

168IA. Power to order public examination

- (1) The court may, on the application of the Official Receiver by a report stating that in his opinion a prima facie case exists against any person that would render the person liable to a disqualification order under this Part, direct by order the person to attend before the court, on a day appointed by the court, and be publicly examined as to the conduct of the business and affairs of a company or as to the person's conduct and dealings as a director. (*Amended 14 of 2016 s. 15*)
- (2) The court may require a person referred to in subsection (1) to submit an affidavit to the court containing an account of the conduct of the business and affairs of the company or his conduct and dealings as a director of the company, or to produce any documents in his possession or under his control relating to the conduct of the business and affairs of the company or his conduct and dealings as a director of the company. (*Amended 14 of 2016 s. 15*)
- (3) Where an application has been made under subsection (1), the court may require any person, other than a person referred to in subsection (1), whom the court thinks capable of giving information concerning the conduct of the business and affairs of the company concerned or as to the conduct and dealings of directors of the company to produce any documents in his possession or under his control relating to the conduct of the business and affairs of the company or as to the conduct and dealings of directors of the company. (*Amended 14 of 2016 s. 15*)
- (4) The Official Receiver shall take part in the examination, and for that purpose may employ a solicitor with or without counsel.
- (5) The court may put such questions to the person examined as the court thinks fit.
- (6) The person examined shall be examined on oath, and shall answer all such questions as the court may put or allow to be put to him.
- (7) 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. (*Replaced 14 of 2016 s. 15*)
- (8) There shall be made in writing such notes of examination as the court thinks proper and the notes shall be read over to or by the person examined, signed by him, and verified by affidavit at a venue fixed by the court. (*Amended 14 of 2016 s. 15*)
- (9) The verified notes of the examination of each person who was examined shall, subject to any order or direction of the court as to the manner and extent in and to which the notes shall be used, be admissible in evidence against any person against whom an order for examination has been made in any proceedings under this Part.

(*Added 46 of 2000 s. 17*)