

205. Release of liquidators

- (1) This section applies if the liquidator of a company that is being wound up by the court—
- (a) has—
 - (i) realized all the property of the company, or so much of the property of the company that, in the opinion of the liquidator, can be realized without needlessly protracting the liquidation;
 - (ii) distributed a final dividend, if any, to the creditors; and
 - (iii) adjusted the rights of the contributories among themselves, and made a final return, if any, to those contributories;
 - (b) has resigned or been removed from the office of liquidator; or
 - (c) has passed away. (*Replaced 14 of 2016 s. 39*)
- (1A) The liquidator or (if subsection (1)(c) applies) the personal representative of the liquidator may apply to the court for the release of the liquidator. (*Added 14 of 2016 s. 39*)
- (1B) On an application under subsection (1A), the court is to cause a report on the accounts of the liquidator to be prepared. (*Added 14 of 2016 s. 39*)
- (1C) On the liquidator or the personal representative of the liquidator complying with all the requirements of the court, the court may grant or withhold the release after having considered—
- (a) the report; and
 - (b) any objection against the release urged by a creditor or contributory or any person interested. (*Added 14 of 2016 s. 39*)
- (2) Where the release of a liquidator is withheld, the court may, on the application of any creditor or contributory, or person interested, make such order as it thinks just, charging the liquidator with the consequences of any act or default which he may have done or made contrary to his duty.
- (3) An order of the court releasing the liquidator shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the company, or otherwise in relation to his conduct as liquidator, but any such order— (*Amended 14 of 2016 s. 39*)
- (a) does not prevent the exercise of the court's powers under section 276; and
 - (b) may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact. (*Amended 14 of 2016 s. 39*)
- (4) Where the liquidator has not previously resigned or been removed, his release shall operate as a removal of him from his office.

[cf. 1929 c. 23 s. 197 U.K.]