

**286B. Powers to order examination of persons concerned with company's property, etc. and provision of information, etc.**

- (1) At any time after the occurrence of an event specified in subsection (3) in respect of a company, the court may require by order any of the persons specified in subsection (4) to do one or more of the following—
  - (a) attend before the court;
  - (b) be examined under section 286C;
  - (c) submit to the court an affidavit containing either or both of the following—
    - (i) an account of the person's dealings with the company;
    - (ii) information concerning the promotion, formation, trade, dealings, affairs or property of the company;
  - (d) produce any books and papers in the person's custody or power relating to the company or the promotion, formation, trade, dealings, affairs or property of the company.
- (2) The court may make an order under subsection (1) of its own motion or on the application of—
  - (a) the provisional liquidator or liquidator of the company; or
  - (b) in the case of a winding up by the court where a winding up order has been made, the Official Receiver as well.
- (3) An event specified for subsection (1) is—
  - (a) the appointment of a provisional liquidator;
  - (b) the making of a winding-up order; or
  - (c) the commencement of voluntary winding up.
- (4) The persons who may be subject to an order under subsection (1) are—
  - (a) an officer of the company;
  - (b) a person known or suspected to have in the person's possession any property of the company;
  - (c) a person supposed to be indebted to the company; and
  - (d) a person whom the court thinks capable of giving information concerning the promotion, formation, trade, dealings, affairs or property of the company.
- (5) If a person is required to attend before the court under subsection (1)(a), but, after a reasonable sum has been tendered to the person for the person's expenses for attending before the court—
  - (a) the person fails to attend before the court at the time appointed; and
  - (b) at the time of the court's sitting, no lawful impediment to the attendance is made known to the court and allowed by it,the court may, by warrant, cause the person to be apprehended and brought before the court.
- (6) If a person claims any lien on the books or papers produced by the person in accordance with subsection (1)(d)—
  - (a) the production is without prejudice to that lien; and
  - (b) the court has jurisdiction in the winding up to determine all questions relating to that lien.

*(Added 14 of 2016 s. 101)*