

ROYAL COURT OF JERSEY

RC 22/01

Applications for Creditors' Winding Up

and

Procedure for Creditors' Winding Up Searches

A) Applications for Creditors' Winding Up

Articles 157A - C of the Companies (Jersey) Law 1991 (the "Law"), provide that a creditor may apply to the Royal Court for an Order for a Jersey incorporated company to be wound up and a liquidator appointed ("the Application").

1. The Application must be commenced by Representation and be accompanied by:
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 - (a) An affidavit and
 - (b) An exhibited and completed Statement in the standard form attached as Schedule 1.
2. The Representation must state clearly in its title that it is a Representation for a Creditors' Winding up pursuant to Article 157A of the Companies (Jersey) Law 1991.
3. The affidavit must:
 - (a) Verify the accuracy of the contents of the Statement;
 - (b) State that the creditor has a claim against the debtor company for a liquidated sum, that to the best of the creditor's knowledge is not subject to a genuine dispute and arguable defence or counterclaim, and which has not been paid;
 - (c) State that to the best of the creditor's knowledge and belief the debtor company is insolvent but has realisable assets, and specify the grounds on which the creditor believes the debtor company to be insolvent;
 - (d) Provide details of the notice of the Application given to the debtor company under Article 157A(3) of the Law (or detail the exceptional circumstances which are said to justify not giving such notice);
 - (e) Provide details and evidence of any purported consent given by the debtor company to the creditor under Article 157A(1);
 - (f) Provide the name and contact details of the liquidator(s) that the creditor proposes to be appointed to wind up the debtor company, with evidence that the said liquidator(s) consent(s) to act if so appointed and of their registration number on the Register of Approved Liquidators.

4. The Representation and supporting documents must be provided to the Bailiff's Chambers and the Judicial Greffe by no later than 5pm on the Tuesday immediately preceding the Friday upon which the application will be heard by the Royal Court and an electronic version must contemporaneously be filed electronically with JGRcourtdocuments@courts.je.
5. Notice of the application should be placed by the creditor in the Jersey Gazette on the gov.je website to appear no later than 24 hours before the application is made before the Royal Court.
6. Any application for the appointment of a provisional liquidator must be supported by an affidavit stating that the applicant believes that it is likely that a winding up order will be made by the Court and such appointment is necessary in the interim to preserve the debtor company assets and books and records, together with the grounds for such belief. The Court will usually expect such grounds to include the immediate risk of dissipation of company assets or loss or destruction of the company's books and records.

B) Procedure for Creditors' Winding Up searches

1. Anyone wishing to request a search of the Court's records to ascertain the existence or otherwise of an Application under Article 157A against a specific entity may do so by applying to the Judicial Greffe by email to CWUApplications@courts.je.
2. The Judicial Greffe will need to have received the email applications by no later than midnight to be able to reply to the search during the following working day.
3. Applications by email should clearly state the name of the party requesting the search and the full name of the entity against whom the search is requested. The application must also confirm that the applicant assumes responsibility for the costs incurred in undertaking the search.
4. Searches will be charged in accordance with the rate for Searches Au Greffe as set out in the Item 37(a) of the Schedule to the Stamp Duties and Fees (Jersey) Law 1998, as amended.

This Practice Direction is effective from the 1st March 2022.

28th February 2022

SCHEDULE 1

STANDARD FORM

STATEMENT REGARDING APPLICATION FOR CREDITORS' WINDING UP

Full Name of creditor

Address of creditor

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Name of Debtor Company

Address of Debtor Company.....

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Amount of claim against the company £

Location and nature of assets (so far as is known)

(a) immovable property

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(b) movable property

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Documents provided in support of application

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