

228B. Other powers, duties and liabilities of provisional liquidator appointed under section 228A

- (1) Subject to subsection (2), a provisional liquidator appointed under section 228A(1)(c)—
 - (a) has, for the period of the provisional liquidator's appointment, the like powers as a liquidator in a creditors' voluntary winding up;
 - (b) is, for that period, subject to the like duties as such a liquidator; and
 - (c) is subject to the like liabilities as such a liquidator.
- (2) Except as provided in subsection (3), the provisional liquidator may exercise a power conferred by subsection (1)(a) only with the sanction of the court.
- (3) The provisional liquidator may, without sanction of the court—
 - (a) take into the provisional liquidator's custody, or under the provisional liquidator's control, all the property and things in action to which the company is or appears to be entitled;
 - (b) dispose of perishable goods and other goods that are likely to diminish in value if not immediately disposed of; and
 - (c) do anything that may be necessary to protect the company's assets.
- (4) The court has the same jurisdiction and powers over a provisional liquidator appointed under section 228A(1)(c) as it has over a liquidator in a creditors' voluntary winding up.
- (5) A provisional liquidator who, without reasonable excuse, exercises a power conferred by subsection (1)(a) in contravention of subsection (2) commits an offence and is liable on conviction to a fine.
- (6) A provisional liquidator appointed under section 228A(1)(c) must—
 - (a) attend the meeting of the creditors of the company summoned under section 228A; and
 - (b) report to the meeting on any exercise of the provisional liquidator's powers, whether or not those powers are exercised under this section.
- (7) A provisional liquidator who, without reasonable excuse, fails to comply with subsection (6) commits an offence and is liable on conviction to a fine.

(Added 14 of 2016 s. 60)