

STATUTORY INSTRUMENTS

2003 No. 3226

The Financial Collateral Arrangements (No.2) Regulations 2003

PART 3

Modification of insolvency law

Certain legislation restricting enforcement of security not to apply to financial collateral arrangements

8.—(1) The following provisions of Schedule B1 to the Insolvency Act 1986 ^{F1} (administration) shall not apply to any security interest created or otherwise arising under a financial collateral arrangement—

- (a) paragraph 43(2) (restriction on enforcement of security or repossession of goods) including that provision as applied by paragraph 44 (interim moratorium); ^{F2}...

[^{F3}(aa) paragraph 65(2) (distribution);]

- (b) paragraphs 70 and 71 (power of administrator to deal with charged property); [^{F4}and]

[^{F5}(c) paragraph 99(3) and (4) (administrator's remuneration, expenses and liabilities).]

(2) Paragraph 41(2) of Schedule B1 to the Insolvency Act 1986 (receiver to vacate office when so required by administrator) shall not apply to a receiver appointed under a charge created or otherwise arising under a financial collateral arrangement.

(3) The following provisions of the Insolvency Act 1986 ^{F6} (administration) shall not apply in relation to any security interest created or otherwise arising under a financial collateral arrangement—

- (a) sections 10(1)(b) and 11(3)(c) (restriction on enforcement of security while petition for administration order pending or order in force); and

- (b) section 15(1) and 15(2) (power of administrator to deal with charged property); [^{F7}and]

[^{F8}(c) section 19(4) and 19(5) (administrator's remuneration, expenses and liabilities).]

(4) Section 11(2) of the Insolvency Act 1986 (receiver to vacate office when so required by administrator) shall not apply to a receiver appointed under a charge created or otherwise arising under a financial collateral arrangement.

^{F9}(5)

F1 Schedule B1 of the Insolvency Act 1986 was inserted by section 248 of, and Schedule 16 to the Enterprise Act 2002 c. 40.

F2 Word in reg. 8(1)(a) omitted (6.4.2011) by virtue of [The Financial Markets and Insolvency \(Settlement Finality and Financial Collateral Arrangements\) \(Amendment\) Regulations 2010 \(S.I. 2010/2993\)](#), regs. 1, [4\(6\)\(a\)](#) (with reg. 3)

Changes to legislation: The Financial Collateral Arrangements (No.2) Regulations 2003, Section 8 is up to date with all changes known to be in force on or before 07 October 2023. 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. (See end of Document for details) View outstanding changes

- F3** Reg. 8(1)(aa) inserted (6.4.2011) by [The Financial Markets and Insolvency \(Settlement Finality and Financial Collateral Arrangements\) \(Amendment\) Regulations 2010 \(S.I. 2010/2993\)](#), regs. 1, [4\(6\)\(b\)](#) (with [reg. 3](#))
- F4** Word in reg. 8(1)(b) inserted (6.4.2011) by [The Financial Markets and Insolvency \(Settlement Finality and Financial Collateral Arrangements\) \(Amendment\) Regulations 2010 \(S.I. 2010/2993\)](#), regs. 1, [4\(6\)\(c\)](#) (with [reg. 3](#))
- F5** Reg. 8(1)(c) inserted (6.4.2011) by [The Financial Markets and Insolvency \(Settlement Finality and Financial Collateral Arrangements\) \(Amendment\) Regulations 2010 \(S.I. 2010/2993\)](#), regs. 1, [4\(6\)\(d\)](#) (with [reg. 3](#))
- F6** These provisions of the Insolvency Act 1986 are preserved in relation to special administration regimes by section 249 of the Enterprise Act 2002.
- F7** Word in reg. 8(3)(b) inserted (6.4.2011) by [The Financial Markets and Insolvency \(Settlement Finality and Financial Collateral Arrangements\) \(Amendment\) Regulations 2010 \(S.I. 2010/2993\)](#), regs. 1, [4\(6\)\(e\)\(i\)](#) (with [reg. 3](#))
- F8** Reg. 8(3)(c) inserted (6.4.2011) by [The Financial Markets and Insolvency \(Settlement Finality and Financial Collateral Arrangements\) \(Amendment\) Regulations 2010 \(S.I. 2010/2993\)](#), regs. 1, [4\(6\)\(e\)\(ii\)](#) (with [reg. 3](#))
- F9** Reg. 8(5) omitted (26.6.2020) by virtue of [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 3 para. 40](#) (with ss. 2(2), 5(2))

Changes to legislation:

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Changes and effects yet to be applied to :

- Regulations revoked by [2023 c. 29 Sch. 1 Pt. 2](#)