bankruptcy Act as in force immediately before 30 July 2020, as applied by section 525(1) of the Insolvency, Restructuring and Dissolution Act 2018.

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3. *[Deleted by S 824/2020 wef 29/09/2020]*

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 14 of the Insolvency, Restructuring and Dissolution Act 2018;

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(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;

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(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.

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(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 June 2021.

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THE SCHEDULE

Paragraph 5(1)

ALTERNATIVE ARRANGEMENTS FOR MEETINGS

<i>First column</i>	<i>Second column</i>
<i>Provision of written law</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.
4. Provision for a creditor to vote at a meeting held or conducted before 1 October 2020	<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</p>

 THE SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
<i>Provision of written law</i>	<i>Alternative arrangement</i>

meeting. 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. A creditor may not vote at the meeting otherwise than by way of appointing the convenor as the creditor's proxy.

Where a proxy is delivered by a creditor to the convenor before 27 April 2020 —

(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 —

(i) the creditor indicated how the creditor wished to vote on each resolution; and

(ii) the creditor has been given an opportunity to withdraw the appointment and has not withdrawn the appointment; and

 THE SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
<i>Provision of written law</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>
<p>4A. Provision for a creditor to vote at a meeting held or conducted on or after 1 October 2020</p>	<p>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.</p> <p>In addition to (but not in place of) providing for a creditor to appoint the convenor as the creditor's proxy to</p>

 THE SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
<i>Provision of written law</i>	<i>Alternative arrangement</i>
	<p>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:</p> <p>(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;</p> <p>(b) provide for the creditor —</p> <p style="padding-left: 40px;">(i) to vote at the meeting by electronic means through an electronic voting system; and</p> <p style="padding-left: 40px;">(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</p>

THE SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
<i>Provision of written law</i>	<i>Alternative arrangement</i>
	<p>addition to (but not in place of) post and electronic mail, by such other electronic means as the convenor considers appropriate.</p> <p>However, voting by electronic means through an electronic voting system may be used only if the following are satisfied:</p> <p>(a) the electronic voting system that is used accurately counts on all votes cast at the meeting;</p> <p>(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;</p> <p>(c) each vote that is cast is verified by the convenor as cast by the creditor (or the creditor's proxy) entitled to vote;</p> <p>(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.</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>

THE SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
<i>Provision of written law</i>	<i>Alternative arrangement</i>
	(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 ;
	(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;
	(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

THE SCHEDULE — *continued**First column**Second column**Provision of written law**Alternative arrangement*

(e) may be accompanied by any other documents relevant to the meeting.

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Made on 27 April 2020.

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

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