

SUMMARY

1. When the Master of the High Court makes a decision to institute an enquiry in terms of Section 417 of the Companies Act No 61 of 1973, as amended, his conduct as aforesaid does NOT amount to an administrative act as defined in the Promotion of Administration of Justice Act, No 3 of 2000 ("PAJA"). His conduct as such is not subject to review in terms of PAJA.
2. The aim and object of an enquiry in terms of Section 417 into the affairs of a company in liquidation is purely investigative. No rights or obligations are determined or affected by the Master when he makes the decision to institute the enquiry.
3. It also accordingly follows, that the 'special' type of review provided in Section 151 of the Insolvency Act, read together with the provisions of Section 339 of the Companies Act is also inapplicable to a Section 417 enquiry.