
STATUTORY INSTRUMENTS

2009 No. 356

The Bank Insolvency (England and Wales) Rules 2009

PART 18

COURT PROCEDURE AND PRACTICE

CHAPTER 1

APPLICATIONS (GENERAL)

Preliminary

188. This Part applies to any application made to the court under the 2009 Act or these Rules except an application under section 95 of the 2009 Act for a bank insolvency order.

Interpretation

189. Apply rule 7.2 of the 1986 Rules.

Form and contents of application

190. Apply rule 7.3 of the 1986 Rules.

Application under section 176A(5) to disapply section 176A

- 191.**—(1) Apply rule 7.3A(1) of the 1986 Rules.
(2) In paragraph (1), ignore “administrator or receiver.”
(3) Ignore paragraph (2)(a).

Filing and service of application

192. Apply rule 7.4 of the 1986 Rules.

Notice of application under section 176A(5)

193. Apply rule 7.4A(2) of the 1986 Rules. Leave out the words from “save that notice” to the end.

Other hearings without notice

194. Apply rule 7.5 of the 1986 Rules.

(1) Rule 7.3A was inserted by the [S.I. 2003/1730](#).
(2) Rule 7.4A was inserted by [S.I. 2003/1730](#).

Hearing of application

195. Apply rule 7.6 of the 1986 Rules.

Use of evidence

196. Apply rule 7.7 of the 1986 Rules.

Filing and service of witness statements

197. Apply rule 7.8 of the 1986 Rules. Ignore paragraph (2).

Use of reports

198.—(1) Unless the application involves other parties, or the court orders otherwise, a report may be filed in court instead of a witness statement by—

- (a) the bank liquidator,
- (b) the provisional bank liquidator, or
- (c) the special manager.

(2) In any case where a report is filed instead of a witness statement, the report shall be treated for the purposes of rule 197, and any hearing before the court, as if it were a witness statement.

Adjournment of hearings: directions

199. Apply rule 7.10 of the 1986 Rules.