

# Rules of the High Court (Amendment) Rules 2007

## The Rules of the High Court (Cap 4A)

### Order 30 - RECEIVERS

Remarks:

Adaptation amendments retroactively made - see 25 of 1998 s. 2

#### Remarks

#### **1. Application for receiver and injunction (O. 30, r. 1)**

(1) An application for the appointment of a receiver may be made by summons ~~or motion~~.

Rule 24,  
Rec 10 to 16

(2) An application for an injunction ancillary or incidental to an order appointing a receiver may be joined with the application for such order.

(3) Where the applicant wishes to apply for the immediate grant of such an injunction, he may do so ex parte on affidavit.

(4) The Court hearing an application under paragraph (3) may grant an injunction restraining the party beneficially entitled to any interest in the property of which a receiver is sought from assigning, charging or otherwise dealing with that property until after the hearing of a summons for the appointment of the receiver and may require such a summons, returnable on such date as the Court may direct, to be issued.

#### **2. Giving of security by receiver (O. 30, r. 2)**

(1) A judgment or order directing the appointment of a receiver may include such directions as the Court thinks fit for the giving of security by the person appointed.

(2) Where by virtue of any judgment or order appointing a person named therein to be a receiver, a person is required to give security in accordance with this rule he must give security approved by the Court duly to account for what he receives as receiver and to deal with it as the Court directs.

(3) Unless the Court otherwise directs, the security shall be by guarantee.

(4) The guarantee must be filed in the Registry, and it shall be kept as of record until duly vacated.

#### **3. Remuneration of receiver (O. 30, r. 3)**

A person appointed receiver shall be allowed such proper remuneration, if any, as may be authorized by the Court and the Court may direct that such remuneration shall be fixed by reference to such scales or rates of professional charges as it thinks fit.

**4. Service of order and notice (O. 30, r. 4)**

A copy of the judgment or order appointing a receiver shall be served by the party having conduct of the proceedings on the receiver and all other parties to the cause or matter in which the receiver has been appointed.

**5. Receiver's accounts (O. 30, r. 5)**

- (1) A receiver shall submit such accounts to such parties at such intervals or on such dates as the Court may direct.
- (2) Any party to whom a receiver is required to submit accounts may, on giving reasonable notice to the receiver, inspect, either personally or by an agent, the books and other papers relating to the accounts.
- (3) Any party who is dissatisfied with the accounts of the receiver may give notice specifying the item or items to which objection is taken and requiring the receiver within not less than 14 days to lodge his accounts with the Court and a copy of such notice shall be lodged in the Registry.
- (4) Following an examination by or on behalf of the Court of an item or items in an account to which objection is taken the result of such examination must be certified by the Registrar and an order may thereupon be made as to the incidence of any costs or expenses incurred.

**6. Payment into court by receiver (O. 30, r. 6)**

The Court may fix the amounts and frequency of payments into court to be made by a receiver.

**7. Default by receiver (O. 30, r. 7)**

- (1) Where a receiver fails to attend for the examination of any account of his, or fails to submit any account, provide access to any books or papers or do any other thing which he is required to submit, provide or do, he and any or all of the parties to the cause or matter in which he was appointed may be required to attend in chambers to show cause for the failure, and the Court may, either in chambers or after adjournment into court, give such directions as it thinks proper including, if necessary, directions for the discharge of the receiver and the appointment of another and the payment of costs.

**Remarks**

(2) Without prejudice to paragraph (1), where a receiver fails to attend for the examination of any account of his or fails to submit any account or fails to pay into court on the date fixed by the Court any sum required to be so paid, the Court may disallow any remuneration claimed by the receiver and may, where he has failed to pay any such sum into court, charge him with interest at the rate currently payable in respect of judgment debts in the Court of First Instance on that sum while in his possession as receiver. (25 of 1998 s. 2)

**8. Directions to receivers (O. 30, r. 8)**

A receiver may at any time request the Court to give him directions and such a request shall state in writing the matters with regard to which directions are required.

(Enacted 1988)

**9. Application for appointment of receiver under section 21M of the Ordinance (O. 30, r. 9)**

Rule 92,  
Rec 49 to 51

**This Order applies to an application for appointment of a receiver under section 21M(1) of the Ordinance as it applies to an application for appointment of a receiver in an action or proceeding in the High Court subject to the following modifications –**

- (a) the application shall be made by originating summons in Form No. 10 in Appendix A and accordingly rule 1(1) shall not apply; and**
- (b) rule 1(3) and (4) shall not apply to the application.**

**10. Transitional provision relating to rule 24 of Amendment Rules 2007 (O. 30, r. 9)**

Rule 25,  
Rec 10 to 16

**Where, immediately before the commencement of rule 24 ("the amending rule") of the Amendment Rules 2007, an application by motion made under rule 1(1) as in force immediately before the commencement is pending, then the application is to be determined as if the amending rule had not been made.**