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STATUTORY INSTRUMENTS

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**2009 No. 356**

**The Bank Insolvency (England and Wales) Rules 2009**

**PART 21**

**DECLARATION AND PAYMENT OF DIVIDEND**

**Preliminary**

**247.**—(1) The rules in this Part relate to the declaration and payment of dividends in a bank insolvency.

(2) In this Part—

“creditors” means those creditors of the bank of whom the bank liquidator is aware, or who are identified in the bank’s statement of affairs and

“the insolvent” means the bank.

**Notice of intended dividend**

**248.** Apply rule 11.2 of the 1986 Rules(1). Ignore paragraph (1)(b).

**Final admission/rejection of proofs**

**249.** Apply rule 11.3 of the 1986 Rules(2). Ignore paragraph (4).

**Postponement or cancellation of dividend**

**250.** Apply rule 11.4 of the 1986 Rules.

**Decision to declare dividend**

**251.** Apply rule 11.5 of the 1986 Rules.

**Notice of declaration**

**252.**—(1) Apply rule 11.6 of the 1986 Rules(3).

(2) Ignore paragraph (1)(b)(4).

(3) In paragraph (2), after (b), add—

“(ba) expenses incurred by the bank liquidator in the achievement of objective 1 under section 99 of the Banking Act 2009.”

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(1) Rule 11.2 was amended by [S.I. 2002/1307](#) and [S.I. 1987/1919](#).  
(2) Paragraphs (3) and (4) were added by [S.I. 2002/1307](#).  
(3) Paragraph (3)(b) was substituted by [S.I. 2002/1307](#).  
(4) Sub-paragraphs (a) and (b) of rule 11.6(1) were amended by [SI 2002/1307](#).

**Notice of no, or no further, dividend**

253. Apply rule 11.7 of the 1986 Rules.

**Proof altered after payment of dividend**

254. Apply rule 11.8 of the 1986 Rules.

**Secured creditors**

255. Apply rule 11.9 of the 1986 Rules.

**Disqualification from dividend**

256. Apply rule 11.10 of the 1986 Rules.

**Assignment of right to dividend**

257. Apply rule 11.11 of the 1986 Rules.

**Preferential creditors**

258. Apply rule 11.12 of the 1986 Rules(5).

**Debt payable at future time**

259. Apply rule 11.13 of the 1986 Rules(6). For paragraph (3) substitute “In paragraph (2), “relevant date” means the date of the commencement of bank insolvency.”

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(5) Paragraph (2) was amended by [S.I.1987/1919](#).

(6) Paragraph (2) and (3) were substituted for the original paragraph (2) by [S.I. 2005/527](#).