

Friday the 23rd day of July 2004

BEFORE MR JUSTICE KELLY

**IN THE MATTER OF NATIONAL IRISH BANK LIMITED (UNDER
INVESTIGATION) AND**

**IN THE MATTER OF NATIONAL BANK FINANCIAL SERVICES
LIMITED (UNDER INVESTIGATION)**

AND IN THE MATTER OF THE COMPANIES ACT 1990

The Inspectors' Notice of Motion herein dated the 14th day of July
2004 for the following reliefs

1. Such Orders as the Court thinks fit under sub-sections (3) and (4) of Section 11 of the Companies act 1990 as amended
2. Whether the Court having considered the final report of the Inspectors deems fit to make any Order under Section 12 of the Companies Act 1990
3. An Order under Section 13 (1) of the Companies Act 1990 as amended directing the repayment by National Irish Bank to the relevant Minister of the expenses of and incidental to the investigation to such extent as the Court may direct
4. An Order giving directions to the Inspectors as to the retention and storage of documents relating to the investigation and regulating the provision of access thereto
5. Such further and other directions as to this Honourable Court shall fit

having been at hearing on the 21st day of July 2004 in the presence of Counsel for the Inspectors Counsel for National Irish Bank ("the Bank") and National Irish Bank Financial Services Limited ("the Company") Counsel for the Director of Corporate Enforcement ("the Director") Counsel for the Central Bank and Financial

THE HIGH COURT

Services Authority of Ireland and the Irish Financial Services Regulatory Authority Solicitor for the Revenue Commissioners Solicitor for Beverly Flynn Solicitor for Barry Seymour and Patrick Byrne and Counsel for Pat O'Donovan and on reading said Notice the Affidavit of Grace O'Mahony filed on the 20th day of July 2004 the Affidavit of Brid Munnelly filed on the 12th day of July 2004 the Irish Times newspaper the Irish Independent newspaper and the Irish Examiner newspaper all dated the 14th day of July 2004 advertising the hearing of the said Notice of Motion the list prepared by the Inspectors' Solicitor of the persons who gave notice of intention to attend at this hearing the Orders made herein on the 30th day of March 1998 and the 15th day of June 1998 the two Orders dated the 31st day of July 2001 the two Orders dated the 12th day of July 2004 and the Order dated the 19th day of July 2004 and on hearing said respective Counsel and Solicitors the Court was pleased to reserve judgment

And the matter coming before the Court for judgment on this day in the presence of said respective Counsel and Solicitors

IT IS ORDERED that a copy of the final Report of the Inspectors herein delivered to the Court on the 12th day of July 2004 and dated the 9th day of July 2004 ("the Report") be provided to the Central Bank and Financial Services Authority of Ireland and the Irish Financial Services Regulatory Authority forthwith

IT IS ORDERED that a copy of the Report be furnished by the Director on Friday the 30th day of July 2004 at 10 o'clock in the forenoon to the parties named in the first Schedule to this Order

IT IS ORDERED that a copy of the Report be furnished by the Director on request to any of the parties named in the second Schedule to this Order on Friday the 30th day of July 2004 at 10 o'clock in the forenoon

And IT IS ORDERED that the Director do on Friday the 30th day of July 2004 at 10 o'clock in the forenoon

1. make available printed copies of the Report
2. publish the Report on CD-ROM and on his office website

Liberty to the Director to apply regarding any difficulties in complying with the directions to publish the Report at the time and date aforesaid

And the Court doth refuse the application by Counsel on behalf of the Bank and the Company for a copy of the Report in advance of its publication at the time and date hereinbefore directed

And the Court doth make no direction pursuant to Section 11(4) concerning the Report

And on hearing said Counsel for the Bank and the Company Counsel for the Inspectors Counsel for the Director and Counsel for the Central Bank and Financial Services Authority of Ireland and the Irish Financial Services Regulatory Authority regarding paragraph 2 of said Notice

The Court doth make no Order pursuant to Section 12 (1) (a) and Section 12 (1) (b) of the Companies Act 1990

Liberty to any party to apply for an Order under Section 12 (1) (b) of the said Act

IT IS ORDERED that the documents generated by the inspection herein be retained by Price Waterhouse Coopers for a period of three years from the date hereof and that the said documents be destroyed at the expiration of the said three year period

Liberty to any party to apply to this Court for directions regarding the destruction of the documents as aforesaid within the said three year period

Liberty to any party to apply regarding access to the said documents to this Court on notice to the Court the Bank the Company and the Inspectors

THE HIGH COURT

And an undertaking having been given by the Bank through its Counsel on the 21st day of July 2004 not to dispose of or destroy any documents touching upon the investigation herein pending the hearing of an application by the Director restraining the Bank from disposing of or destroying the said documents

The Court doth give liberty to the Director to issue a Notice of Motion in those terms

IT IS ORDERED that the Bank do pay the costs of the investigation herein to the Inspectors which said costs to be assessed by this Court in default of agreement

And IT IS ORDERED that the Bank do pay to the Inspectors their legal costs herein including reserved costs on a solicitor and own client basis said costs to be taxed in default of agreement

And IT IS ORDERED that the Bank do pay to the Director and to the Minister for Enterprise Trade and Employment their respective costs herein on a solicitor and own client basis said costs to be assessed by this Court in default of agreement

And IT IS ORDERED that the Bank do repay the Minister for Justice Equality and Law Reform any expenses of and incidental to the investigation by the Inspectors herein which the said Minister is liable to defray and does defray

REGISTRAR

FIRST SCHEDULE

The Revenue Commissioners

The Director of Public Prosecutions

The Minister for Finance

The Institute of Chartered Accountants in Ireland

The Financial Services Authority in the United Kingdom

The Australian Prudential Regulatory Authority

The Reserve Bank of New Zealand

The Office of the Comptroller of the Currency in the United States of America

The Federal Reserve of the United States of America

The Financial Supervision Commission of the Isle of Man

SECOND SCHEDULE

National Irish Bank Limited

National Irish Bank Financial Services Limited

Beverley Flynn

Barry Seymour

Patrick Byrne

Pat O'Donovan

The Minister for Enterprise Trade and Employment

Pat O'Donovan

Any person whose conduct is referred to in the Report