



In the Royal Court of the Island of Guernsey

The

Orders of the Royal Court

I

2023

IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 13th day of March, 2023 before Richard James McMahon, Esquire, Bailiff; present:- Stephen Murray Jones, OBE, Terry John Ferbrache, Jonathan Grenfell Hooley, Esquires, Joanne Marie Wyatt, David John Robilliard, Stuart Michael Crisp, Esquires, Marilyn Jasmine King, Tina Jane Le Poidevin, Felicity Jane Quevâtre-Malcic, Heather Reed, Simon Ernest Bodkin, James Robert Toynton, Esquires, Jurats.

No. I Order, 2023

ENTITLED

**THE COMPANY INSOLVENCY RULES (APPLICATION TO DISCLAIM
ONEROUS PROPERTY) RULES, 2023**

The Company Insolvency (Application to Disclaim Onerous Property) Rules, 2023

THE ROYAL COURT, in exercise of the powers conferred upon it by section 64(1)(b) of the Reform (Guernsey) Law, 1948^a, section 12 of the Royal Court of Guernsey (Miscellaneous Reform Provisions) Law, 1950^b and all other powers enabling it in that behalf, hereby orders:-

APPLICATIONS PURSUANT TO SECTION 421C OF THE COMPANIES (GUERNSEY) LAW, 2008

Application.

1. These Rules apply to an application under section 421C of the Law for an order of the Court under that section.

Timing of application.

2. An application to which these Rules apply must be made within three months immediately following the day on which the applicant received a copy of the liquidator's notice of disclaimer, unless the Court directs otherwise.

Content of application.

3. An application must include the following information -

- (a) the fact that the application is made under section 421C

^a Ordres en Conseil Vol. XIII, p. 288; this enactment has been amended.

of the Law,

- (b) the date on which the applicant received a copy of the liquidator's notice of disclaimer, and
- (c) the grounds of the application and the order sought.

Application to be served on the liquidator.

4. (1) The applicant must, not later than five working days before the date fixed for the hearing of the application, serve on the liquidator copies of the application and any accompanying affidavit.

(2) The Court may give directions as to any other persons to whom notice of the application and the grounds on which it is made should be served.

Interpretation.

5. (1) In these Rules, unless the context otherwise requires -

"the Court" means the Royal Court sitting as an Ordinary Court,

"the Law" means the Companies (Guernsey) Law, 2008^c,

and any other expressions, unless the context otherwise requires, have the same meaning as in the Law.

^b Ordres en Conseil Vol XIV, p. 388; this enactment has been amended.

^c Order in Council No. VIII of 2008; this enactment has been amended.

Citation.

6. These Rules may be cited as the Company Insolvency (Application to Disclaim Onerous Property) Rules, 2023.

Commencement.

7. These Rules shall come into force on the 13th March, 2023.