Banking Act 2009

2009 CHAPTER 1

PART 2

BANK INSOLVENCY

Termination of process, &c.

114 Administration

(1) A bank liquidator who thinks that administration would achieve a better result for the bank's creditors as a whole than bank insolvency may apply to the court for an administration order (under paragraph 38 of Schedule B1 to the Insolvency Act 1986).

(2) An application may be made only if the following conditions are satisfied.

(3) Condition 1 is that the liquidation committee has passed a full payment resolution.

(4) Condition 2 is that the liquidation committee has resolved that moving to administration might enable the rescue of the bank as a going concern.

(5) Condition 3 is that the bank liquidator is satisfied, as a result of arrangements made with the FSCS, that any depositors still eligible for compensation under the scheme will receive their payments or have their accounts transferred during administration.

Commencement Information

I1 S. 114 in force at 21.2.2009 by S.I. 2009/296, art. 3, **Sch. para. 2**

Changes to legislation:
Banking Act 2009, Section 114 is up to date with all changes known to be in force on or before 11 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(8A)(8B) inserted by 2012 c. 21 s. 96(3)
- s. 8(2)(d) and word inserted by 2012 c. 21 s. 96(4)(b)