
STATUTORY RULES OF NORTHERN IRELAND

1991 No. 364

The Insolvency Rules (Northern Ireland) 1991

PARTS 1 TO 4 COMPANY INSOLVENCY; COMPANIES WINDING UP

PART 4

COMPANIES WINDING UP

CHAPTER 19

PUBLIC EXAMINATION OF COMPANY OFFICERS AND OTHERS

Witness unfit for examination

4.224.—(1) Where the examinee is suffering from any mental disorder or physical affliction or disability rendering him unfit to undergo or attend for public examination, the court may, on application in that behalf, either stay the order for his public examination or direct that it shall be conducted in such manner and at such place as it thinks fit.

(2) Application under this Rule shall be made—

- (a) by a person who has been appointed by a court in the United Kingdom or elsewhere to manage the affairs of, or to represent, the examinee, or
- (b) by a relative or friend of the examinee who the court considers to be a proper person to make the application, or
- (c) by the official receiver.

(3) Where the application is made a person other than the official receiver, then—

- (a) it shall, unless the examinee is a patient within the meaning of the Mental Health (Northern Ireland) Order 1986 (1), be supported by the affidavit of a registered medical practitioner as to the examinee's mental and physical condition;
- (b) at least 7 days' notice of the application shall be given to the official receiver and the liquidator (if other than the official receiver); and
- (c) before any order is made on the application, the applicant shall deposit with the official receiver such sum as the latter certifies to be necessary for the additional expenses of any examination that may be ordered on the application.

(4) An order made on the application may provide that the expenses of the examination are to be payable, as to a specified proportion, out of the deposit under paragraph (3)(c) instead of out of the assets.

(5) Where the application is made by the official receiver it may be made ex parte, and may be supported by evidence in the form of a report by the official receiver to the court.

[E.R.4.214]

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