
STATUTORY INSTRUMENTS

2009 No. 357

The Bank Administration (England and Wales) Rules 2009

PART 4

Court Procedure and Practice

Introduction

50. This Part makes specific provision for a number of aspects of proceedings under Part 3 of the Banking Act 2009 (bank administration); Part 5 of these Rules applies a number of provisions of the Insolvency Rules 1986 to proceedings under the 2009 Act (with specified modifications).

Title of proceedings

51. Proceedings under Part 3 of the Banking Act 2009 shall be entitled “IN THE MATTER OF ... (naming the bank to which the proceedings relate) AND IN THE MATTER OF PART 3 OF THE BANKING ACT 2009”.

Right to inspect file

52.—(1) The court must open and maintain a file for each set of bank administration proceedings.

(2) All documents relating to the bank administration are to be placed on the file, subject to any direction of the registrar.

(3) The following have the right, at all reasonable times, to inspect the court’s file in respect of bank administration proceedings—

- (a) the bank administrator or provisional bank administrator,
- (b) a person who is or was a director or officer of the bank,
- (c) a member of the bank,
- (d) any person stating himself in writing to be a creditor of the bank,
- (e) any person stating himself in writing to be a contributory in respect of the bank,
- (f) the Bank of England,
- (g) the FSA, and
- (h) the FSCS.

53. A right of inspection may be exercised on a person’s behalf by anyone authorised by him in writing.

54. Any person may, with permission of the court, inspect the court’s file in respect of bank administration proceedings.

55. A right of inspection is not exercisable in the case of documents, or parts of documents, as to which the court directs that they are not to be made open to inspection without the court’s permission; and an application for a direction may be made by—

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- (a) the bank administrator or provisional bank administrator, or
- (b) any person appearing to the court to have an interest.

56. Rule 7.28(2) and (3) of the Insolvency Rules 1986 (as applied by Rule 58 below) apply in respect of the court's file of bank administration proceedings as they apply in respect of court records.

57. Proceedings under sections 213 and 214 of the Insolvency Act 1986 (fraudulent and wrongful trading) shall be conducted in accordance with section 215 of that Act subject to the modifications specified in section 145 of the Banking Act 2009.