



# Banking Act 2009

## 2009 CHAPTER 1

### PART 2

#### BANK INSOLVENCY

##### *Process of bank liquidation*

#### **102 Objective 1: (a) or (b)?**

- (1) As soon as is reasonably practicable, a liquidation committee must recommend the bank liquidator to pursue—
  - (a) Objective 1(a) in section 99,
  - (b) Objective 1(b) in section 99, or
  - (c) Objective 1(a) for one specified class of case and Objective 1(b) for another.
- (2) In making a recommendation the liquidation committee must consider—
  - (a) the desirability of achieving Objective 1 as quickly as possible, and
  - (b) Objective 2 in section 99.
- (3) If the liquidation committee thinks that the bank liquidator is failing to comply with their recommendation, they must apply to the court for directions under section 168(5) of the Insolvency Act 1986 (as applied by section 103 below).
- (4) Where the liquidation committee has not made a recommendation the bank liquidator may apply to the court under section 101(3); and the court may, in particular, make a direction in lieu of a recommendation if the liquidation committee fail to make one within a period set by the court.

#### **Commencement Information**

**II** S. 102 in force at 21.2.2009 by [S.I. 2009/296](#), art. 3, [Sch. para. 2](#)

**Changes to legislation:**

Banking Act 2009, Section 102 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(8A)(8B) inserted by [2012 c. 21 s. 96\(3\)](#)
- s. 8(2)(d) and word inserted by [2012 c. 21 s. 96\(4\)\(b\)](#)