

Supplemental provisions in relation to section 610

611. (1) Where the court makes a declaration under section 610, it may give such directions as it thinks proper for the purpose of giving effect to the declaration.

(2) In particular, and without limiting subsection (1) or section 610 (6), the order providing for a declaration under section 610, or a supplemental order, may include provision for making the liability of any person under the declaration (the “respondent”) a charge on—

(a) any debt or obligation due from the company to the respondent, or

(b) any mortgage or charge, or any interest in any mortgage or charge, on any assets of the company held by or vested in—

(i) the respondent or any company or other person on the respondent's behalf, or

(ii) any person claiming as assignee from or through the respondent or any company or other person acting on behalf of the first-mentioned person in this subparagraph.

(3) Where a charge is imposed as mentioned in subsection (2), the court may from time to time make such further order as may be necessary for the purpose of enforcing that charge.

(4) Section 610 (1)(a) shall not apply in relation to the carrying on of the business of a company during a period when the company is under the protection of the court.

(5) Section 610 and this section shall have effect notwithstanding that—

(a) the person in respect of whom the declaration has been sought under section 610 may be criminally liable in respect of the matters on the ground of which such declaration is to be made, or

(b) any matter or matters on the ground of which the declaration under section 610 is to be made have occurred outside the State.

(6) In section 610 “officer”, in relation to a company, includes a statutory auditor or liquidator or provisional liquidator of the company, a receiver of property of the company and a shadow director of it.

(7) In subsection (2)(b)(ii) “assignee” includes any person to whom or in whose favour, by the directions of the person liable, the debt, obligation, mortgage or charge was created, issued or transferred or the interest created, but does not include an assignee for valuable consideration (not including consideration by way of marriage) given in good faith and without notice of any of the matters on the ground of which the declaration is made.