11. Statutory shareholder remedies

Company Law (10th edn)
Alan Dignam and John Lowry

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Author(s): Alan Dignam and John Lowry

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Titles in the Core Text series take the reader straight to the heart of the subject, providing focused, concise, and reliable guides for students at all levels. This chapter deals with statutory remedies available to aggrieved minority shareholders, particularly their right to seek relief through a winding-up order on the just and equitable ground. It first considers the classic case of *Ebrahimi v Westbourne Galleries Ltd* (1973), which addressed the scope of the court’s jurisdiction under the just and equitable ground, and presents illustrations of the grounds which will support a petition under s 122(1)(g) of the Insolvency Act 1986. It also examines the issue of whether the principles promulgated in *Ebrahimi* extend beyond the statutory context of just and equitable winding-up by focusing on the case of *Clemens v Clemens Bros Ltd* (1976). In addition, the chapter gives examples of unfair prejudice; explains *locus standi* and procedural aspects of s 994 of the Companies Act 2006; and looks at other specific statutory rights available to aggrieved minority shareholders. Finally, it explains the Law Commission’s proposed reforms for the unfair prejudice provision.
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