

**PROCESS FOR INFORMATION GATHERING
FOR THE ADJUDICATION OF CREDITOR
CLAIMS BY THE JOINT ADMINISTRATORS**

**FOR THE COMPANIES SET OUT IN
SCHEDULE 1 (THE 'COMPANIES')**

****All potential creditors should note that, following the Administration Order dated 27 September 2020 in Case ADGMCFI-2020-020, creditor claims against any of the Companies must be submitted by way of a proof of debt via this administration process. Claims submitted in any other jurisdiction, or by any other channel, will not be included in the adjudication process and may result in no dividend being payable to the creditor.**

1. DEFINITIONS

In this guide, the following capitalised terms shall have the following meaning:

"**A&M**" means Alvarez & Marsal Europe LLP;

"**ADGM**" means the Abu Dhabi Global Market;

"**Administrators**" means Richard Dixon Fleming and Benjamin Thom Cairns of A&M as joint administrators of the Companies, appointed pursuant to the Administration Order of Justice Sir Andrew Smith dated 27 September 2020;

"**Date of Appointment**" or "**DOA**" means 27 September 2020;

"**the Companies**" means the entities listed in Schedule 1 hereto;

"**Group Company**" means a company in the Group;

"**Group**" means the companies in the NMC Healthcare group of companies collectively, which are identified in Schedule 1; and

"**Regulations**" means the ADGM Insolvency Regulations 2015 (as amended by the Insolvency (Amendment) Regulations 2015, Insolvency (Amendment No. 2) Regulations 2016, Insolvency (Amendment No. 3) Regulations 2018 and Insolvency (Amendment No. 4) Regulations 2020).

2. OVERVIEW

- 2.1 This guide provides an outline structure for a staged process by which the Administrators may seek to gather the requisite information to substantiate and consider creditor claims lodged in respect of the Companies. In view of the position and affairs of the Companies and the circumstances leading to the appointment of the Administrators following the identification of some US\$ 4.5 billion of unreported debt for the Group, extensive and bespoke enquiry will ultimately be required to ascertain the origin and validity of the Companies' potential liabilities.
- 2.2 Ultimately, such investigations may require forensic analysis by reference to the Companies' records and the use of the officeholders' investigative powers to obtain information from claimed creditors, former management and/or third parties (including professional advisors) with knowledge or information relevant to such affairs dating back over many years. This guide outlines a process for the first stages of enquiry to gather base information in respect of each financial creditor claim.
- 2.3 It should be noted that the process outlined in this guide is conducted without prejudice to, and is not intended to limit in any way, any rights of set-off or claims that the Companies or the Administrators may have against any party participating in the process, whether that party's claim has been admitted or otherwise. In particular, the Administrators reserve the right to withhold distributions to any creditor where there may be pending contingent claims against it at the time of any intended distribution.
- 2.4 The Administrators also reserve the right to update the process outlined in this guide, or implement a superseding process, including a binding adjudication process in the terms of a plan or scheme or deed of reorganisation or arrangement which may be presented to the relevant creditors in due course.

3. THE CLAIMS ADJUDICATION PROCEDURE

3.1 This section provides a brief overview of the overall process of adjudication of creditor claims in an administration.

3.2 The proving process

- (a) Section 3(1) of Sch 5 of the Regulations prescribes what constitutes a provable debt. Broadly this includes all debts of the Company, whether present or future, certain or contingent, ascertained or sounding only in damages, subject to the provisions of Section 3(2) of Sch 5 (*Postponed Debts*) and Section 3(3) of Sch 5 (*debts prescribed as not provable under other law*).
- (b) Any person claiming to recover a provable debt must submit a proof to the Administrators in accordance with Sections 4 and 5 of Sch 5 of the Regulations.
- (c) Section 5 of Sch 5 sets out the minimum level of information that must be included by a creditor when submitting a proof of debt.
- (d) The Administrators also have the power to call for production of any document or other evidence which they consider necessary to substantiate a creditor's claim (Section 5(3) of Sch 5).
- (e) Given the specific circumstances of the Group and how the purported debt evolved over many years with many banking creditors, the proving process may need to go beyond merely proving the debt at point of administration and may extend to information related to the banking relationship between the creditor and the relevant Company over a number of years.

