

262C. Disclosure statement

- (1) This section does not apply in relation to—
 - (a) a members' voluntary winding up;
 - (b) the Official Receiver; or
 - (c) a person who is appointed as provisional liquidator by the Official Receiver under section 194(1A).
- (2) Subject to subsection (3), before a person may be appointed, or nominated for appointment, as a provisional liquidator or liquidator—
 - (a) the person must make a disclosure statement that complies with section 262D (*disclosure statement*); and
 - (b) the disclosure statement must be—
 - (i) for an appointment by the court—delivered to the court before the appointment;
 - (ii) for an appointment or nomination at a meeting of the company, of the creditors or of the contributories—tabled at the meeting before the appointment or nomination (as the case requires); and
 - (iii) for an appointment by the directors of the company under section 228A—delivered to the directors before the appointment or tabled at a meeting of directors considering the appointment before the appointment.
- (3) If a person—
 - (a) has been appointed as a provisional liquidator under section 193; and
 - (b) continues to hold the office of provisional liquidator by virtue of section 194(1)(aa),then the disclosure statement made by the person for the appointment under section 193 (as supplemented by any supplementary statement that the person may have made under section 262F) is to be taken for the purposes of this Division as the disclosure statement made by the person in respect of the person's office under section 194(1)(aa), and subsection (2)(b) is taken to have been complied with.
- (4) To avoid doubt, a provisional liquidator of a company who seeks to be appointed, or nominated for appointment, as the liquidator in the winding up of the company must make a disclosure statement under subsection (2) in respect of the office of liquidator.