

SCHEDULE 2

PROCEDURAL MATTERS

PART 9

MISFEASANCE

Misfeasance by foreign representative

- 29.—(1) The court may examine the conduct of a person who—
- (a) is or purports to be the foreign representative in relation to a debtor; or
 - (b) has been or has purported to be the foreign representative in relation to a debtor.
- (2) An examination under this paragraph may be held only on the application of—
- (a) a Northern Ireland insolvency officeholder acting in relation to the debtor;
 - (b) a creditor of the debtor; or
 - (c) with the permission of the court, any other person who appears to have an interest justifying an application.
- (3) An application under sub-paragraph (2) must allege that the foreign representative—
- (a) has misapplied or retained money or other property of the debtor;
 - (b) has become accountable for money or other property of the debtor;
 - (c) has breached a fiduciary or other duty in relation to the debtor; or
 - (d) has been guilty of misfeasance.
- (4) On an examination under this paragraph into a person's conduct the court may order him—
- (a) to repay, restore or account for money or property;
 - (b) to pay interest;
 - (c) to contribute a sum to the debtor's property by way of compensation for breach of duty or misfeasance.
- (5) In sub-paragraph (3) "foreign representative" includes a person who purports or has purported to be a foreign representative in relation to a debtor.

Commencement Information

II [Sch. 2 para. 29](#) in operation at 12.4.2007, see [reg. 1](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Cross-Border Insolvency Regulations (Northern Ireland) 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- Sch. 1 art. 16(2A) inserted by [S.I. 2019/146 Sch. para. 241\(a\)](#)
- Sch. 1 art. 3 omitted by [S.I. 2019/146 Sch. para. 240](#)
- Sch. 1 art. 2(b) substituted by [S.I. 2017/702 Sch. para. 144\(2\)](#)
- Sch. 1 art. 16(3) substituted by [S.I. 2019/146 Sch. para. 241\(b\)](#)
- Sch. 1 art. 2(b) words inserted by [S.I. 2019/146 Sch. para. 239\(a\)](#)
- Sch. 1 art. 2(k) words inserted by [S.I. 2019/146 Sch. para. 239\(b\)\(i\)](#)
- Sch. 1 art. 2(k) words inserted by [S.I. 2019/146 Sch. para. 239\(b\)\(ii\)](#)
- Sch. 1 art. 1(3)(b) words omitted by [S.I. 2019/146 Sch. para. 238](#)
- Sch. 2 para. 1(6)(6A) substituted for Sch. 2 para. 1(6) by [S.I. 2013/472 Sch. 2 para. 124\(a\)\(i\)](#)
- Sch. 2 para. 21(2)(i)(j) substituted for Sch. 2 para. 21(2)(i) by [S.I. 2013/472 Sch. 2 para. 124\(b\)\(ii\)](#)
- Sch. 2 para. 25(1)(i)(ia) substituted for Sch. 2 para. 25(1)(i) by [S.I. 2013/472 Sch. 2 para. 124\(c\)](#)
- Sch. 2 para. 26(3)(g)(ga) substituted for Sch. 2 para. 26(3)(g) by [S.I. 2013/472 Sch. 2 para. 124\(d\)](#)
- Sch. 2 para. (1)(1) words substituted by [S.I. 2017/702 Sch. para. 144\(3\)\(a\)](#)
- Sch. 2 para. (1)(1) words substituted by [S.I. 2017/702 Sch. para. 144\(3\)\(b\)](#)
- Sch. 4 Form ML6 words omitted by [S.I. 2019/146 Sch. para. 252](#)
- Sch. 5 para. 5 words substituted by [2010 c. 10 Sch. 2 para. 5](#)