3.3 Admission and rejection of proofs

- (a) A proof of debt may be admitted by the Administrators either in whole or in part (Section 9(1) of Sch 5).
- (b) If the Administrators wholly or partially reject a proof, they are obliged to send a written statement of their reasons for doing so to the relevant creditor as soon as is reasonably practicable (Section 9(2) of Sch 5).

3.4 Appeals against a decision on a proof

- (a) If a creditor is dissatisfied with the Administrators' decision to reject its proof (wholly or partially), it may apply to the court for the decision to be reversed or varied, provided it does so within 21 days of its receipt of written notice of the same from the Administrators (Section 10(1) of Sch 5).
- (b) The Administrators, or (where the administrators decline to interfere) any other creditor, member or contributory of the Company, may apply to the court for an order excluding or reducing a proof which has been improperly admitted (Section 12 of Sch 5).
- (c) The Administrators also have an overarching entitlement to apply to the court for directions "in connection with [their] functions" (pursuant to Section 95(7) of the Regulations). As a general rule, such directions should only be sought where there is a serious question to be resolved, rather than simply administrative matters or those requiring the Administrators to exercise commercial judgment.

4. MANDATORY CONTENT OF A PROOF OF DEBT

4.1 As referenced in paragraph 3.2(c) above, Section 5 of Sch 5 of the Regulations prescribes that a proof of debt must, as a minimum:

- (a) state the creditor's name and address;
- (b) if the creditor is a company, identify the company, its registered number or equivalent;
- (c) state the total amount of the creditor's claim (including applicable tax) as at the relevant date, less any payments made after that date in respect of the claim and any adjustment by way of any applicable discount and insolvency set-off;
- (d) state whether or not the claim includes any outstanding uncapitalised interest;
- (e) contain particulars of how and when the debt was incurred by the company;
- (f) contain particulars of any security held, the date on which it was given and the value which the creditor puts on it;
- (g) provide details of any reservation of title in respect of goods to which the debt relates;
- (h) provide details of any document by reference to which the debt can be substantiated (although it is not essential that such document be attached to the proof or submitted with it); and
- (i) state the name, postal address and authority of the person authenticating the proof (if someone other than the creditor).

4.2 Given the historic affairs and complex factual circumstances in respect of the Companies and their potential financial creditors, the Administrators will require further information and documentation in respect of financial creditor claims as anticipated by Section 5(3) of Sch 5 and the wider statutory powers of enquiry which the Administrators hold to investigate the business, affairs, dealings or property of the Companies.

5. INFORMATION REQUESTS FOR FINANCIAL CREDITORS

5.1 The following table lists information and documentation requests which the Administrators consider will be relevant to establishing financial creditor claims (separate and in addition to the mandatory information required to be provided by creditors by way of proof of debt). It would be helpful if creditors could provide documents in response to the enquiry in each row as set out below.

Category 1 – Background to transactions / arrangements with the relevant Company	
1.	Please identify the Company in respect of which you claim the existence of a claimed debt.
2.	Please provide details of all the individual(s), at the Company or the relevant Group Company(s), with whom you had dealings in respect of the creation and documentation of financial arrangements/claimed debt.

