

**87B. Application**

- (1) Where an application is made under section 29 of the Ordinance, the application shall be in writing and shall sufficiently identify the person in respect of whom the application is made and shall state whether the person is—
  - (a) to be ordered to appear before the court;
  - (b) to answer interrogatories (if so, particulars are to be given of the matters in respect of which answers are required);
  - (c) to submit affidavits (if so, particulars are to be given of the matters to which he is required to swear); or
  - (d) to produce books, papers or other records (if so, the items in question are to be specified),or for any 2 or more of those purposes.
- (2) The application shall be made inter partes unless the applicant satisfies the court that the respondent or others may take actions which would prejudicially affect the estate. An application for an order to submit an affidavit shall also be made inter partes unless the applicant satisfies the court that it would likely prejudice the interests of the estate if it were so made.
- (3) Where the application is for an order to submit an affidavit and the person appeals against the order, he need not continue with the preparation of the affidavit before the hearing of the appeal unless the Court of First Instance, on application, so orders.
- (4) The evidence in support of an application under this rule may be in the form of a report to the court setting out the reasons why an order is needed.
- (5) The court may, on application, allow the person in respect of whom the order is made to see all or part of the report provided he satisfies the court that it would be unfair to him not to allow him to see it.
- (6) Where the application is for an order to appear before the court, the person in respect of whom the order is made may, but not at the expense of the estate unless the court otherwise orders, employ a solicitor with or without counsel, who may put to him such questions as the court may allow for the purpose of enabling him to explain or qualify any answer given by him, and may make representations on his behalf.

*(L.N. 77 of 1998)*