

SCHEDULE 6

Regulation 27

Modifications and consequential amendments

PART 1

1.—(1) Where this Part of this Schedule applies, the enactments set out below apply with the following modifications.

(2) References to—

- (a) an administrator appointed in respect of a Schedule B1 administration include a reference to an administrator appointed under a special administration order;
- (b) administration under Schedule B1 or “insolvent administration” include a reference to special administration;
- (c) “administration order” include a reference to a special administration order;
- (d) “insolvency legislation”, the “general law of insolvency”, the “enactments relating to insolvency” and similar expressions include special administration and the provisions of the Insolvency Act as applied by these Regulations;
- (e) becoming insolvent, or an “insolvency event” occurring in respect of the investment bank includes being put into special administration and “insolvency proceedings” or an “insolvency procedure” include special administration;
- (f) “winding up”, being “wound up”, “wound up by the court” “going into liquidation” or “compulsory liquidation” include being put into special administration, and a “winding-up order” include a special administration order (and, in this context, “liquidator” shall be read as “administrator”);
- (g) a person acting as an insolvency practitioner within the meaning of section 388 of the Insolvency Act include a person acting as an administrator under these Regulations;
- (h) the provisions of the Insolvency Act include those provisions as applied and modified by these Regulations; and
- (i) the provisions of the Insolvency Rules 1986⁽¹⁾, the Insolvency Rules (Northern Ireland) 1991⁽²⁾ and the Insolvency (Scotland) Rules 1986⁽³⁾ include the provisions of insolvency rules made under section 411 of the Insolvency Act as applied by regulation 15(6).

(3) A reference to insolvency or liquidation within the meaning of section 247 of the Insolvency Act includes a reference to special administration.

(4) A reference to the “purposes of the Insolvency Act 1986” includes a reference to the purposes of these Regulations.

Primary Legislation

Taxes Management Act 1970⁽⁴⁾

Prescription and Limitation (Scotland) Act 1973⁽⁵⁾

Companies Act 1985⁽⁶⁾

(1) S.I. 1986/1925.
(2) S.R. 1991 No. 364.
(3) S.I. 1986/1915.
(4) 1970 c. 9.
(5) 1973 c. 52.
(6) 1985 c. 6.

Status: This is the original version (as it was originally made).

Finance Act 1986**(7)**
Companies (Northern Ireland) Order 1986**(8)**
Debtors (Scotland) Act 1987**(9)**
Companies Act 1989
Companies (No. 2) (Northern Ireland) Order 1990**(10)**
Taxation of Chargeable Gains Act 1992**(11)**
Pension Schemes Act 1993**(12)**
Pension Schemes (Northern Ireland) Act 1993**(13)**
Pensions Act 1995**(14)**
Pensions (Northern Ireland) Order 1995**(15)**
Proceeds of Crime (Scotland) Act 1995**(16)**
Employment Rights Act 1996**(17)**
Employment Rights (Northern Ireland) Order 1996**(18)**
Terrorism Act 2000**(19)**
Finance Act 2000**(20)**
International Criminal Court Act 2001**(21)**
International Criminal Court (Scotland) Act 2001**(22)**
Proceeds of Crime Act 2002**(23)**
Debt Arrangement and Attachment (Scotland) Act 2002**(24)**
Finance Act 2003**(25)**
Pensions Act 2004**(26)**
Pensions (Northern Ireland) Order 2005**(27)**
Companies Act 2006 (but not including section 1078 (documents subject to Directive disclosure requirements))
Bankruptcy and Diligence (Scotland) Act 2007**(28)**
Finance Act 2008**(29)**

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- (7) 1986 c.41.
(8) S.I. 1986 No. 1032 (N.I. 6).
(9) 1987 c.18.
(10) S.I. 1990/1504 (N.I. 10).
(11) 1992 c.12.
(12) 1993 c. 48.
(13) 1993 c. 49.
(14) 1995 c.26.
(15) S.I. 1995/3213 (N.I. 22).
(16) 1995 c.43.
(17) 1996 c.18.
(18) S.I. 1996/1919 (N.I. 16).
(19) 2000 c.11.
(20) 2000 c.17.
(21) 2001 c.17.
(22) 2001 asp 13.
(23) 2002 c. 29.
(24) 2002 asp 17.
(25) 2003 c.14.
(26) 2004 c. 35.
(27) S.I. 2005/255 (N.I. 1).
(28) 2007 asp 3.
(29) 2008 c. 9.