3.	Please provide details of the individual(s) and/or representatives of the creditor who dealt with the Company or relevant Group Company(s) in respect of creation and documentation of the financial arrangements/claimed debt, including all current and previous relationship managers of the creditor for the Company / the Group Companies.
4.	Please provide details of the history of your relationship with the Company / the Group Companies, since 2012 including a list of the facilities / accounts made available and their respective utilisation including the dates and periods of such arrangements or dates approved and utilisation balances at 31 December in each year.
5.	Please provide details of how the financial arrangement/transactions giving rise to the claimed debt as at DoA originated.
6.	What was the purpose of the financial arrangement/transaction pursuant to which the claimed debt arose?
7.	Please provide details of the lawyers and other professional advisers (as applicable) engaged by you and with whom they interacted from the Company / the relevant Group Companies at the relevant time in connection with the financial arrangement / transaction pursuant to which the claimed debt arose? If the transaction involved a Group Company, what information was provided to you as to whether the Group Company's lawyers/professional advisers were also instructed by the Company?
Category 2 – Documents	
8.	Please provide copies of all documents connected to the claimed debt, including all contracts, executed facility and other finance documentation (and any variations thereto), corporate authorisations, legal opinions, utilisation request(s), copies of all reporting and financial information produced to you by the Company / the Group Companies, invoices and statements of account.
9.	Please provide full details and supporting documentation by which the Company entered into obligations to you, together with evidence produced to you to establish that the Company was duly authorised to enter into such obligations. Please provide copies of all resolutions, board minutes, confirmations or other relevant documentation from the Company's board, authorisation legal opinions and any correspondence (including requests made by you) relating to the same.
10.	Please confirm the extent and nature of due diligence which you undertook in respect of the Company and/or the Group Companies prior to or post entering into the financial arrangement / transaction with the Company / the Group Companies and provide copies of all information produced to you by the Company / the Group Companies.
11.	Where applicable, please provide copies of all account opening forms, terms and conditions and related documents, bank mandates including specimen signatures for all the Company and/or Group Company personnel mandated to operate the facilities.
Category 3 – Financial Information	
12.	Please confirm the outstanding balance on the facility (to include itemised capital and interest) as at DOA. Please provide a full set of account statements showing all

	advances and repayments (including interest). If you have received payments or made advances post DOA, please provide full details and an up to date statement of account. All principle, interest and fees should be itemised separately.
13.	Please provide details of the Company / relevant Group Company's bank account into which each draw-down was advanced.
14.	Please provide details of bank account(s) from (and into) which all payments from the Company / the Group Company(s) were received.
15.	Please provide details of all amendments, waivers, variations or extensions to the facility / contract. Please provide details of the circumstances of all such amendment, variation or extension arrangements and confirm the Company / Group Company personnel with which such arrangements were made, together with copies of all correspondence and other documentation related to the same.
Category 4 – Other dealings with the Company / Group Companies	
16.	Please provide details of any other arrangements / transactions between you (or your affiliates) and the Company, any other Group Company or person or entity connected to the Company or its group, in the past six years.

6. FOLLOW-UP ANALYSIS

Once a claimed creditor has provided the base information set out above, analysis and verification of the claim will require bespoke further enquiry on a case by case basis, involving one or more of the following steps:

6.1 Reconciliation based on information produced by the creditor

- (a) For some creditor claims, it may be possible to verify the claimed liabilities by reference to the creditor information produced, reconciling with the Company records and previously reported liabilities. Where applicable, the Administrators may be satisfied that sufficient information has been obtained to enable the claim to be adjudicated at the relevant time, as outlined in paragraph 6.2 below.
- (b) For other creditor claims, substantive further forensic analysis and bespoke follow up enquiry of the creditor, former management or third parties (including professional advisors) may be required, as outlined further at paragraph 6.3 below.

6.2 Admission and rejection of the proof

- (a) Where, based on the information received from the prospective creditor by way of proof of debt, further supporting information produced, and the results of the Administrators' verification exercise, the Administrators are satisfied that they have sufficient evidence to make a decision in respect of a proof of debt claim, they may determine to accept or reject the proof (in part or in full).
- (b) If a proof is rejected then, as set out in paragraph 3.3 above, the Administrators will be required to send a written statement of their reasons for doing so to the purported creditor as soon as reasonably practicable following the decision.

- (c) To the extent that claims are received which, in the opinion of the Administrators and based on the verification exercise undertaken, appear to be improper and/or potentially fraudulent, the Administrators will need to determine whether the circumstances or the claimed creditor's dealings with the Company may give rise to further action or claims.

