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## STATUTORY INSTRUMENTS

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# 2021 No. 1178

## The Payment and Electronic Money Institution Insolvency (England and Wales) Rules 2021

### PART 1

#### Introductory Provisions

#### Citation

1. These Rules may be cited as the Payment and Electronic Money Institution Insolvency (England and Wales) Rules 2021.

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#### Commencement Information

**I1** Rule 1 in force at 12.11.2021, see [rule 2](#)

#### Commencement

2. These Rules come into force on 12th November 2021.

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#### Commencement Information

**I2** Rule 2 in force at 12.11.2021, see [rule 2](#)

#### Extent

3. These Rules extend to England and Wales only.

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#### Commencement Information

**I3** Rule 3 in force at 12.11.2021, see [rule 2](#)

#### Interpretation

4.—(1) The following definitions apply to these Rules or may be seen at the places indicated—

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<i>Word or expression</i>	<i>Meaning</i>
asset pool	together (a) the asset pool as defined in the Regulations and (b) any funds properly transferred into a relevant funds account

**Status:** Point in time view as at 12/11/2021.

**Changes to legislation:** There are currently no known outstanding effects for the The Payment and Electronic Money Institution Insolvency (England and Wales) Rules 2021, PART 1. (See end of Document for details)

<i>Word or expression</i>	<i>Meaning</i>
	following the commencement of the special administration
authenticate	to authenticate in accordance with rule 256
business address	the place where a person works
business day	any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in any part of England and Wales or Scotland under or by virtue of the Banking and Financial Dealings Act 1971(1)
contact details	a postal address, an email address or a telephone number through which a customer may be contacted
CPR	Civil Procedure Rules 1998(2) and “CPR” followed by a Part or a rule number means the Part or rule with that number in those rules
customer	(a) user, which has the meaning set out in regulation 6, or  (b) holder, which has the meaning set out in regulation 6
file with the court	deliver to the court for filing
the Gazette	the London Gazette
gazetted	advertised once in the Gazette
IP number	the number assigned to an office-holder as an insolvency practitioner by the Secretary of State
means of contacting	being able to contact that person specifically
practice direction	a direction as to the practice and procedure of any court within the scope of the CPR
prescribed part	has the same meaning as it does in section 176A(2)(a) of the IA 1986(3) and the Insolvency Act 1986 (Prescribed Part) Order 2003(4)
progress report	a report which complies with rule 87
registered number	has the meaning set out in section 1066 of the CA 2006(5)
the registrar	an Insolvency and Companies Court Judge and unless the context otherwise requires includes a

(1) 1971 c. 80.

(2) S.I. 1998/3132.

(3) Section 176A was inserted by Enterprise Act 2002 (c. 40).

(4) S.I. 2003/2097.

(5) 2006 c. 46.

<i>Word or expression</i>	<i>Meaning</i>
	District Judge in a District Registry of the High Court
registrar of companies	the registrar of companies for England and Wales
the Regulations	the Payment and Electronic Money Institution Insolvency Regulations 2021 <sup>(6)</sup>
Payment Systems Regulator	the body established under section 40 of the Financial Services (Banking Reform) Act 2013 <sup>(7)</sup>
requisitioned meeting	a meeting requested under paragraph 56(1)
shortfall claim	that part of a relevant funds claim which will not be met from the asset pool because of a shortfall in the amount available in the asset pool to settle relevant funds claims, including where the shortfall arises as a result of any deduction from the relevant funds of costs under rule 99 or amounts that the court orders be paid from the asset pool or from the relevant funds
standard contents	(a) in relation to a notice to be gazetted, the contents specified in rules 266 and 267, and  (b) in relation to a notice to be advertised in any other way, the contents specified in rules 270 and 271
statement of concurrence	a statement, verified by a statement of truth, that that person concurs in the statement of affairs submitted by a nominated person
statement of truth	a statement of truth in accordance with CPR Part 22
witness statement	a witness statement verified by a statement of truth in accordance with CPR Part 22

(2) A fee or remuneration is charged when the work to which it relates is done.

(3) Reference to a notice or other document being given, delivered or sent under these Rules or in the Regulations shall be interpreted in accordance with Chapters 2 to 4 of Part 12 of these Rules.

(4) Expressions used both in these Rules and in the Regulations (including expressions used in the provisions of the IA 1986 applied by the Regulations) have, unless otherwise stated, the meaning set out in the Regulations.

(5) A reference to a numbered paragraph in these Rules shall, unless—

- (a) it is a reference to a paragraph within the same Rule, or
- (b) otherwise stated,

<sup>(6)</sup> S.I. 2021/716.

<sup>(7)</sup> 2013 c. 33.

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be to the paragraph so numbered in Schedule B1 to the IA 1986, as applied by regulation 37.

(6) A reference to a provision of the IA 1986, if that provision is listed in the Table in regulation 37, is a reference to that provision as applied and modified by the Regulations.

(7) A reference to a numbered regulation shall, unless otherwise stated, be to the regulation so numbered in the Regulations.

(8) For the purposes of these Rules:

- (a) references to a customer, and
- (b) references to relevant funds,

do not include a customer of, or relevant funds received by:

- (i) a small payment institution, or
- (ii) in the case of funds received for the execution of payment transactions that are not related to the issuance of electronic money, a small electronic money institution,

where the institution had not chosen to voluntarily safeguard the funds when it entered special administration.

(9) To the extent that a customer claims a shortfall as a creditor, that shortfall claim is to be treated as a debt owed to the customer by the institution arising before the institution entered special administration.

(10) A relevant funds claim which is held jointly by one or more customers shall be treated as a single relevant funds claim under these Rules.

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**Commencement Information**

**I4** Rule 4 in force at 12.11.2021, see [rule 2](#)

**Application of Rules**

**5.** These Rules apply in respect of a special administration.

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**Commencement Information**

**I5** Rule 5 in force at 12.11.2021, see [rule 2](#)

**Status:**

Point in time view as at 12/11/2021.

**Changes to legislation:**

There are currently no known outstanding effects for the The Payment and Electronic Money Institution Insolvency (England and Wales) Rules 2021, PART 1.