
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 3

Amendments of subordinate legislation

The Investment Bank Special Administration Regulations 2011

10.—(1) The Investment Bank Special Administration Regulations 2011⁽¹⁾ are amended as follows.

(2) In regulation 4 (special administration order), in paragraph (2) after “practitioner” insert “in relation to the investment bank”.

(3) In regulation 15 (general powers and duties of administrators and effect of special administration), in paragraph (6) at the beginning of sub-paragraph (i) insert “except where otherwise specified in Table 2,”.

(4) In regulation 15, in Table 1 (applied provisions of Schedule B1 to the Insolvency Act 1986)—

(a) in the entry for paragraph 65 (distribution to creditors), in the third column after “applied” insert “in England and Wales”; and

(b) in the entry for paragraph 98 (vacation from office: discharge from liability), in the third column after “(b)” insert “and (ba)”.

(5) In regulation 15, in Table 2 (other applied provisions of the Insolvency Act 1986)—

(a) in the entry for section 167 (winding up by the court), in the third column, in paragraph (a) for “subsections (1) and (2), references” substitute “subsection (2) the reference”;

(b) after the entry for section 176 insert—

“Section 176ZB	Application of proceeds of office-holder claims”	
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(c) after the entry for section 246 insert—

“Section 246ZD	Power to assign certain causes of action	(a) Subsection (1) is not applied. (b) “Office holder” means the administrator.”
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- (d) in the entry for section 389 (offence of acting without being qualified), in the third column, for paragraph (b) substitute “Subsection (2) is not applied.”;
- (e) for the entries for sections 390 and 391 substitute—

“Sections 390 to 391T	Authorisation and regulation of insolvency practitioners	<p>(a) In section 390 treat references to acting as an insolvency practitioner as references to acting as the administrator.</p> <p>(b) Read subsection (2) of that section (as so modified) as if after “authorised” there were inserted “to act as an insolvency practitioner”.</p> <p>(c) An order under section 391 has effect in relation to any provision applied for the purposes of special administration.</p> <p>(d) In sections 390A, 390B(1) and (3), 391O(1)(b) and 391R(3)(b), in a reference to authorisation or permission to act as an insolvency practitioner in relation to (or only in relation to) companies the reference to companies has effect without the modification in paragraph (6)(i) of this regulation.</p> <p>(e) In sections 391Q(2)(b) and 391S(3) (e) the reference to a company has effect without the modification in paragraph (6)(i) of this regulation.”</p>
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- (6) In regulation 23 (disqualification of directors) for paragraph (3) substitute—

“(3) For the purposes of the application of section 7A of the Disqualification Act(2) (office-holder’s report on conduct of directors) to an investment bank which is in special administration—

- (a) the “office-holder” is the administrator;
- (b) the “insolvency date” means the date on which the special administration order is made; and
- (c) subsections (9) to (11) are omitted.”.

(7) In Schedule 1 (special administration (bank insolvency)), in paragraph 8(1)(b)(iii) and (2)(c) after “practitioner” insert “in relation to the investment bank”.

(8) In Schedule 5 (table of enactments referred to in the Regulations together with the equivalent enactment having effect in relation to Northern Ireland)—

(2) In the Investment Bank Special Administration Regulations 2011 “the Disqualification Act” means the Company Directors Disqualification Act 1986. Section 7A was inserted by the Small Business, Enterprise and Employment Act 2015, section 107(2).

- (a) in the entry for section 167 of the Insolvency Act 1986 (and Schedule 4 to that Act), in the third column insert “In Article 142, in paragraphs (1) and (2) the reference to the liquidation committee is a reference to the creditors’ committee”;
- (b) for the entries for sections 390 and 391 of the Insolvency Act 1986 substitute—

“Sections 390 to 391T	Articles 349 to 350T(3)	
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- (c) in the entry for paragraph 65 of Schedule B1 to the Insolvency Act 1986, in the third column insert “In Para 66, sub-paragraph (3) is not applied.”; and
- (d) in the entry for section 7 of the Company Directors Disqualification Act 1986—
 - (i) in the first column for “7” substitute “7A”; and
 - (ii) in the second column for “10” substitute “10A(4)”.

(3) Article 349 was amended by the Insolvency (Amendment) Act (Northern Ireland) 2016 (c. 2), section 14(1) and (2). Articles 349A to 350T were inserted by sections 14(1), (3) and (4) and 15 to 20 of that Act.

(4) Article 10A of the Company Directors Disqualification (Northern Ireland) Order 2002 (S.I. 2002/3150 (N.I. 4)) was inserted by the Small Business, Enterprise and Employment Act 2015, section 112 and Schedule 8, paragraph 5.