6.3 Further enquires pursuant to sections 255 and 256 of the Regulations

- (a) To the extent the Administrators consider that the level of information provided by the prospective creditor is insufficient to enable the proof to be adjudicated upon, they may require further information/clarification, potentially from the purported creditor, former management or from relevant third parties (such as professional advisers). It may be that the Administrators exercise their wider powers under sections 255 and/or 256 of the Regulations in order to seek to establish the relevant affairs of the Company in question.
- (b) To the extent that such further enquiries are made but do not yield a sufficient level of information to substantiate the claim, the Administrators may determine to:
 - (i) reject the proof (in whole or in part), following which the prospective creditor would be entitled to apply to court to challenge such decision (as set out in paragraph 3.4(a)); or
 - (ii) apply to the court for directions in respect of the proof (as set out in paragraph 3.4(c)).

Given the complexity of the investigations required in respect of the Companies' liabilities, once the initial information gathering phase has been completed with each creditor, it will be appropriate for the Administrators to assess and determine the next phases of enquiry in respect of particular creditor claims having regard to the information produced to them at that stage and the nature of the purported arrangements giving rise to the claimed liabilities.

Please let us know if you would like us to provide further comments on any of the areas covered above at this stage.

Any recipient of this communication may request a hard copy of this document. Please send any requests to INS_NMCADGM@alvarezandmarsal.com.

7 October 2020

Richard Dixon Fleming

Administrator

Ben Cairns

Administrator

SCHEDULE 1

LIST OF COMPANIES

No.	Company name	Registration No.
1.	<p>Al Zahra Pvt. Hospital Company LTD, including its Sharjah branch (in administration)</p> <p>(formerly known as Al Zahra Pvt. Hospital Company Limited, with license no. 16506)</p>	000004237
2.	<p>Bait Al Shifaa Pharmacy LTD, including its Sharjah branch and its branch Bait Al Shifaa Pharmacy LLC Dubai Branch- Jafza, with commercial license no. 164999 (in administration)</p> <p>(formerly known as Bait Al Shifaa Pharmacy (L L C), with license no. 224351)</p>	000004236
3.	<p>Eve Fertility Center LTD, including its Sharjah branch (in administration)</p> <p>(formerly known as Eve Fertility Center L.L.C, with license no. 539107)</p>	000004206
4.	<p>Fakih IVF Fertility Center LTD, including its branches Fakih IVF Fertility Center LLC – Branch 3, with license no. CN-1360709-3, and Fakih IVF Fertility Center LLC – Branch 4 with license no. CN-1360709-4 (in administration)</p> <p>(formerly known as Fakih IVF Fertility Center L.L.C., with license no. CN-1360709)</p>	000004224
5.	<p>Fakih IVF LTD, including its Dubai branch with license no. 666849 (in administration)</p> <p>(formerly known as Fakih IVF L.L.C, with license no. 666849)</p>	000004220
6.	<p>Grand Hamad Pharmacy LTD, including its Sharjah branch (in administration)</p> <p>(formerly known as Grand Hamad Pharmacy LLC, with license no. 607766)</p>	000004238
7.	<p>Hamad Pharmacy LTD, including its Sharjah branch (in administration)</p> <p>(formerly known as Hamad Pharmacy L.L.C, with license no. 118795)</p>	000004209

