

No lien over company's books, records, etc.

632. (1) Without prejudice to subsections (2) and (3), no person shall be entitled as against the liquidator or provisional liquidator of a company to—

(a) withhold possession of any deed, instrument, or other document belonging to the company, or the accounting records, receipts, bills, invoices, or other papers of a like nature relating to the financial statements or trade, dealings or business of the company, or

(b) claim any lien on a document or any other thing referred to in paragraph (a).

(2) Where a mortgage, charge or pledge has been created by the deposit with a person of any such document or other paper as is referred to in subsection (1), the production of the document or paper to the liquidator or provisional liquidator by the person shall be without prejudice to the person's rights under the mortgage, charge or pledge (other than any right to possession of the document or paper).

(3) Where, by virtue of this section, a liquidator or provisional liquidator has possession of any document or papers of a receiver of the property of the company concerned or that such a receiver is entitled to examine, the liquidator or provisional liquidator shall, unless the court otherwise orders, make the document or papers available for inspection by the receiver at all reasonable times.

(4) Any person who, without just cause, withholds possession, in contravention of subsection (1), of any such document or other paper as is referred to in that subsection shall be guilty of a category 3 offence.