|  |  |  |
| --- | --- | --- |
|  | INSOLVENCY, RESTRUCTURING AND DISSOLUTION ACT 2018 |  |
|  | INSOLVENCY, RESTRUCTURING AND DISSOLUTION  (SIMPLIFIED WINDING UP) REGULATIONS 2021 |  |
|  |  |  |
|  | APPLICATION FORM FOR THE SIMPLIFIED DEBT RESTRUCTURING PROGRAMME |  |

|  |  |
| --- | --- |
| **Company Details** | |
| Name of Company: |  |
| Unique Entity No. / Registration No.: |  |
|  |  |
| **Contact Information** | |
| Name of Contact Person: |  |
| Contact No.: |  |
| Address of Contact Person: |  |
| Email Address: |  |
| Instructions:   1. Please complete this form in its entirety as incomplete applications or applications with blank fields shall be rejected. 2. Please note that a non-refundable application fee of $450 has to be paid via bank transfer for this application. Payment instructions can be found at the bottom of this form. 3. This completed form and all required documents are to be submitted via ***Contact Us @ OneMinLaw*** (<https://eservices.mlaw.gov.sg/enquiry/>) | |

| **No** | **Questionnaire on the company’s affairs** | **Yes** | **No** |
| --- | --- | --- | --- |
| 1 | Does the company’s annual sales turnover exceed $10 million for the relevant period[[1]](#footnote-1)? |  |  |
| 2 | Does the company have more than 30 employees? |  |  |
| 3 | Does the company have more than 50 creditors (including employees who have outstanding claims against the company)? |  |  |
| 4 | Does the company’s total liabilities (including contingent and prospective liabilities) exceed $2 million? |  |  |
| 5 | Is the company currently being wound up pursuant to:   1. an order for winding up of a company under section 216(2)(f) of the Companies Act (Cap. 50) (“CA”) (i.e. due to oppression or injustice); 2. an order for winding up made under section 124 of the Insolvency, Restructuring and Dissolution Act 2018 (“IRDA”) (or any previous written law corresponding to that provision) (i.e. winding up by Court); 3. a resolution passed for the winding up of the company under section 160 of the IRDA (or any previous written law corresponding to that provision) (i.e. voluntary winding up). |  |  |
| 6 | Is the company currently in judicial management:   1. within the meaning of section 88(2) of the IRDA; or 2. pursuant to an application made under the repealed section 227B(1) of the CA? |  |  |
| 7 | Are there any Court applications made in respect of the company under any of the following provisions and the application is pending:   1. section 210(1), (4) or (10) of the CA (i.e. application to approve compromise with creditors, members and holders of units of shares); 2. section 64(1) of the IRDA (or any previous written law corresponding to that provision) (i.e. application to restraint proceedings, etc., against company) 3. section 71 of the IRDA (or any previous written law corresponding to that provision) (i.e. application to approve compromise or arrangement without meeting of creditors); 4. section 91 of the IRDA (or any previous written law corresponding to that provision) (i.e. application for judicial management order and to appoint judicial manager); 5. section 124 of the IRDA (or any previous written law corresponding to that provision) (i.e. application for winding up). |  |  |
| 8 | Are there any orders made to restrain proceedings against company, etc, under section 210(10) of the CA, section 64(1) of the IRDA (or any previous written law corresponding to that provision) or an automatic moratorium mentioned in section 64(8) of the IRDA (or any previous written law corresponding to that provision) is in force in relation to the company? |  |  |
| 9 | Has a provisional liquidator of the company been appointed under section 161 of the IRDA (or any previous written law corresponding to that provision)? |  |  |
| 10 | Has an interim judicial manager been appointed by the Court under section 92 of the IRDA (or any previous written law corresponding to that provision) or by the company under section 94(3) of the IRDA, and the term of the appointment of the interim judicial manager has not ended? |  |  |
| 11 | Has the company made an application for acceptance into the simplified winding up programme under section 250D of the IRDA, which is pending? |  |  |
| 12 | Has a trustee been appointed for debenture holders in respect of the company? |  |  |
| 13 | Has your company ever been subjected to any declaration or injunction relating to unfair practice under section 9(1) of the Consumer Protection (Fair Trading) Act (Cap. 52A)? |  |  |

**Application Fee - Information & Instructions**

A fee of $450 is payable for this application.

Please make payment of the application fee of $450 to our bank account as follows:

Account name : Official Assignee & Public Trustee / AG

Account no. : 001-063348-1

Account type : DBS SGD Current Account

Please indicate the reference as SDR and the Applicant Company’s UEN in the “Remarks” or “Narration” field, e.g. ***SDR – 201012345A***.

**Note: This bank account is strictly for the transfer of Official Receiver application fees for Simplified Insolvency Programme only. Please do not transfer any other funds into this account.**

|  |  |
| --- | --- |
| **Payment Information** | |
| Date of Funds Payment: |  |

**Submission of Supporting Documents**

You are required to submit the following supporting documents together with this application form:

(Compulsory)

1. Completed Business Plan in the template below:



1. Latest audited / unaudited financial statements made up to the last financial year
2. Special Resolution passed by the company in general meeting authorising an application to be accepted into the simplified debt restructuring programme
3. Completed list of creditors with their names, addresses and amounts owing, using the excel below:



1. Proof of payment of the $450 application fees (e.g. screen shot of the bank transfer)

(Optional)

1. The unaudited balance‑sheet, profit and loss statement and cash flow statement of the company for period(s) subsequent to the financial statements in s/n 2 above, if available.

**Declaration**

I declare that the company seeks to enter into a compromise or an arrangement with its creditors or any class of its creditors and that the company is not aware of any circumstances under section 72F(3) of the IRDA that would make the company unsuitable for acceptance into the simplified debt restructuring programme.

I declare that all information and documents that I have provided is true, accurate and complete to the best of my knowledge and belief. I have provided such information and documents knowing that the Official Receiver and/or his officers will use and rely on the same to perform their duties.

I understand that I may be committing an offence of giving false information to a public servant and thereby liable to prosecution under Section 182 of the Penal Code (Cap. 224) for any false declaration and/or material omission of information.  The offence is punishable on conviction with imprisonment for a term of up to two years or a fine or both.

I understand that the application fee of $450.00 paid to the Official Receiver is non-refundable.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Designation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **Relevant period**: (a) the business year of the applicant company immediately preceding the date of the application by the applicant company under section 250D; or (b) if there is no such business year, the business commencement period of the applicant company. [↑](#footnote-ref-1)