No.	Company name	Registration No.
8.	<p>N M C Provita International Medical Center LTD, including its branches N M C Provita International Medical Centre L.L.C. – Branch 1, with license no. CN-1194307-1, Provita International Medical Centre L.L.C. – Branch 2, with license no. CN-1194307-2, and N M C Provita International Medical Centre L.L.C. – Branch 3, with license no. CN-1194307-3 (in administration)</p> <p>(formerly known as N M C Provita International Medical Center L.L.C., with license no. CN-1194307)</p>	000004240
9.	<p>N M C Royal Hospital LTD, including its branches NMC Clinic (BR of NMC Royal Hospital LLC), with license no. 814785, NMC Polyclinic Branch of NMC Hospital LLC, with license no. 163880, NMC DIC Clinic and Pharmacy (BR of NMC Royal Hospital LLC), with license no. 860025, NMC Hospital (BR of NMC Royal LLC), with license no. 878386, and its Dubai branch with license no. 710432 (in administration)</p> <p>(formerly known as N M C Royal Hospital L.L.C, with license no. 710432)</p>	000004225
10.	<p>N M C Royal Hospital LTD (in administration)</p> <p>(formerly known as N M C Royal Hospital L.L.C., with license no. CN-2015786)</p>	000004245
11.	<p>N M C Royal Medical Centre LTD, including its branches NMC Royal Medical Centre LLC – Branch (Shahama), with license no. CN-2912685, and NMC Royal Medical Centre LLC –Branch (Karama), with license no. CN-2895125, and NMC Royal Medical Centre LLC – Branch 1 (Abu Dhabi), with license no. CN-2150457-1 (in administration)</p> <p>(formerly known as N M C Royal Medical Centre L.L.C., with license no. CN-2150457)</p>	000004197
12.	<p>N M C Specialty Hospital LTD (in administration)</p> <p>(formerly known as NMC Specialty Hospital- LLC, with license no. CN-1026386)</p>	000004217
13.	<p>NMC Healthcare LTD, including its Dubai branch with license no. 610400 (in administration)</p> <p>(formerly known as N.M.C Health Care (L.L.C), with license no. 610400)</p>	000004210

No.	Company name	Registration No.
14.	<p>N.M.C Specialty Hospital LTD, including its Dubai branch with license no. 562359 (in administration)</p> <p>(formerly known as N M C Specialty Hospital (LLC), with license no. 562359)</p>	000004241
15.	<p>New Medical Centre LTD, including its Dubai branch with license no. 127562 (in administration)</p> <p>(formerly known as New Medical Centre L.L.C, with license no. 127562)</p>	000004214
16.	<p>New Medical Centre LTD, including trading in Ras Al Khaimah as NMC Royal Dental Centre under license no. 38678, NMC Royal Medical Centre, under license no. 21518 and NMC Royal Pharmacy, under license no. 21669 and including its Sharjah branch and its branches New Medical Centre Ajman LLC-BR, with license no. 95454, and New Medical Centre L.L.C – Branch of Abu Dhabi 2, with license no. CN-1831682 (in administration)</p> <p>(formerly known as New Medical Centre L L C, with license no. 25954)</p>	000004216
17.	<p>New Medical Centre Pharmacy LTD (in administration)</p> <p>(formerly known as New Medical Centre Pharmacy - L.L.C – AIAin – NMC, with license no. CN-1135313)</p>	000004253
18.	<p>New Medical Centre Pharmacy LTD, including its Sharjah branch and its branches New Medical Centre Pharmacy/Branch, with license no. 96634, New Medical Centre Pharmacy LLC NMC Branch 1, with license no. 766270 (in administration)</p> <p>(formerly known as New Medical Centre Pharmacy LLC– N.M.C, with license no. 608411)</p>	000004255
19.	<p>New Medical Centre Specialty Hospital (in administration)</p> <p>(formerly known as New Medical Centre Specialty Hospital LLC, with license no. CN-1135806)</p>	000004228
20.	<p>New Medical Centre Trading LTD, including its branches New Medical Centre Trading LLC Branch 1, with license no. CN-1027356-1, New Medical Centre Trading LLC Branch 2, with license no. CN-1027356-2, and New Medical Centre Trading LLC Branch 3, with license no. CN-1027356-3 (in administration)</p> <p>(formerly known as New Medical Centre Trading L.L.C,</p>	000004218

