

190A. Costs and expenses of statement of affairs or supplementary affidavit

- (1) Subject to subsections (2) and (3), a person who makes the statement of affairs of a company, or a supplementary affidavit in relation to that statement, that is required by section 190 is entitled to be paid by the provisional liquidator or liquidator out of the assets of the company the costs and expenses incurred in and about the preparation and making of the statement or affidavit.
- (2) Except by order of the court, the person is not entitled to be paid any of the costs and expenses unless, before the costs and expenses were incurred—
 - (a) the person had—
 - (i) applied to the provisional liquidator or liquidator for sanction of the incurring of the costs and expenses; and
 - (ii) submitted to the provisional liquidator or liquidator a statement of the estimated costs and expenses intended to be incurred; and
 - (b) the provisional liquidator or liquidator had sanctioned the incurring of the costs and expenses.
- (3) For the costs and expenses incurred, the person is entitled to be paid only the amount that the provisional liquidator or liquidator considers reasonable.
- (4) A decision of the provisional liquidator or liquidator under this section relating to the payment of costs and expenses is subject to an appeal to the court.
- (5) In this section, a reference to statement of affairs includes the affidavit verifying the statement as required by section 190(1).

(Added 14 of 2016 s. 31)