

CROWN LAW

CW301

**SUPREME COURT ACT 1935
COMPANIES (WESTERN AUSTRALIA) CODE****COMPANIES (WESTERN AUSTRALIA) (TRANSITIONAL PROVISION)
AMENDMENT RULES 1991**

Made by the Judges of the Supreme Court.

Citation

1. These rules may be cited as the *Companies (Western Australia) (Transitional Provision) Amendment Rules 1991*.

Principal rules

2. In these rules the *Companies (Western Australia) (Transitional Provision) Rules 1982** are referred to as the principal rules.

[* Published in the Gazette of 29 June 1982 at pp.2201-59.]

Rule 49 repealed and a rule substituted

3. Rule 49 of the principal rules is repealed and the following rule is substituted —

**Attendance on Registrar
Form 14A**

“ 49. (1) After a petition has been presented the petitioner or the petitioner's solicitor shall, not less than 12 days before the date of hearing of the petition, file an affidavit of due compliance in accordance with Form 14A, deposing that all necessary formalities and requirements of the rules have been complied with.

(2) A Registrar of the Supreme Court on being satisfied that —

- (a) the petition has been duly gazetted and advertised;
- (b) the prescribed affidavit verifying the statement in the petition and the affidavit of service, if any, have been duly filed;
- (c) the consent in writing of the official liquidator nominated by the Registrar has been obtained and filed; and
- (d) the provisions of the rules as to petitions have been duly complied with by the petitioner,

shall issue his certificate and cause it to be forwarded to the petitioner or the petitioner's solicitor.

(3) Where the Registrar is not satisfied that all the necessary formalities and requirements of the rules have been complied with he may —

- (a) issue such requisitions as he may think fit; or
- (b) require the petitioner or the petitioner's solicitor to attend on him at a time and place appointed.

(4) No order other than an order for the dismissal or adjournment of the petition shall be made on the petition of any petitioner who has not, prior to the hearing of the petition, obtained a certificate as referred to in subrule (2). ”.

First Schedule amended

4. The First Schedule to the principal rules is amended in the list of Forms by inserting after “47 Advertisement of Petition 14” in the First, Second and Third Columns respectively the following —

“ 49 Affidavit of Due Compliance for Issue
of Rule 49 Certificate 14A ”.

Second Schedule amended

5. The Second Schedule to the principal rules is amended by inserting after Form No. 14 the following form —

“ Form 14A
(Rule 49)

AFFIDAVIT OF DUE COMPLIANCE FOR ISSUE OF RULE 49 CERTIFICATE (Title)

I , of , make oath and say that:

(1) The petition is in order and in accordance with Form 2, and sets out correctly —

- (a) the place of incorporation of the company to be wound up;
- (b) the registered office;
- (c) the objects (if any) of the company;
- (d) the grounds for the petition; and
- (e) the relief sought,

and exhibited hereto and marked is the sealed copy of the petition pursuant to Rule 21 (2).

(2) The petition has been duly verified by (name of deponent) a director/secretary/principal executive officer/principal officer pursuant to Rule 20 (2).

(3) The petition and verifying affidavit have been duly served

(State precisely the facts relied upon to establish service).

(4) The petition has been duly advertised and gazetted pursuant to Rule 13 (2), Rule 47 and in accordance with Form 14 and both the advertisement and gazettal are correct as to —

- (a) the name of the company;
- (b) the number of the company;

- (c) the return date and the place of hearing; and
- (d) the contents in the footnote,
- and exhibited hereto and marked _____ are
copies of the advertisement and gazettal, and a
memorandum of advertisement and gazettal pursuant
to Rule 13 (3).
- (5) (a) An application for nomination of a liquidator
has been filed on the _____ day of _____ 19 ____.
- (b) _____ has been nominated
by the Registrar as the liquidator.
- (c) The consent of the liquidator has been obtained
and exhibited hereto and marked _____ are
the nomination of liquidator by the Registrar
and the consent of the liquidator.
- (6) I have on the _____ day of _____ 19 ____ filed a
Rule 49 Certificate for the signature of the Registrar
and request that the Certificate be issued.
- (7) I have on the _____ day of _____ 19 ____ filed a
minute of proposed order for the winding up of the
company.

Sworn at, etc.

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Dated the 18th day of October, 1991.

DAVID K. MALCOLM
G. A. KENNEDY
W. P. PIDGEON
B. ROWLAND
E. M. FRANKLYN
PAUL SEAMAN
R. D. NICHOLSON

TERENCE A. WALSH
D. A. IPP
H. WALLWORK
M. J. MURRAY
R. M. ANDERSON
N. J. OWEN
K. WHITE