No.	Company name	Registration No.
	with license no. CN-1027356)	
21.	<p>New Pharmacy Company LTD, including its branches New Pharmacy Company WLL – Branch 1, with license no. CN-1029364-1, New Pharmacy Company WLL – Branch 2, with license no. CN-1029364-2, New Pharmacy Company WLL – Branch 4, with license no. CN-1029364-4, New Pharmacy Company WLL – Branch 6, with license no. CN-1029364-6, New Pharmacy Company WLL – Branch 7, with license no. CN-1029364-7, New Pharmacy Company WLL – Branch – (Shahama), with license no. CN-2936047, and New Pharmacy Company WLL – Branch 9, with license no. CN-2832792-9 (in administration)</p> <p>(formerly known as New Pharmacy Company W L L, with license no. CN-1029364)</p>	000004230
22.	<p>New Sunny Medical Centre LTD, including its Sharjah branch (in administration)</p> <p>(formerly known as New Sunny Medical Centre LLC; N.M.C Medical Center L.L.C Shj. BR 2, with license no. 556959)</p>	000004202
23.	<p>NMC Holding LTD (in administration)</p> <p>(formerly known as NMC Holding L.L.C., with license no. CN-1210596)</p>	000004211
24.	<p>NMC Royal Family Medical Centre LTD (in administration)</p> <p>(formerly known as NMC Royal Family Medical Centre L.L.C., with license no. CN-1491505)</p>	000004243
25.	<p>NMC Royal Women’s Hospital LTD, including its branch Cooper Health Clinic 1 – Dubai Branch, with license no. 689748 (in administration)</p> <p>(formerly known as NMC Royal Womens Hospital LL.C., with license no. CN-1532709)</p>	000004235
26.	<p>NMC Trading LTD, including its branches NMC Trading LLC Branch-DXB, with license no. 637024, NMC Trading LLC (Branch) – DXB, with license no. 755519, NMC Trading LLC Branch-Ajman, with license no. 57474, NMC Trading LLC RAK Branch, with license no. 32957, NMC Trading LLC (Branch)-Fujairah, with license no. 14167, and its Dubai branch license no. 207104 (in administration)</p> <p>(formerly known as NMC Trading L L C, with license no.</p>	000004233

No.	Company name	Registration No.
	207104)	
27.	<p>Reliance Information Technology LTD (in administration)</p> <p>(formerly known as Reliance Information Technology.LLC, with license no. CN-1031535)</p>	000004234
28.	<p>Sharjah Pharmacy LTD, including its Sharjah branch (in administration)</p> <p>(formerly known as Sharjah Pharmacy L.L.C, with license no. 14966)</p>	000004239
29.	<p>Sunny Al Buhairah Medical Centre LTD, including its Sharjah branch (in administration)</p> <p>(formerly known as N.M.C MEDICAL CENTER L.L.C SHJ.BR and Sunny Al Buhairah Medical Centre LLC, with license no. 558052)</p>	000004199
30.	<p>Sunny Al Nahda Medical Centre LTD, including its Sharjah branch (in administration)</p> <p>(formerly known as N.M.C MEDICAL CENTER L.L.C SHJ.BR 4 and Sunny Al Nahda Medical Centre LLC, with license no. 572409)</p>	000004232
31.	<p>Sunny Dental Centre LTD, including its Sharjah branch (in administration)</p> <p>(formerly known as N.M.C Dental Centre L.L.C and Sunny Dental Centre LLC, with license no. 571311)</p>	000004198
32.	<p>Sunny Halwan Speciality Medical Centre LTD, including its Sharjah branch (in administration)</p> <p>(formerly known as Sunny Halwan Speciality Medical Centre LLC, with license no. 747560)</p>	000004204
33.	<p>Sunny Maysloon Speciality Medical Centre LTD, including its Sharjah branch (in administration)</p> <p>(formerly known as Sunny Maysloon Speciality Medical Centre L.L.C, with license no. 751420)</p>	000004205
34.	<p>Sunny Medical Centre LTD, including its Sharjah branch (in administration)</p> <p>(formerly known as N.M.C MEDICAL CENTER L.L.C SHJ.BR 1 and Sunny Medical Centre LLC, with license no.</p>	000004231

