

SCHEDULES

[^{F1}SCHEDULE A1

MORATORIUM WHERE DIRECTORS PROPOSE VOLUNTARY ARRANGEMENT^{F1}

F1 2002 NI 6

F1 mod. by SR 2004/307

PART IV

NOMINEES

Challenge of nominee's actions, etc.

- 37.**—(1) Where there are reasonable grounds for believing that—
- (a) as a result of any act, omission or decision of the nominee during the moratorium, the company has suffered loss, but
 - (b) the company does not intend to pursue any claim it may have against the nominee,
- any creditor of the company may apply to the High Court.
- (2) An application under sub-paragraph (1) may be made during the moratorium or after it has ended.
- (3) On an application under sub-paragraph (1) the High Court may—
- (a) order the company to pursue any claim against the nominee,
 - (b) (authorise any creditor to pursue such a claim in the name of the company, or
 - (c) make such other order with respect to such a claim as it thinks fit,
- unless the Court is satisfied that the act, omission or decision of the nominee was in all the circumstances reasonable.
- (4) An order under sub-paragraph (3) may (among other things)—
- (a) impose conditions on any authority given to pursue a claim,
 - (b) direct the company to assist in the pursuit of a claim,
 - (c) make directions with respect to the distribution of anything received as a result of the pursuit of a claim,
 - (d) bring the moratorium to an end and make such consequential provision as the High Court thinks fit.
- (5) On an application under sub-paragraph (1) the High Court shall have regard to the interests of the members and creditors of the company generally.]

Status:

Point in time view as at 27/03/2006.

Changes to legislation:

The Insolvency (Northern Ireland) Order 1989, Paragraph 37 is up to date with all changes known to be in force on or before 21 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.