

## SCHEDULES

### SCHEDULE 22

#### FINANCIAL MARKETS AND INSOLVENCY: PROVISIONS APPLYING TO PRE-COMMENCEMENT CASES

##### *Supplementary provisions*

- 13 (1) In this Schedule “default rules” means—
- (a) in relation to a recognised investment exchange, rules which provide in the event of a member or designated non-member of the exchange appearing to be unable, or likely to become unable, to meet his obligations in respect of one or more market contracts, for the settlement forthwith of all unsettled market contracts to which he is a party as principal, other than those whose performance is ensured by a recognised clearing house;
  - (b) in relation to a recognised clearing house, rules which provide in the event of a member of the clearing house appearing to be unable, or likely to become unable, to meet his obligations in respect of any market contract, for the closing out of his position in relation to all market contracts to which he is a party.
- (2) References in this Schedule to a “defaulter” are to a person in respect of whom action has been taken by a recognised investment exchange or recognised clearing house under its default rules, whether by declaring him to be a defaulter or otherwise; and references in this Schedule to “default” shall be construed accordingly.
- (3) In this Schedule “default proceedings” means proceedings taken by a recognised investment exchange or recognised clearing house under its default rules.
- 14 (1) The following are relevant office-holders for the purposes of this Schedule—
- (a) the official receiver,
  - (b) any person acting in relation to a company as its liquidator, provisional liquidator, administrator or administrative receiver,
  - (c) any person acting in relation to an individual (or, in Scotland, a deceased debtor) as his trustee in bankruptcy or interim receiver of his property or as permanent or interim trustee in the sequestration of his estate,
  - (d) any person acting as administrator (or, in Scotland, as judicial factor) of an insolvent estate of a deceased person.
- (2) Sub-paragraph (1)(c) applies in relation to a partnership, and any debtor within the meaning of the Bankruptcy (Scotland) Act 1985, as it applies in relation to an individual.
- (3) In this paragraph—  
“administrative receiver” has the meaning given by section 251 of the Insolvency Act 1986;

*Status: This is the original version (as it was originally enacted).*

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“company” means a company within the meaning of section 735(1) of the Companies Act 1985 or a company which may be wound up under Part V of the Insolvency Act 1986 (unregistered companies); and

“interim trustee” and “permanent trustee” have the same meaning as in the Bankruptcy (Scotland) Act 1985.

15 (1) In this Schedule—

“clearing house” has the same meaning as in the Financial Services Act 1986;

“investment” and “investment exchange” have the same meaning as in the Financial Services Act 1986;

“recognised” means recognised under the Financial Services Act 1986;

“The Stock Exchange” means The International Stock Exchange of the United Kingdom and the Republic of Ireland Limited.

(2) References in this Schedule to ensuring the performance of a transaction have the same meaning as in the Financial Services Act 1986.

(3) References in this Schedule to a market contract to which a person is a party include, unless the contrary intention appears, contracts to which he is party as agent.