No.	Company name	Registration No.
	212280)	
35.	Sunny Sharqan Medical Centre LTD , including its Sharjah branch (in administration) (formerly known as Sunny Sharqan Medical Centre L.L.C, with license no. 744404)	000004203
36.	Sunny Specialty Medical Centre LTD , including its Sharjah branch (in administration) (formerly known as N.M.C MEDICAL CENTER L.L.C SHJ.BR 3 and Sunny Speciality Medical Centre LL.C., with license no. 545893)	000004200

SCHEDULE 2

RELEVANT EXTRACTS FROM THE ADGM INSOLVENCY REGULATIONS 2015 (as amended)

Part 1 : Administration

Chapter 9 - Functions of Administrator

95. General powers

- (7) *The administrator of a Company or of a Deed of Company Arrangement may apply to the Court for directions in connection with his functions. The administrator of a Deed of Company Arrangement may also apply to the Court for directions about a matter arising in connection with the operation of, or giving effect to, the Deed of Company Arrangement.*

Part 4 : Protection of Assets in Liquidation and Administration

Chapter 2 – Powers of Office-holders to obtain information

255. Duty to co-operate with Office-holder

- (1) *Where an Office-holder has been appointed to a Company, he may require any of the persons identified in subsection (2) to—*
- (a) *give to the Office-holder such information concerning the Company and its promotion, formation, business, dealings, affairs or property as the Office-holder may at any time after the commencement of Insolvency Proceedings reasonably require; and*
 - (b) *attend on the Office-holder at such times as the latter may reasonably require.*
- (2) *The persons who must co-operate with the Office-holder are—*
- (a) *those who are or have at any time been a Director or secretary of the Company;*
 - (b) *those who have taken part in the formation of the Company at any time;*
 - (c) *those who are or have been at any time in the employment of the Company;*
 - (d) *those who are or have at any time been a Director or secretary of, or in the employment of, another Company which is or was at any time a Director or secretary of the Company; and*
 - (e) *in the case of a Company being wound up by the Court, any person who has acted as receiver, administrator, administrative receiver, provisional liquidator or liquidator of the Company.*
- (3) *A person who fails to comply with this Section, without reasonable excuse, commits a contravention and is liable to a fine at the relevant level set out in the Fines Schedule.*

256. Inquiry into Company's dealings

On the application of the Office-holder, the Court may order any person involved with the Company to appear before it or to produce to it or to the Office-holder an account of his dealings with the Company contained in a witness statement verified by a statement of truth including any information concerning the promotion, formation, business, dealings, affairs or property of the Company or any books, papers or records in his possession or under his control relating to the Company or to any such dealings. A person involved with the Company shall include a Director or secretary of the Company, any person known or suspected to have in his possession any property of the Company or supposed to be indebted to the Company and any person whom the Court thinks capable of giving information concerning the promotion, formation, business, dealings, affairs or property of the Company.

SCHEDULE 5

3. Provable debts

- (1) *All claims by creditors in Insolvency Proceedings, except as provided in this paragraph, are provable as debts against the Company, whether they are present or future, certain or contingent, ascertained or sounding only in damages.*
- (2) *In relation to administration and winding-up, claim(s) which by virtue of these Regulations or any other enactment of the Abu Dhabi Global Market are claim(s) the payment of which in an administration or a winding-up would be postponed shall not be provable except at a time when all other claims of creditors in the Insolvency Proceedings (other than the kind mentioned in this paragraph) have been paid in full with interest under paragraph 28 (Interest) of Part 3 (Creditors' claims) of this Schedule.*
- (3) *Nothing in this paragraph 3 prejudices any enactment or rule of law under which a particular kind of debt is not provable, whether on grounds of public policy or otherwise.*

