
STATUTORY INSTRUMENTS

2009 No. 351

The Bank Insolvency (Scotland) Rules 2009

PART 13

COMPANY WITH PROHIBITED NAME

Preliminary

- 90.**—(1) Apply rule 4.78 of the 1986 Rules⁽¹⁾.
(2) In paragraph (c) of that rule, omit the words from “whether” to the end.

Application for leave under section 216(3) before passing of full payment resolution

91. Where an application for leave under section 216 of the 1986 Act is made before a full payment resolution has been passed, it may only be made with the consent of the bank liquidator.

Application for leave under section 216(3)

- 92.** Apply rule 4.79 of the 1986 Rules.

First excepted case

- 93.**—(1) Apply rule 4.80 of the 1986 Rules⁽²⁾.
(2) In rule 4.80(1)(b)(ii) ignore the reference to Administrator.

Second excepted case

- 94.** Apply rule 4.81 of the 1986 Rules⁽³⁾.

Third excepted case

- 95.**—(1) Apply rule 4.82 of the 1986 Rules.
(2) In rule 4.82(a), for the words “liquidating company went into liquidation”, substitute “bank went into bank insolvency”.
(3) In rule 4.82(b), for the words “section 252(5) of the Companies Act”, substitute “section 1169 of the Companies Act 2006⁽⁴⁾”.

(1) Rule 4.78 was amended by paragraph 33 of Schedule 1(I) to [S.I. 1987/1921](#).
(2) Rule 4.80 was amended by rule 3(2) of [S.I. 2007/2537](#).
(3) Rule 4.81 was amended by paragraph 34 of Schedule 1(I) to [S.I. 1987/1921](#).
(4) [2006 c.46](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Further exception

96. The court's leave under section 216(3) of the 1986 Act is not required in respect of anything done by a person in connection with the exercise of a stabilisation power under Part 1 of the 2009 Act.