
STATUTORY INSTRUMENTS

2009 No. 317

**The Banking Act 2009 (Parts 2 and 3
Consequential Amendments) Order 2009**

PART 2

General Modifications to Legislation

3.—(1) So far as the enactments set out in the Schedule (“the listed enactments”) apply in relation to liquidation and administration, they apply with the modifications set out in paragraphs (2) to (4).

(2) The modifications relating to bank insolvency under Part 2 of the 2009 Act are that references to—

- (a) “liquidator” include a reference to a bank liquidator under Part 2 of the 2009 Act;
- (b) “provisional liquidator” include a reference to a provisional bank liquidator under Part 2 of the 2009 Act;
- (c) “liquidation” or “insolvent liquidation” include a reference to bank insolvency under Part 2 of the 2009 Act;
- (d) “winding up” or “winding up by the court” include a reference to bank insolvency under Part 2 of the 2009 Act (and a reference to the “commencement of winding up” in this context is to the commencement of bank insolvency);
- (e) “winding up order” include a reference to a bank insolvency order under Part 2 of the 2009 Act;
- (f) “wound up” include a reference to a bank having been put into bank insolvency under Part 2 of the 2009 Act; and
- (g) “winding up petition” or “petition to wind up” include an application for bank insolvency under Part 2 of the 2009 Act.

(3) The modifications relating to bank administration under Part 3 of the 2009 Act are that references to—

- (a) “administrator” include a reference to a bank administrator under Part 3 of the 2009 Act;
- (b) “administration” or “insolvent administration” include a reference to a bank administration under Part 3 of the 2009 Act;
- (c) “administration order” include a reference to a bank administration order under Part 3 of the 2009 Act; and
- (d) “provisional liquidator” include a reference to a provisional bank administrator under Part 3 of the 2009 Act.

(4) The modifications relating to bank insolvency or bank administration under Parts 2 and 3 of the 2009 Act are that references to—

- (a) “insolvency legislation” or “the law of insolvency” include Parts 2 and 3 of the 2009 Act and the provisions of the Insolvency Act 1986(1) and the Insolvency (Northern Ireland) Order 1989(2) as applied by those Parts;
- (b) a person acting as an “insolvency practitioner” (as defined in section 388 of the Insolvency Act 1986) include a person acting as a bank liquidator or bank administrator under Parts 2 and 3 of the 2009 Act;
- (c) the provisions of the Insolvency Act 1986 and the Insolvency (Northern Ireland) Order 1989, in the context of bank insolvency or bank administration, shall be read to include those provisions as applied and modified by sections 103 and 145 of the 2009 Act; and
- (d) the provisions of the Insolvency Rules 1986(3), the Insolvency Rules (Northern Ireland) 1991(4) and the Insolvency (Scotland) Rules 1986(5), in the context of bank insolvency or bank administration, shall be read to include those provisions as applied and modified by rules made under section 411(1A)(6) of the Insolvency Act 1986 in relation to bank insolvency, and under section 411(1B)(7) of the Insolvency Act 1986 in relation to bank administration.

(1) 1986 c.45.

(2) S.I. 1989 No. 2405 (N.I. 19).

(3) S.I.1986/1925.

(4) S.R. 1991 No. 364.

(5) S.I. 1986/1915.

(6) Section 411(1A) of the Insolvency Act 1986 was inserted by section 125(2) of the 2009 Act.

(7) Section 411(1B) of the Insolvency Act 1986 was inserted by section 160(2) of the 2009 Act.