
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 63

The Bank Administration Rules (Northern Ireland) 2009

PART 4

Court Procedure and Practice

Introduction

50. This Part makes specific provision for a number of aspects of proceedings under Part 3 of the 2009 Act (bank administration); Part 5 of these Rules applies a number of provisions of the 1991 Rules to proceedings under the 2009 Act (with specified modifications).

Title of proceedings

51. Proceedings under Part 3 of the 2009 Act shall be entitled “IN THE MATTER OF ... (naming the bank to which the proceedings relate) AND IN THE MATTER OF PART 3 OF THE BANKING ACT 2009”.

Right to inspect file

52. The following have the right, at all reasonable times, to inspect the court’s file in respect of bank administration proceedings—

- (a) the bank administrator or provisional bank administrator;
- (b) a person who is or was a director or officer of the bank;
- (c) a member of the bank;
- (d) any person stating himself in writing to be a creditor of the bank;
- (e) any person stating himself in writing to be a contributory in respect of the bank;
- (f) the Bank of England;
- (g) the FSA; and
- (h) the FSCS.

53. A right of inspection may be exercised on a person’s behalf by anyone authorised by him in writing.

54. Any person may, with permission of the court, inspect the court’s file in respect of bank administration proceedings.

55. A right of inspection is not exercisable in the case of documents, or parts of documents, as to which the court directs that they are not to be made open to inspection without the court’s permission; and an application for a direction may be made by—

- (a) the bank administrator or provisional bank administrator; or
- (b) any person appearing to the court to have an interest.

56. Rule 7.25(2) and (3) of the 1991 Rules (as applied by Rule 58) apply in respect of the court's file of bank administration proceedings as they apply in respect of court records.

57. Proceedings under Articles 177 and 178 of the Order (fraudulent and wrongful trading) shall be conducted in accordance with Article 179 of that Order subject to the modifications specified in section 145 of the 2009 Act.