Dormant Bank and Building Society Accounts Act 2008**(30)**
Corporation Tax Act 2009**(31)**
Corporation Tax Act 2010**(32)**
Taxation (International and other Provisions) Act 2010**(33)**

Secondary Legislation

Statutory Maternity Pay (General) Regulations 1986**(34)**
Statutory Maternity Pay (General) (Northern Ireland) Regulations 1987**(35)**
Insolvent Companies (Disqualification of Unfit Directors) Proceedings Rules 1987**(36)**
Financial Markets and Insolvency Regulations 1991**(37)**
Financial Markets and Insolvency Regulations (Northern Ireland) 1991**(38)**
Insolvency Regulations 1994**(39)**
Non-Domestic Rating (Unoccupied Property) (Scotland) Regulations 1994**(40)**
Insolvent Companies (Reports on Conduct of Directors) Rules 1996**(41)**
Financial Markets and Insolvency Regulations 1996**(42)**
Financial Markets and Insolvency Regulations (Northern Ireland) 1996**(43)**
Individual Savings Account Regulations 1998**(44)**
Corporation Tax (Simplified Arrangements for Group Relief) Regulations 1999**(45)**
Financial Markets and Insolvency (Settlement Finality) Regulations 1999
Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002 **(46)**
Statutory Paternity Pay and Statutory Adoption Pay (General) (Northern Ireland) Regulations 2002**(47)**
Financial Collateral Arrangements (No. 2) Regulations 2003
Insolvent Companies (Reports on Conduct of Directors) Rules (Northern Ireland) 2003**(48)**
Insolvent Companies (Disqualification of Unfit Directors) Proceedings Rules (Northern Ireland) 2003**(49)**
Credit Institutions (Reorganisation and Winding Up) Regulations 2004**(50)**

(30) 2008 c. 31.
(31) 2009 c. 4.
(32) 2010 c. 4.
(33) 2010 c. 8.
(34) S.I. 1986/1960.
(35) S.R. 1987 No. 30.
(36) S.I. 1987/2023.
(37) S.I. 1991/880.
(38) S.R. 1991 No. 443.
(39) S.I. 1994/2507.
(40) S.I. 1994/3200.
(41) S.I. 1996/1909.
(42) S.I. 1996/1469.
(43) S.R. 1996 No. 252.
(44) S.I. 1998/1870.
(45) S.I. 1999/2975.
(46) S.I. 2002/2822.
(47) S.R. 2002 No. 378.
(48) S.R. 2003 No. 357.
(49) S.R. 2003 No. 358.
(50) S.I. 2004/1045.

Status: This is the original version (as it was originally made).

Insolvency Practitioners Regulations 2005(51)
Pension Protection Fund (Entry Rules) Regulations 2005(52)
Pension Protection Fund (Entry Rules) Regulations (Northern Ireland) 2005(53)
Gender Recognition (Disclosure of Information) (England, Wales and Northern Ireland) (No. 2) Order 2005(54)
Gender Recognition (Disclosure of Information) (Scotland) Order 2005(55)
Financial Assistance Scheme Regulations 2005(56)
Insolvency Practitioners Regulations (Northern Ireland) 2006(57)
Land Registration (Scotland) Rules 2006(58)
Companies (Cross-Border Mergers) Regulations 2007(59)
Regulated Covered Bonds Regulations 2008(60)
Companies (Trading Disclosures) Regulations 2008(61)
Land Registration (Network Access) Rules 2008(62)
Limited Liability Partnerships (Accounts and Audit) (Application of Companies Act 2006) Regulations 2008(63)
Registrar of Companies (Fees) (Companies, Overseas Companies and Limited Liability Partnerships) Regulations 2009(64)
Payment Services Regulations 2009(65)
Companies (Disclosure of Address) Regulations 2009(66)
Additional Statutory Paternity Pay (General) Regulations 2010(67)

PART 2

Specific modifications

2. Where this Part of this Schedule applies, the enactments set out below apply with the modifications indicated.

Financial Services and Markets Act 2000

3.—(1) The following provisions of the Financial Services and Markets Act 2000 apply with the modifications set out in this paragraph.

(51) S.I. 2005/524.
(52) S.I. 2005/590.
(53) S.R. 2005 No. 126.
(54) S.I. 2005/916.
(55) S.S.I. 2005/125.
(56) S.I. 2005/1986.
(57) S.R. 2006 No. 33.
(58) S.S.I. 2006/485.
(59) S.I. 2007/2974.
(60) S.I. 2008/346.
(61) S.I. 2008/495.
(62) S.I. 2008/1748.
(63) S.I. 2008/1911.
(64) S.I. 2009/2101.
(65) S.I. 2009/209.
(66) S.I. 2009/214.
(67) S.I. 2010/1056.

- (2) In section 215(68) (rights of the scheme in insolvency)—
- (a) in subsection (3), the reference to making an administration application is to be read as including making an application for a special administration order; and
 - (b) subsection (4) is to be read as if it provided the following—

“(4) In the case of a special administration (bank insolvency), if the scheme manager decides, pursuant to section 101 of the Banking Act 2009, as applied by paragraph 6(2) of Schedule 1 to the Investment Bank Special Administration Regulations 2011, not to be a member of the creditors’ committee, the scheme manager has the same rights as are conferred on the Authority by section 371.”.
- (3) In section 220(3)(69), the reference to an administrator is to be read as including an administrator appointed under a special administration order.
- (4) In section 362(6)(70), the reference to administration is to be read as including special administration.
- (5) In section 375 (Authority’s right to apply for an order), references to the provisions of the Insolvency Act 1986 and the Insolvency (Northern Ireland) Order 1989 are to be read as including references to those provisions as applied and modified by—
- (a) regulation 15; or
 - (b) section 145 of the Banking Act 2009 (with the modifications set out in paragraph 6(3) of Schedule 2).

