

**58A. Application for order under section 286B of Ordinance**

- (1) An application for an order of the court under section 286B of the Ordinance (*section 286B order*) in respect of a person must—
  - (a) be in writing;
  - (b) sufficiently identify the person; and
  - (c) state as the purpose of the application what the person is to be ordered to do.
- (2) For paragraph (1)(c), the purpose of the application must be stated as one or more of the following—
  - (a) that the person is to attend before the court;
  - (b) that the person is to be examined under section 286C of the Ordinance;
  - (c) that the person is to submit an affidavit;
  - (d) that the person is to produce books and papers.
- (3) If the purpose of the application includes a purpose specified in paragraph (2)(b), (c) or (d), the application must also specify—
  - (a) for a purpose specified in paragraph (2)(b)—
    - (i) the particulars of the matters in respect of which the person is required to be examined; and
    - (ii) whether the person is to be examined by word of mouth or on written interrogatories;
  - (b) for a purpose specified in paragraph (2)(c), the particulars of the matters to which the person is required to swear; and
  - (c) for a purpose specified in paragraph (2)(d), the items of books and papers required to be produced.
- (4) If an application for a section 286B order is made—
  - (a) evidence in support of the application may be in the form of a report to the court setting out the reasons why a section 286B order is needed; and
  - (b) a report under subparagraph (a) is not open to inspection.
- (5) Despite paragraph (4)(b)—
  - (a) a person in respect of whom the application is made may (whether or not the application has been disposed of) apply to the court to see all or part of the report; and
  - (b) the court may allow the person, subject to any condition that it thinks fit, to see all or part of the report if the person satisfies the court that it would be unfair to the person not to be allowed to see it.

*(14 of 2016 s. 144)*