
STATUTORY INSTRUMENTS

2011 No. 2262

The Investment Bank Special
Administration (Scotland) Rules 2011

PART 3

Process of Special Administration

CHAPTER 9

Progress reports

Content of progress report

- 99.**—(1) For the purposes of this Part, “progress report” means a report which includes—
- (a) a statement that the special administration order was made by the court and the court reference number (if any);
 - (b) the investment bank’s name, registered address and registration number;
 - (c) the administrator’s name, business address and date of appointment;
 - (d) where there are joint administrators, details of the apportionment of functions;
 - (e) details of progress to date (containing the information as detailed in paragraph (2) below);
 - (f) details of any assets of the investment bank that remain to be realised;
 - (g) in a special administration (bank administration), details of any amounts received from a scheme under a resolution fund order;
 - (h) details of whether a bar date has been set and progress made in pursuit of Objective 1 of the special administration objectives;
 - (i) whether the FSA have given a direction under regulation 16 and whether that direction has been withdrawn;
 - (j) where a distribution is to be made to creditors, in respect of an accounting period, the scheme of division;
 - (k) details of the basis fixed for the remuneration of the administrator under rule 16 or 29 (or if not fixed at the date of the report, the steps taken during the period of the report to fix it); and
 - (l) any other relevant information for the creditors or clients.
- (2) The information to be provided under paragraph (1)(e) is—
- (a) a receipts and payments account (in the form of an abstract) which states what assets of the investment bank have been realised, for what value, and what payments have been made to creditors including—
 - (i) receipts and payments during the relevant accounting period,

- (ii) where the administrator has ceased to act, receipts and payments during the period from the end of the last accounting period to the time when the administrator so ceased (or, where the administrator has made no previous progress report, receipts and payments in the period since that person's appointment as administrator), and
- (iii) the amount paid to unsecured creditors by virtue of the application of section 176A of the 1986 Act⁽¹⁾ (prescribed part);
- (b) in a special administration (bank insolvency), before a full payment resolution has been passed, details of—
 - (i) how Objective A (as defined in paragraph 4(1)(a) of Schedule 1 to the Regulations) is being achieved, and
 - (ii) the arrangements for managing and financing the investment bank while Objective A continues to be pursued;
- (c) in a special administration (bank administration), before the Bank of England has given an Objective A Achievement Notice, details of—
 - (i) the extent of the business of the investment bank that has been transferred,
 - (ii) the property, rights and liabilities that have been transferred or which the administrator expects to be transferred, under a power in Part 1 of the 2009 Act (special resolution regime),
 - (iii) any requirements imposed on the investment bank for the purposes of the pursuit of Objective A (as defined in paragraph 3(1)(a) of Schedule 2 to the Regulations), under a power in Part 1 of the 2009 Act, and
 - (iv) the arrangements for managing and financing the investment bank while Objective A continues to be pursued.
- (3) Where the administrator has made a statement of pre-administration costs under rule 39(2)(m)—
 - (a) if they are approved under rule 112, the first progress report after the approval must include a statement setting out the date of the approval and the amounts approved;
 - (b) each successive report, so long as any of the costs remain unapproved, must include a statement either—
 - (i) of any steps taken to get approval, or
 - (ii) that the administrator has decided, or (as the case may be) another insolvency practitioner entitled to seek approval has told the administrator or that practitioner's decision, not to seek approval.

⁽¹⁾ Section 176A was inserted by the Enterprise Act 2002 (c.40), section 252 and was amended by S.I. 2008/948.