

Annex C

Variable Capital Companies (Filing of Documents) Regulations 2019

**THIS VERSION OF THE REGULATIONS IS IN DRAFT FORM AND IS
SUBJECT TO CHANGE. IT IS ALSO SUBJECT TO REVIEW BY THE
ATTORNEY GENERAL'S CHAMBERS.**

Variable Capital Companies (Filing of Documents) Regulations 2019

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PART III

GENERAL PROVISIONS RELATING TO DOCUMENTS ATTACHED TO FORMS

Verification and certification of documents

7.— (1) The affidavit verifying a statement of affairs of a VCC or a sub-fund of an umbrella VCC referred to in section 125(10) of the Act, as the case may be, shall be in accordance with the applicable form.

(2) For the purpose of section 33(2) of the Act read with section 270(1) of the Companies Act, a statement of affairs of a sub-fund of an umbrella VCC shall be verified by affidavit in accordance with the applicable form sworn or affirmed by the person who lodges, or by one of the persons who lodges, the statement to the Official Receiver or the liquidator of the sub-fund of the umbrella VCC, as the case requires, under section 33(2) of the Act read with section 270(2) of the Companies Act.

(3) For the purpose of section 130(1) of the Act read with section 270(1) of the Companies Act, a statement of affairs of a VCC shall be verified by affidavit in accordance with the applicable form sworn or affirmed by the person who lodges, or by one of the persons who lodges, the statement to the Official Receiver or the liquidator of the VCC, as the case requires, under section 130(1) of the Act read with section 270(2) of the Companies Act.

Certified copies of statements of affairs

8. The copy of the statement of affairs of a VCC or a sub-fund of an umbrella VCC, as the case may be, to be lodged with the Registrar shall be a copy certified in writing to be a true copy of the original statement —

- (a) in the case of a copy lodged for the purposes of section 125(1) of the Act read with section 223(1)(c)(i) of the Companies Act, by the receiver or manager of the property of the VCC or the sub-fund of an umbrella VCC, as the case may be;
- (b) in the case of a copy lodged for the purposes of section 33(2) or section 130(1) of the Act, as the case may be, read with section 270(3) of the Companies Act, by the liquidator of the VCC or the sub-fund of the umbrella VCC, as the case may be.

Affidavit and statutory declaration

11.—

(3) The affidavit verifying the account of receipts and payments by the receiver or manager under section 125(1) of the Act read with section 225(1) of the Companies Act need not be lodged with the form if the lodgment is personally done by the receiver or manager concerned and he declares in that form that the accounts and statements are true and correct.

Service of documents on Official Receiver

12. A form lodged with the Registrar in compliance with section 33(2) or 130(1) of the Act, as the case may be, read with sections 270(3), 295(4), 308(3) and (4), 316(1) and (3) and 317(1) of the Companies Act shall be deemed to have been lodged with the Official Receiver upon payment of the prescribed fees for both the lodgements.