- 723. (1) If it appears to the court, in the course of a winding up by the court, that any past or present officer, or any member, of the company has been guilty of an offence in relation to the company the court may, either—
  - (a) on the application of any person interested in the winding up, or
  - (b) of its own motion,

direct the liquidator to refer the matter to the Director of Public Prosecutions.

- (2) Where a direction under subsection (1) is given by the court to the liquidator, the liquidator shall—
- (a) provide to the Director of Public Prosecutions such information, relating to the matter in question, as he or she may require, and
- (b) give to him or her such access to, and facilities for inspecting and taking any copies of, such documents (being documents in the possession or under the control of the liquidator and relating to the matter in question) as he or she may require.
- (3) Where the court gives the foregoing direction to the liquidator, it shall also direct the liquidator to refer the matter concerned to the Director of Corporate Enforcement.
- (4) Where a direction under subsection (3) is given by the court to the liquidator, the liquidator shall—
- (a) provide to the Director of Corporate Enforcement such information, relating to the matter in question, as he or she may require, and
- (b) give to him or her such access to, and facilities for inspecting and taking copies of, such documents (being documents in the possession or under the control of the liquidator and relating to the matter in question) as he or she may require.
- (5) If it appears to the liquidator in the course of a voluntary winding up that any past or present officer, or any member, of the company has been guilty of an offence in relation to the company, the liquidator shall forthwith report the matter to the Director of Public Prosecutions.
- (6) Where the liquidator reports a matter under subsection (5) to the Director of Public Prosecutions, the liquidator shall—
  - (a) provide to the Director of Public Prosecutions such information, relating to the matter in question,

as he or she may require, and

- (b) give to him or her such access to, and facilities for inspecting and taking any copies of, such documents (being documents in the possession or under the control of the liquidator and relating to the matter in question) as he or she may require.
- (7) Where a foregoing report is made by the liquidator, the liquidator shall also report the matter to the Director of Corporate Enforcement.
- (8) Where a matter is reported by the liquidator under subsection (7) to the Director of Corporate Enforcement, the liquidator shall—
- (a) provide to the Director of Corporate Enforcement such information, relating to the matter in question, as he or she may require, and
- (b) give to him or her such access to, and facilities for inspecting and taking copies of, such documents (being documents in the possession or under the control of the liquidator and relating to the matter in question) as he or she may require.
- (9) In a voluntary winding up, the court, on application being made to it by any person interested in the winding up, or of its own motion, may give the following direction if it appears to the court that—
- (a) in the course of the winding up any past or present officer, or any member, of the company has been guilty of an offence in relation to the company, and
- (b) no report relating to the matter has been made by the liquidator to the Director of Public Prosecutions under subsection (5) or to the Director of Corporate Enforcement under subsection (7).
- (10) That direction of the court is one requiring the liquidator to make the report referred to in subsection (5) or (7) (or both as appropriate) and, on such a report being accordingly made, this section and section 724 shall have effect as though the report had been made under subsection (5) or (7), as the case may be.