

286A. Power to order public examination of promoters, directors, etc.

- (1) If an order has been made for the winding up of a company by the court, the court may—
 - (a) after consideration of a further report made under section 191(2); or
 - (b) on the application of the Official Receiver or the liquidator of the company,
direct by order any of the persons specified in subsection (2) to attend before the court, on a day appointed by the court, and be publicly examined as to any of the matters specified in subsection (3).
- (2) The persons who may be subject to an order under subsection (1) are—
 - (a) a person who is or has been an officer of the company;
 - (b) a person who is or has acted as a provisional liquidator or liquidator of the company;
 - (c) a person who is or has acted as a receiver or manager of the property of the company;
and
 - (d) a person, other than a person falling within paragraph (a), (b) or (c), who is or has been concerned, or is taking or has taken part, in the promotion, formation or management of the company.
- (3) The matters specified for subsection (1) are—
 - (a) the promotion, formation or management of the company;
 - (b) the conduct of the business and affairs of the company; and
 - (c) the conduct or dealings of the person examined in relation to the company.
- (4) The Official Receiver or liquidator who made the further report under section 191(2) or application under subsection (1)(b)—
 - (a) must take part in the examination; and
 - (b) for that purpose may, if specially authorized by the court in that behalf, employ a solicitor with or without counsel.
- (5) The following persons may also take part in the examination either personally or by solicitor with or without counsel—
 - (a) the Official Receiver or liquidator, if not being the person who made the further report or application; and
 - (b) any creditor or contributory of the company.
- (6) The court may put to the person examined any questions that it thinks fit.
- (7) The person examined is to be examined on oath, and must answer all questions that the court may put or allow to be put to the person.
- (8) The person examined may at the person's own cost employ a solicitor with or without counsel, who may—
 - (a) put to the person any questions that the court thinks just for the purpose of enabling the person to explain or qualify any answers given by the person; and
 - (b) make representations on the person's behalf.
- (9) Notes of the examination must be taken down in writing, and the notes must be read over to or by, and signed by, the person examined.
- (10) The notes of the examination taken down under subsection (9)—
 - (a) may be used in evidence against the person examined; and
 - (b) must be open to inspection by any creditor or contributory of the company at all

reasonable times.

- (11) The court may, if it thinks fit, adjourn the examination from time to time.

(Added 14 of 2016 s. 101)