

264A. Interest on debts

- (1) In the winding up of a company, not being an insolvent company, interest is payable in accordance with this section on the taxed costs of the petition and any debt proved in the winding up, including so much of any such debt as represents interest on the remainder.
(Amended 46 of 2000 s. 33)
- (2) Any surplus remaining after the payment of debts proved in a winding up referred to in subsection (1) shall, before being applied for any other purpose, be applied in paying interest on the taxed costs of the petition and those debts in respect of the period during which the taxed costs of the petition and the debt have been outstanding, in the case of— *(Amended 46 of 2000 s. 33)*
 - (a) a winding up by court—
 - (i) where the company has by special resolution resolved that the company be wound up, since the date of the resolution; and
 - (ii) in any other case, since the date of the winding-up order; and
 - (b) a voluntary winding up, since the commencement of the winding up (which must be construed having regard to section 228A(5)(a) or 230, as may be appropriate).
(Amended 28 of 2003 s. 89)
- (3) All interest under this section ranks equally, whether or not the debts on which it is payable rank equally.
- (4) The rate of interest payable under this section in respect of any debt is whichever is the greater of the following—
 - (a) the rate specified under section 49(1)(b) of the High Court Ordinance (Cap. 4); and
(Amended 25 of 1998 s. 2)
 - (b) the rate applicable to that debt apart from the winding up.

(Added 3 of 1997 s. 43)

[cf. 1986 c. 45 s. 189 U.K.]