



Companies Act (Northern Ireland) 1960

1960 CHAPTER 22

PART V

WINDING UP

SUPPLEMENTARY POWERS OF COURT

Ss. 310, 311 rep. by 1986 NI 9

312^{F1} 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.

F1 rep. (except as relates to the taking of evidence outside NI) by 1986 NI 9

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

313^{F2} 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.

F2 rep. (except as relates to the taking of evidence outside NI) by 1986 NI 9

Ss. 314#317 rep. by 1986 NI 9

Changes to legislation:

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