
STATUTORY INSTRUMENTS

2017 No. 400

The Deregulation Act 2015, the Small Business,
Enterprise and Employment Act 2015 and the Insolvency
(Amendment) Act (Northern Ireland) 2016 (Consequential
Amendments and Transitional Provisions) Regulations 2017

PART 4

Transitional provisions

Interpretation of Part

13.—(1) In this Part—

“the 1986 Act” means the Insolvency Act 1986;

“the 2009 Act” means the Banking Act 2009; and

“commencement date” means the date on which these Regulations come into force.

(2) In this Part, unless otherwise specified, a reference to a section is a reference to a section of the 1986 Act.

Section 176ZB

14.—(1) Section 176ZB (application of proceeds of office-holder claims) does not apply in relation to any relevant proceedings commenced before the commencement date.

(2) “Relevant proceedings” means—

- (a) bank insolvency under Part 2 of the 2009 Act or bank administration under Part 3 of that Act;
- (b) building society insolvency under Part 2 of the 2009 Act (as applied by section 90C of the Building Societies Act 1986⁽¹⁾);
- (c) building society special administration under Part 3 of the 2009 Act (as applied by section 90C of the Building Societies Act 1986);
- (d) the administration of a building society under Part 2 of the 1986 Act (as applied by section 90A of the Building Societies Act 1986⁽²⁾);
- (e) special administration, special administration (bank insolvency) or special administration (bank administration) under the Investment Bank Special Administration Regulations 2011; or
- (f) the administration of a relevant society (within the meaning given in article 1(2) of the Co-operative and Community Benefit Societies and Credit Unions (Arrangements,

(1) Section 90C was inserted by [S.I. 2009/805](#).

(2) Section 90A was inserted by the Building Societies Act [1997 \(c. 3\)](#).

Reconstructions and Administration) Order 2014) under Part 2 of the 1986 Act as applied by article 2(2) of that Order.

Sections 246ZA to 246ZC

15.—(1) Sections 246ZA to 246ZC (administration: penalisation of directors etc) do not apply in relation to—

- (a) any relevant proceedings commenced before the commencement date; or
- (b) the administration of a building society under Part 2 of the 1986 Act (as applied by section 90A of the Building Societies Act 1986) commenced before the commencement date.

(2) Regulation 5(10)(c) (the omission of the entries for section 213 and 214 of the 1986 Act in Table 2 in section 145 of the 2009 Act) does not apply in relation to any relevant proceedings commenced before the commencement date.

(3) “Relevant proceedings” means—

- (a) bank administration under Part 3 of the 2009 Act; or
- (b) building society special administration under Part 3 of the 2009 Act (as applied by section 90C of the Building Societies Act 1986).

Section 246ZD

16.—(1) Section 246ZD (power to assign certain causes of action) does not apply in relation to any relevant proceedings commenced before the commencement date.

(2) “Relevant proceedings” means—

- (a) any proceedings of a kind specified in regulation 14(2)(a) to (e); or
- (b) the winding up of a relevant scheme (within the meaning given in regulation 17(1)(a) of the Collective Investment in Transferable Securities (Contractual Scheme) Regulations 2013).

Sections 391O to 391R

17.—(1) Regulations 5(4)(f) and (10)(e) and 10(5)(e) and (8)(b), so far as they relate to sections 391O to 391R (court sanction of insolvency practitioners in public interest cases), have effect in relation to a person who acts as an insolvency practitioner in any relevant proceedings on or after the commencement date, but disregarding any conduct of that person before that date.

(2) Paragraph (1) applies notwithstanding that the date of the person’s authorisation to act as an insolvency practitioner or appointment to act in the relevant proceedings precedes the commencement date.

(3) “Relevant proceedings” means any proceedings of a kind specified in regulation 14(2)(a), (b), (c) and (e).

Articles 350O to 350R of the Insolvency (Northern Ireland) Act 1989

18.—(1) Articles 350O to 350R of the Insolvency (Northern Ireland) Order 1989(3) (court sanction of insolvency practitioners in public interest cases) have effect in relation to a person who acts as an insolvency practitioner in relevant proceedings on or after the commencement date, but disregarding any conduct of that person before that date.

(3) *S.I. 1989/2405 (N.I. 19)*. Articles 350O, 350Q and 350R were inserted by the Insolvency (Amendment) Act (Northern Ireland) 2016, section 18.

(2) Paragraph (1) applies notwithstanding that the date of the person’s authorisation to act as an insolvency practitioner or appointment to act in the relevant proceedings precedes the commencement date.

(3) “Relevant proceedings” means the winding up of a relevant scheme (within the meaning given in regulation 17(1)(a) of the Collective Investment in Transferable Securities (Contractual Scheme) Regulations 2013).