



Financial Services and Markets Act 2000

2000 CHAPTER 8

PART XXIV

INSOLVENCY

Administration orders

359 Petitions

- (1) The Authority may present a petition to the court under section 9 of the 1986 Act (or Article 22 of the 1989 Order) in relation to a company or insolvent partnership which—
 - (a) is, or has been, an authorised person;
 - (b) is, or has been, an appointed representative; or
 - (c) is carrying on, or has carried on, a regulated activity in contravention of the general prohibition.
- (2) Subsection (3) applies in relation to a petition presented by the Authority by virtue of this section.
- (3) If the company or partnership is in default on an obligation to pay a sum due and payable under an agreement, it is to be treated for the purpose of section 8(1)(a) of the 1986 Act (or Article 21(1)(a) of the 1989 Order) as unable to pay its debts.
- (4) “Agreement” means an agreement the making or performance of which constitutes or is part of a regulated activity carried on by the company or partnership.
- (5) “Company” means—
 - (a) a company to which section 8 of the 1986 Act applies; or
 - (b) in relation to Northern Ireland, a company to which Article 21 of the 1989 Order applies.

360 Insurers

- (1) The Treasury may by order provide that such provisions of Part II of the 1986 Act (or Part III of the 1989 Order) as may be specified are to apply in relation to insurers with such modifications as may be specified.
- (2) An order under this section—
 - (a) may provide that such provisions of this Part as may be specified are to apply in relation to the administration of insurers in accordance with the order with such modifications as may be specified; and
 - (b) requires the consent of the Secretary of State.
- (3) “Specified” means specified in the order.

361 Administrator’s duty to report to Authority

- (1) If—
 - (a) an administration order is in force in relation to a company or partnership by virtue of a petition presented by a person other than the Authority, and
 - (b) it appears to the administrator that the company or partnership is carrying on, or has carried on, a regulated activity in contravention of the general prohibition,the administrator must report the matter to the Authority without delay.
- (2) “An administration order” means an administration order under Part II of the 1986 Act (or Part III of the 1989 Order).

362 Authority’s powers to participate in proceedings

- (1) This section applies if a person other than the Authority presents a petition to the court under section 9 of the 1986 Act (or Article 22 of the 1989 Order) in relation to a company or partnership which—
 - (a) is, or has been, an authorised person;
 - (b) is, or has been, an appointed representative; or
 - (c) is carrying on, or has carried on, a regulated activity in contravention of the general prohibition.
- (2) The Authority is entitled to be heard—
 - (a) at the hearing of the petition; and
 - (b) at any other hearing of the court in relation to the company or partnership under Part II of the 1986 Act (or Part III of the 1989 Order).
- (3) Any notice or other document required to be sent to a creditor of the company or partnership must also be sent to the Authority.
- (4) The Authority may apply to the court under section 27 of the 1986 Act (or Article 39 of the 1989 Order); and on such an application, section 27(1)(a) (or Article 39(1)(a)) has effect with the omission of the words “(including at least himself)”.
- (5) A person appointed for the purpose by the Authority is entitled—
 - (a) to attend any meeting of creditors of the company or partnership summoned under any enactment;

- (b) to attend any meeting of a committee established under section 26 of the 1986 Act (or Article 38 of the 1989 Order); and
 - (c) to make representations as to any matter for decision at such a meeting.
- (6) If, during the course of the administration of a company, a compromise or arrangement is proposed between the company and its creditors, or any class of them, the Authority may apply to the court under section 425 of the Companies Act 1985 (or Article 418 of the Companies (Northern Ireland) Order 1986).