4. Proving a debt

- (1) *In Insolvency Proceedings (other than a members' voluntary winding-up), a person claiming to be a creditor of the Company and wishing to recover his debt in whole or in part must submit his claim in writing to the Office-holder unless—*
 - (a) *the Court orders otherwise;*
 - (b) *in a winding-up immediately preceded by an administration, the creditor has already proved in the administration; or*
 - (c) *in an administration immediately preceded by a winding-up, the creditor has already proved in the winding-up.*
- (2) *A creditor who claims is referred to as "**proving**" for his debt and a document by which he seeks to establish his claim is his "**proof**".*
- (3) *In a members' voluntary winding-up the Office-holder may require proof to be delivered to the liquidator.*

5. Requirements for proof

- (1) *A proof must—*
 - (a) *be made out by, or under the direction of, the creditor and authenticated by him or a person authorised in that behalf; and*
 - (b) *state the following matters—*
 - (i) *the creditor's name and address;*
 - (ii) *if the creditor is a Company, its registered number or equivalent;*
 - (iii) *the total amount of the creditor's claim (including any applicable tax) as at the relevant date, less any payments made after that date in respect of the claim, any deduction under paragraph 23 (Discounts) of Part 3 (Creditors' claims) of this Schedule and any adjustment by way of set-off in accordance with paragraphs 24 (Administration: mutual dealings and set-off) and 25 (Winding-up: mutual dealings and set-off) of Part 3 (Creditors' claims) of this Schedule;*
 - (iv) *whether or not the claim includes outstanding uncapitalised interest;*

- (v) *particulars of how and when the debt was incurred by the Company;*
 - (vi) *particulars of any security held, the date on which it was given and the value which the creditor puts on it;*
 - (vii) *details of any reservation of title in respect of goods to which the debt refers; and*
 - (viii) *the name, address and authority of the person authorising the proof (if other than the creditor himself).*
- (2) *There shall be specified in the proof details of any documents by reference to which the debt can be substantiated; but (subject as follows) it is not essential that such document be attached to the proof or submitted with it.*
- (3) *The Office-holder may call for any document or other evidence to be produced to the Office-holder if the Office-holder considers it necessary for the purpose of substantiating the whole or any part of the claim made in the proof.*

9. Admission and rejection of proofs for dividend

- (1) *A proof may be admitted for dividend either for the whole amount claimed by the creditor or for part of that amount.*
- (2) *If the Office-holder rejects a proof in whole or in part, the Office-holder must prepare a statement of the Office-holder's reasons for doing so, and deliver or send it as soon as reasonably practicable to the creditor.*

10. Appeal against decision on proof

- (1) *If a creditor is dissatisfied with the Office-holder's decision in relation to the creditor's proof (including any decision on the question of preference), the creditor may apply to the Court for the decision to be reversed or varied. The application must be made within 21 days of the creditor receiving the statement sent under paragraph 9(2) (Admission and rejection of proofs for dividend) of Part 3 (Creditors' claims) of this Schedule.*

12. Exclusion of proof by the Court

- (1) *The Court may exclude a proof or reduce the amount claimed—*
- (a) *on the Office-holder's application, where the Office-holder thinks that the proof has been improperly admitted, or ought to be reduced; or*
 - (b) *on the application of a creditor, a member or a contributory, if the Office-holder declines to interfere in the matter.*
- (2) *Where the application is made by a member or a contributory, the Court will not exclude a proof or reduce the amount claimed (in whole or in part) unless the member or the contributory shows that there is (or would be but for the amount claimed in the proof), or that there will be (or would be but for the amount claimed in the proof), a surplus of assets to which the Company would be entitled.*
- (3) *Where application is made to the Court under sub-paragraph (1), the Court will fix a venue for the application to be heard, notice of which must be sent by the applicant—*
- (a) *in the case of an application by the Office-holder, to the creditor who made the proof; and*
 - (b) *in the case of an application by a creditor, a member or a contributory, to the Office-holder and to the creditor who made the proof (if the applicant is not the creditor who made the proof).*