
STATUTORY INSTRUMENTS

2009 No. 356

The Bank Insolvency (England and Wales) Rules 2009

PART 17

MISCELLANEOUS RULES

CHAPTER 1

RETURN OF CAPITAL

Application to court for order authorising return of capital

177. Apply rule 4.221 of the 1986 Rules.

Procedure for return of capital

178. Apply rule 4.222 of the 1986 Rules.

CHAPTER 2

CONCLUSION OF BANK INSOLVENCY

Secretary of State's directions under s 116 of the 2009 Act

179.—(1) Where the Secretary of State gives a direction under section 116 of the 2009 Act (application by an interested person for postponement of dissolution) the Secretary of State shall send 2 copies of the direction to that applicant.

(2) Of those copies, 1 shall be sent by the applicant to the registrar of companies to comply with section 116(4) of the 2009 Act.

Procedure following appeal under s 116 of the 2009 Act

180. Following an appeal under section 116 (2) of the 2009 Act (against a decision of the Secretary of State under that section) the court shall send 2 sealed copies of its order to the person in whose favour the appeal was determined, and that party shall send 1 of the copies to the registrar of companies.

CHAPTER 3

LEAVE TO ACT AS DIRECTOR, ETC. OF BANK WITH PROHIBITED NAME

Preliminary

181. Apply rule 4.226 of the 1986 Rules. In paragraph (c), leave out the words from “whether” to the end⁽¹⁾.

(1) The words left out were inserted by [S.I. 1987/1919](#).

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

182. 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.

Consideration of application for leave under s 216(3)

183. Apply rule 4.227 of the 1986 Rules.

First excepted case

184. Apply rule 4.228 of the 1986 Rules⁽²⁾. In paragraph (1)(b)(ii) ignore the reference to administrator.

Second excepted case

185. Apply rule 4.229 of the 1986 Rules⁽³⁾. In paragraph (b), the reference to section 242(5) of the 1985 Act should, after that section is repealed, be to section 451 of the 2006 Act.⁽⁴⁾

Third excepted case

186. Apply rule 4.230 of the 1986 Rules. In paragraph (a), for “liquidating company went into liquidation” substitute “bank went into bank insolvency”.

Further exception

187. The court’s leave under section 216(3) of the 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.

⁽²⁾ Rule 4.228 was substituted by [S.I. 2007/1974](#).

⁽³⁾ Rule 4.229 was substituted by [S.I. 2007/1974](#).

⁽⁴⁾ Section 242 is repealed on 1 October 2009.