

**THE HIGH COURT
COMMERCIAL**

**2022 / 105 COS
(2022 No 46 COM)**

Monday the 30th day of May 2022

BEFORE MR JUSTICE MCDONALD

**IN THE MATTER OF R&Q THETA DESIGNATED ACITIVITY
COMPANY**

**AND IN THE MATTER OF ACCREDITED INSURANCE (EUROPE)
LIMITED**

**AND IN THE MATTER OF THE ASSURANCE COMPANIES ACT, 1909,
THE INSURANCE ACT, 1989 AND THE EUROPEAN UNION
(INSURANCE AND REINSURANCE) REGULATIONS 2015**

Upon Motion of Counsel for the Petitioners (being the directors of R&Q Theta Designated Activity Company (“**R&Q Theta**”) and Accredited Insurance (Europe) Limited (“**Accredited Insurance**”) (the “**Petitioners**”) pursuant to a Notice of Motion herein dated the 23rd day of May 2022, as well as the separate Notice of Motion dated 23rd day of May 2022 seeking directions for, among other things, the hearing of the Petition, seeking the following reliefs:

1. An order pursuant to Order 63A, Rule 4 of the Rules of the Superior Courts (as amended) (the “**Rules**”) directing that the within proceedings be entered into the Commercial List of the High Court on the grounds that these proceedings constitute commercial proceedings within the meaning of Order 63A, Rule 1(b) of the Rules, and an order that all subsequent applications in this proposed portfolio transfer pursuant to Section 13 of the Assurance Companies Act 1909, Section 36 of the Insurance Act 1989 (as amended)

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and Regulation 41 of the European Union (Insurance and Reinsurance) Regulations 2015 be made in the Commercial List without further application for admission.

2. An order treating the hearing of the within application for entry into the Commercial List as the hearing of the Notice of Motion herein seeking an order fixing the date for the hearing in respect of the Petition referred to therein and directions as to the form and manner of advertisement of the Petition, any persons upon whom the Petition is to be served, the display of the Scheme referred to therein and Petition for inspection by policyholders and shareholders, the ability of any interested party to give notice of their support or opposition of the proposed order, the ultimate dissolution without winding up of R&Q Theta and further or other orders or directions as to this Honourable Court seem fit.
3. An order giving the Company liberty to apply.
4. Such further or other orders and directions as to this Court may appear appropriate in the circumstances.

Whereupon and on reading the said Notice of Motion, the Affidavit of Paul Corver grounding the said Notice of Motion and affirmed on the 23rd day of May 2022 together with the exhibits thereto and the Certificate of Colin Kavanagh

And on hearing said Counsel for the Petitioners

And the Court being satisfied that these proceedings are commercial proceedings within the meaning of Order 63A Rule 1(b) of the Rules of the

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Superior Courts

IT IS ORDERED that these proceedings be entered in the Commercial List for hearing and that all further applications and Motions be heard in said list without the need for any further application for admission

And the Court treating the hearing of this Motion as the hearing of the separate Notice of Motion seeking directions for, among other things, the hearing of the Petition

The Court doth proceed to give the directions sought by the Petitioners

Accordingly **IT IS ORDERED**

- (i) that the hearing of the Petition be fixed for a physical hearing on the 4th day of October 2022 at 11 o'clock in the forenoon;
- (ii) that the Scheme and Petition shall be open for the inspection of the policyholders and shareholders of R&Q Theta and Accredited Insurance, for a period of 15 days following the publication of the notice of this Petition in Iris Oifigiúil, at the registered office of R&Q Theta at Third Floor, The Metropolitan Building, James Joyce Street, Dublin 1 and at the registered office of Accredited Insurance at 3rd Floor, Development House, St. Anne Street, Floriana, FRN9010, Malta and on the website of www.rqih.com;
- (iii) within 7 days of the date of perfection of this order, the Scheme and Petition will be published on www.rqih.com together with details of this order including the date of the hearing of the Petition;

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- (iv) that notice of the hearing of the Petition be advertised substantially in the form of the draft advertisement exhibited at “PC27” to the Grounding Affidavit of Paul Corver affirmed on the 23rd day of May 2022 in Iris Oifigiúil, the Irish Times, the Financial Times (International Edition) and the New York Times (International Edition);
- (v) that notice of the hearing of the Petition be further advertised in those jurisdictions where risks are situate in accordance with the applicable laws of England and Wales, Northern Ireland, Scotland and the relevant EEA member states in accordance with Regulation 41(5) of the European Union (Insurance and Reinsurance) Regulations 2015; and
- (vi) that any party who wishes to support or oppose the making of any Order may give notice to Arthur Cox LLP, the Petitioners' solicitors, by no later than 5:30pm on the 29th day of September 2022, being at least two clear days before the hearing of the Petition, and that any affidavit in support of any such appearance be filed with the Central Office of the High Court and served on the Petitioners' solicitors by no later than 5:30pm on the 29th day of September 2022.

And the Court doth give the Petitioners liberty to apply to the Court

**MARIANNE WHITE
REGISTRAR
Perfected 30th May 2022**

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Arthur Cox LLP
Solicitors for the Petitioners