
STATUTORY INSTRUMENTS

2002 No. 1555

**The Financial Services and Markets Act 2000
(Consequential Amendments) Order 2002**

PRIMARY LEGISLATION

The Insolvency Act 1986 (c. 45)

Limitation on power to make administration order

14.—(1) Subsection (5)(1) of section 8 of the Insolvency Act 1986 (power of court to make order) is amended as follows.

(2) For paragraph (a) substitute—

“(a) it effects or carries out contracts of insurance, but is not—

- (i) exempt from the general prohibition, within the meaning of section 19 of the Financial Services and Markets Act 2000, in relation to effecting or carrying out contracts of insurance, or
- (ii) an authorised deposit taker within the meaning given by subsection (1B), and effecting or carrying out contracts of insurance in the course of a banking business;”.

(3) In paragraph (b), after “the Banking Act 1987” insert “, but is not an authorised deposit taker, within the meaning given by subsection (1B)”.

Supplementary powers of the court: winding up of an insolvent partnership

15.—(1) The repeal of subsection (5C) of section 168 of the Insolvency Act 1986 (supplementary powers (England and Wales))(2) by article 306 of the Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001(3) is treated as if it had not been made, and instead that subsection is amended in accordance with paragraph (2).

(2) For subsection (5C) substitute—

“(5C) Where the court makes an order for the winding up of an insolvent partnership under—

- (a) section 72(1)(a) of the Financial Services Act 1986;
- (b) section 92(1)(a) of the Banking Act 1987; or
- (c) section 367(3)(a) of the Financial Services and Markets Act 2000,

the court may make an order as to the future conduct of the winding up proceedings, and any such order may apply any provisions of the Insolvent Partnerships Order 1994 with any necessary modifications.”.

(1) Subsection (5) was substituted, together with subsections (4) and (6), for subsection (4) by [S.I. 2001/3649](#), article 304.
(2) Subsection (5C) was inserted, together with subsections (5A) and (5B), by [S.I. 1994/2421](#), article 14(1).
(3) [S.I. 2001/3649](#).

Power to apply first group of Parts to formerly authorised banks

16.—(1) Section 422 of the Insolvency Act 1986 (recognised banks, etc.) is amended as follows.

(2) For the cross heading to that section substitute “Formerly authorised banks”.

(3) In subsection (1)(4), after “in relation to any person” insert “(other than an authorised deposit taker)”.

(4) After subsection (1) insert—

“(1A) For the purposes of subsection (1), “authorised deposit taker” has the meaning given in section 8(1B).”.