

Supplemental power of court in relation to a share acquisition agreement

809. (1) The court has the following power if—

(a) on the making of an application for a disclosure order, or

(b) at any time subsequent to the making of such an order (on application to the court in that behalf),

it has grounds to believe that all of the information sought to be obtained by the disclosure order will not, or may not, be obtained by reason of a person who is both—

(i) a party or former party to a share acquisition agreement, and

(ii) the person against whom the order is sought to be, or has been, made, appearing not to be in possession of all the facts relevant to the application of section 806 as it applies, or applied, to that agreement.

(2) That power of the court is to make an order requiring any other party or former party to the share acquisition agreement to give, in writing, to the court such particulars as the court specifies, and which the party or former party is able to give, in relation to matters affecting the application of section 806 as it applies, or applied, to that agreement and, in particular, the party's or former party's interests in shares in the company that are or were the subject of attribution to another party to that agreement by virtue of that application.

(3) An application under subsection (1)(b) may be made by a person having a financial interest) in the company or by the Director.

(4) A person intending to make an application under subsection (1)(b) shall give not less than 10 days' notice of the intention to apply to—

(a) the company in respect of whose shares the order is sought, and

(b) the person to whom the order is to be directed.

(5) An applicant under subsection (1)(b) shall also serve on any person specified by the court such notice of the application as the court may direct.

(6) On the hearing of an application under subsection (1)(b) every person notified under subsection (4) or (5) may appear and adduce evidence.