



# Companies Act (Northern Ireland) 1960 <sup>F1</sup>

## 1960 CHAPTER 22

An Act to re-enact with amendments the Companies Act (Northern Ireland), 1932, and for purposes connected with that matter. [20th December 1960]

**Annotations:**

**F1** rep. (except as relates to courts and tribunals outside NI) by 1986 NI 9

*Parts I#III (ss. 1#103A) rep. by 1986 NI 9*

### PART IV

#### MANAGEMENT AND ADMINISTRATION

*Ss. 104#116 rep. by 1986 NI 9*

**117 Regulations as to dominion register.**

*Subs. (1) rep. by 1986 NI 9*

(2) <sup>F2</sup> It shall be kept in the same manner in which the principal register is by this Act required to be kept, except that the advertisement before closing the register shall be inserted in some newspaper circulating in the district where the dominion register is kept, and that any competent court in the dominion may exercise the same jurisdiction of rectifying the register as is under this Act exercisable by the court, and that the offences of refusing inspection or copies of a dominion register, and of authorising or permitting the refusal may be prosecuted summarily before any tribunal in the dominion having summary criminal jurisdiction.

*Subs. (3)#(6) rep. by 1986 NI 9*

**Annotations:**

**F2** rep. (except as relates to courts and tribunals outside NI) by 1986 NI 9

*Ss. 118#201 rep. by 1986 NI 9*

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*Changes to legislation:* There are currently no known outstanding effects for the Companies Act (Northern Ireland) 1960. (See end of Document for details)

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## PART V

### WINDING UP

*Ss. 202#245 rep. by 1986 NI 9*

#### ENFORCEMENT OF AND APPEAL FROM ORDERS

#### **246 Enforcement throughout United Kingdom of orders made in winding up.**

- (1) Any order made by the court in Northern Ireland for or in the course of winding up a company shall be enforced in England and Scotland in the courts that would respectively have jurisdiction in respect of that company if registered in England or Scotland and in the same manner in all respects as if the order had been made by those courts.
- (2) Where any order made by one court is required to be enforced by another court, an office copy of the order shall be produced to the proper officer of the court required to enforce the same, and the production of an office copy shall be sufficient evidence of the order, and thereupon the last-mentioned court shall take the requisite steps in the matter for enforcing the order in the same manner as if it had been made by that court.

*Ss. 247#309 rep. by 1986 NI 9*

#### SUPPLEMENTARY POWERS OF COURT

*Ss. 310, 311 rep. by 1986 NI 9*

#### **312<sup>F3</sup> Special commission for receiving evidence.**

- (1) The judges of the county courts in England who sit at places more than twenty miles from the General Post Office, and in Northern Ireland county court judges and recorders, and the sheriffs of counties in Scotland, shall be commissioners for the purpose of taking evidence under this Act, where a company is wound up in Northern Ireland, and the court may refer the whole or any part of the examination of any witnesses under this Act to any person hereby appointed commissioner although he is out of the jurisdiction of the court that made the winding-up order.
- (2) Every commissioner shall, in addition to any powers which he might lawfully exercise as a judge of county courts, county court judge, recorder or sheriff, have in the matter so referred to him all the same powers of summoning and examining witnesses, of requiring the production or delivery of documents, of punishing defaults by witnesses, and of allowing costs and expenses to witnesses, as the court which made the winding-up order.
- (3) The examination so taken shall be returned or reported to the court which made the order in such manner as that court directs.

#### **Annotations:**

**F3** rep. (except as relates to the taking of evidence outside NI) by 1986 NI 9

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*Changes to legislation:* There are currently no known outstanding effects for the Companies Act (Northern Ireland) 1960. (See end of Document for details)

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### 313<sup>F4</sup> Court may order examination of persons in Scotland.

- (1) The court may direct the examination in Scotland of any person for the time being in Scotland, whether a contributory of the company or not, in regard to the trade, dealings, affairs or property of any company in course of being wound up, or of any person being a contributory of the company, so far as the company may be interested therein by reason of his being a contributory.
- (2) The order or commission to take the examination aforesaid shall be directed to the sheriff of the county in which the person to be examined is residing or happens to be for the time, and the sheriff shall summon that person to appear before him at a time and place to be specified in the summons for examination on oath as a witness or as a haver, and to produce any books or papers called for which are in his possession or power.
- (3) The sheriff may take the examination either orally or on written interrogatories, and shall report the same in writing in the usual form to the court, and shall transmit with the report the books and papers produced, if the originals thereof are required and specified by the order or commission, or otherwise copies thereof or extracts therefrom authenticated by the sheriff.
- (4) If any person so summoned fails to appear at the time and place specified, or refuses to be examined or to make the production required, the sheriff shall proceed against him as a witness or haver duly cited and failing to appear or refusing to give evidence or make production may be proceeded against by the law of Scotland.
- (5) The sheriff shall be entitled to such fees, and the witness shall be entitled to such allowances, as sheriffs when acting as commissioners under appointment from the Court of Session and as witnesses and havers are entitled to in the like cases according to the law and practice of Scotland.
- (6) If any objection is stated to the sheriff by the witness, either on the ground of his incompetency as a witness, or as to the production required, or on any other ground, the sheriff may, if he thinks fit, report the objection to the court, and suspend the examination of the witness until it has been disposed of by the court.

#### Annotations:

**F4** rep. (except as relates to the taking of evidence outside NI) by 1986 NI 9

*Ss. 314#317 rep. by 1986 NI 9*

*Parts VI — XIII (ss. 318 — 383) rep. by 1986 NI 9*

## PART XIV

### GENERAL

*Ss. 384#404 rep. by 1986 NI 9*

### 405 Short title and commencement.

- (1) This Act may be cited as the Companies Act (Northern Ireland), 1960.

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**Changes to legislation:** *There are currently no known outstanding effects for the Companies Act (Northern Ireland) 1960. (See end of Document for details)*

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*Subs. (2) rep. by 1986 NI 9*

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***Changes to legislation:*** *There are currently no known outstanding effects for the Companies Act (Northern Ireland) 1960. (See end of Document for details)*

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*First — Fourteenth Schedules rep. by 1986 NI 9*

**Changes to legislation:**

There are currently no known outstanding effects for the Companies Act (Northern Ireland) 1960.