

ROYAL COURT OF JERSEY

RC 26/02

Applications for an Administration Order and Procedure for Administration Order Searches

A) Applications for an Administration Order

1. Part 20B of the Companies (Jersey) Law 1991 (the “Law”) provides that certain parties may apply to the Royal Court for an Administration Order in relation to a Jersey incorporated company (the “Application”).
2. Article 143F states that an application for an administration order must be made in the form approved by the court and must be accompanied by an affidavit verifying the content of the form.
3. The Court therefore stipulates that the Application must be commenced by Representation and be accompanied by an affidavit verifying the content of the Representation.
4. The Representation must state clearly in its title that it is a ‘Representation for an Administration Order pursuant to Part 20B of the Companies (Jersey) Law 1991’.
5. The affidavit must disclose the facts and circumstances relevant to the application and, amongst other relevant matters, must: -
 - (a) verify the accuracy of the content of the Representation;
 - (b) explain the status of the applicant and the person swearing the affidavit and the means of knowledge of the matters to which the affidavit relates.
 - (c) if the applicant is a creditor, state:
 - the creditor has a liquidated claim against the debtor company for not less than the prescribed minimum liquidated sum specified in

Article 9 of the Companies (General Provisions) (Jersey) Order 2002;

- the amount of the said claim;
 - that to the best of the creditor's knowledge it is not subject to a genuine dispute and arguable defence or counterclaim;
 - that the claim has not been paid; and
 - that to the best of the creditor's knowledge and belief the debtor company is insolvent, or likely to become insolvent, but has realisable assets, and specify the grounds on which the creditor believes the debtor company to be insolvent, or likely to become insolvent.
- (d) provide details of the notice of the Application given to those persons set out at Article 143F of the Law and in any associated Order (or detail the exceptional circumstances which are said to justify not giving such notice);
- (e) provide the name and contact details of the administrator(s) that the applicant proposes be appointed to conduct the administration of the company, with evidence that the said administrator(s) consent(s) to act if so appointed and of their registration number on the Register of Approved Liquidators and Administrators.
- (f) set out or exhibit confirmation supported by evidence that, in the opinion of the proposed administrator(s), the purpose or purposes of the administration as set out in Article 143D(2), is or are reasonably likely to be achieved;
- (g) set out such comments from the proposed administrator and other parties as are known to the applicant in respect of the alternatives to placing the company in administration (including maintaining the status quo), and the benefits of granting an administration order instead;

- (h) so far as is known to the Applicant, provide details of the financial situation of the company (it being the case that the court must be satisfied that the company is, or is likely to become, insolvent), to include information, to the best of the person swearing the affidavit's knowledge and belief, of the company's assets and liabilities, details of any security known or believed to be held by creditors of the company, information on existing legal proceedings or insolvency proceedings, and the main activities of the company and their location;
 - (i) any other matters that would, in the applicant's opinion, assist the court in deciding whether to make such an order.
- 6. 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.
- B) Procedure for Administration Order Searches
 - 1. Anyone wishing to request a search of the Court's records to ascertain the existence or otherwise of an Application under Part 20B against a specific entity may do so by applying to the Judicial Greffe by email to CWUApplications@courts.je.
 - 2. Search requests must set out in the subject line "Administration Search".
 - 3. A search request can be specifically in relation to a Part 20B application or may be added to a request for a search in relation to a Creditor's Winding Up.
 - 4. 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.

5. 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.
6. 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 immediately.