

Order for payment or delivery of property against person examined under section 671

672. (1) If, in the course of an examination under section 671, it appears to the court that any person being examined—

(a) is indebted to the company, or

(b) has in his or her possession or control any money, property or books and papers of the company,

the court may, of its own motion or on the application of the Director or the liquidator, order such person—

(i) to pay to the liquidator the amount of the debt or any part of it, or

(ii) to pay, deliver, convey, surrender or transfer to the liquidator such money, property or books and papers or any part of it or them,

as the case may be, at such time and in such manner and on such terms as the court may direct.

(2) Where the court has made an order under subsection (1), it may, on the application of the Director or the liquidator, make a further order permitting the applicant or another person specified in the order, accompanied (in either case) by such persons as the applicant thinks appropriate, to—

(a) enter at any time or times within 30 days after the date of issue of the order, any premises (including a dwelling) owned or occupied by the person the subject of the order under subsection (1) (using such force as is reasonably necessary for the purpose),

(b) search the premises so entered, and

(c) seize, in the course of such search, any money, property or books and papers of the company found on the premises.

(3) Where the court has made an order under subsection (2), the applicant shall report to it as soon as may be on the outcome of any action on foot of the court's order and the court shall direct the applicant as to the disposition of anything seized on foot of the order.

(4) A direction under subsection (3) shall not be made in favour of the Director except in respect of the Director's costs and reasonable expenses.

(5) A person who obstructs the exercise of—

(a) a right of entry, search and seizure conferred by virtue of an order made under subsection (2), or

(b) a right so conferred to take possession of anything referred to in that subsection, shall be guilty of a category 2 offence.

(6) Proceedings on foot of an offence alleged to be committed under subsection (5) shall not prejudice the power of the court to issue proceedings for contempt of court for failure by a person to comply with an order under this section.

(7) In this section "liquidator" includes a provisional liquidator.