Pensions Act 2004

4. In section 121(3)(d) of the Pensions Act 2004 (meaning of insolvency event), the reference to “the company enters administration within the meaning of paragraph 1(2)(b) of Schedule B1 to that Act” is to be read so as to include the investment bank entering special administration.

Companies Act 2006

- 5.—(1) The following provisions of the Companies Act 2006 apply with the modifications set out in this paragraph.
- (2) In section 461 (permitted disclosure of information obtained under compulsory powers)—
- (a) subsection (4)(c) is to be read so as to include these Regulations in the list of enactments in that subsection; and
 - (b) subsection (4)(g) is to be read so as to include these Regulations in the list of enactments in that subsection.
- (3) Any references in Part 35 (the registrar of companies) to the Insolvency Act 1986 and the Insolvency (Northern Ireland) Order 1989 are to be read as including that legislation as applied and modified by these Regulations.
- (4) Where an application is made to the court for—
- (a) a special administration order; or
 - (b) the appointment of a person under section 135 of the Insolvency Act 1986 or article 115 of the Insolvency (Northern Ireland) Order 1989 as applied by these Regulations,

(68) Section 215(3) was amended by the Enterprise Act 2002 (c. 40), section 248(3), Schedule 17, paragraphs 53, 54(1), (2) and by S.I. 2005/1455.

(69) Section 220(3) was amended but the amendments are not relevant.

(70) Section 362(6) was amended by S.I. 2008/948.

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sections 1139 and 1140 (service of documents on company, directors, secretaries and others) have effect subject to the provisions for service set out in rules made under section 411 of the Insolvency Act as applied and modified by regulation 15 of these Regulations.

(5) In Part 2 of Schedule 2(71) (Specified descriptions of disclosures for the purposes of section 948), under heading A—

- (a) paragraph 13 is to be read so as to include these Regulations in the list of enactments in that paragraph, and
- (b) paragraph 37 is to be read so as to include these Regulations in the list of enactments in that paragraph.

(6) In Part 2 of Schedule 11A(72) (Specified descriptions of disclosures for the purposes of section 1224A)—

- (a) paragraph 30 is to be read so as to include these Regulations in the list of enactments in that paragraph, and
- (b) paragraph 52 is to be read so as to include these Regulations in the list of enactments in that paragraph.

Land Registration Rules 2003

6. Rule 184(1) of the Land Registration Rules 2003(73) is to be read as if the reference to administration included special administration.

Credit Institutions (Reorganisation and Winding Up) Regulations 2004

7.—(1) The following provision of the Credit Institutions (Reorganisation and Winding Up) Regulations 2004(74) applies with the modification set out in this paragraph.

(2) Regulation 11(2) is to be read as if it provided the following—

“(2) The prescribed circumstances are that, after the appointment of the administrator, the administrator, in drawing up the statement of proposals in accordance with paragraph 49 of Schedule B1 (as applied by regulation 15(6) of the Investment Bank Special Administration Regulations 2011) or paragraph 7 of Schedule 2 to those Regulations has concluded that it is not possible to rescue the investment bank as a going concern.”.

PART 3

Consequential amendments

Companies Act 1985

8. After paragraph 9(f) in Schedule 15D(75) to the Companies Act 1985 (disclosures), insert—
“(g) the Investment Bank Special Administration Regulations 2011.”.

Finance Act 1986

9.—(1) The following provisions of the Finance Act 1986 are amended as follows.

(71) Schedule 2 was inserted by [S.I. 2009/1208](#).

(72) Schedule 11A was inserted by [S.I. 2007/3494](#).

(73) [S.I. 2003/1417](#); this instrument was amended by [S.I. 2003/2096](#).

(74) [S.I. 2004/1045](#).

(75) Schedule 15D was inserted by the Companies (Audit, Investigations and Community Enterprise) Act 2004 (c. 27), section 25(1), Schedule 2, paragraphs 16, 25.

(2) In section 80D(9)(h)(**76**) (stamp duty on repurchases and stock lending: replacement on insolvency) omit “or” and after that paragraph insert—

“(ha) if a special administration order takes effect under the Investment Bank Special Administration Regulations 2011, or”.

(3) In section 89AB(9)(h)(**77**) (stamp duty reserve tax: exception for repurchases and stock lending in case of insolvency) omit “or” and after that paragraph insert—

“(ha) if a special administration order takes effect under the Investment Bank Special Administration Regulations 2011.”.

(**76**) Section 80D was inserted by the Finance Act 2009 (c. 10), section 83(1), Schedule 37, paragraphs 1, 2.

(**77**) Section 89AB was inserted by the Finance Act 2009, section 83(1), Schedule 37, paragraphs 4, 5.